

# NEW JERSEY



# REGISTER

IN THIS ISSUE—  
“INDEX OF ADOPTED RULES”\*

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*\*The New Jersey Register supplements the New Jersey Administrative Code. To complete your research of the latest State agency rule changes, see the Rule Adoptions in This Issue and the Index of Adopted Rules beginning on page 265.*

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# RULE PROPOSALS

## BANKING

(a)

### DIVISION OF BANKING

#### Investment Approval Savings Banks Investment Securities

#### Proposed Amendment: N.J.A.C. 3:1-2.21

Authorized By: Michael M. Horn, Commissioner,  
Department of Banking.  
Authority: N.J.S.A. 17:1-8.1, 17:12B-272.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Dominick A. Mazzagetti, Deputy Commissioner  
Department of Banking  
Division of Consumer Complaints  
Legal & Economic Research  
CN 040  
Trenton, NJ 08625

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

This proposal is known as PRN 1984-55.

The agency proposal follows:

#### Summary

The rule on stock subscriptions for capital savings and loan subscriptions was adopted effective February 27, 1978, as R.1978 d.71 at 10 N.J.R. 137(a), pursuant to the authority of N.J.S.A. 17:1-8.1, 17:1B-2, 17:12B-272. The rule as originally proposed and adopted provided for minimum stock subscription for capital stock associations. The Commissioner of Banking in accordance with the author-

ity of N.J.S.A. 17:1-8.1 and N.J.S.A. 17:12B-272 is proposing to amend N.J.A.C. 3:1-2.21 to bring the requirement for new capital stock savings and loan associations in line with those of banks and Federally chartered savings and loans. The proposed amendment will upgrade the rule to clarify the right of the Commissioner of Banking to specify any dollar amount which is required as stated capital for a capital stock association so as to continue to allow such associations to qualify for insurance of accounts by the Federal Savings and Loan Insurance Corporation; additionally, the proposed amendment will permit the Commissioner if he deems it in the public interest to require the incorporators to subscribe to such number of shares as he may require thereby assuming whatever additional risk circumstances may warrant.

#### Social Impact

Adoption of the proposed amendment to N.J.A.C. 3:1-2.21 will establish parameters in order to guide prospective incorporators of capital stock savings and loan associations concerning the amount of stated capital which is required so as to meet the eligibility requirements for insurance of savings accounts protection as mandated by the Federal Savings and Loan Insurance Corporation. The amendment should work to the overall benefit of the institutions, its depositors and the community by continuing to protect depositor accounts thereby encouraging investment security and with resultant accumulation of capital to be used for the purposes of capital stock associations which include loans for housing.

#### Economic Impact

The adoption of the proposed amendment will have a positive economic impact on the institutions, depositors and the general public by virtue of its upgrading so as to continue the purposes of capital stock associations which have as their purposes the encouragement of thrift, home ownership and housing and the accumulation of funds through the issuance and sale of its stock, the acceptance of deposits and such other accounts as may be authorized for capital stock associations and the loaning of funds so accumulated in accordance with the powers conveyed to mutual associations.

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

3:1-2.21 Minimum stock subscription for capital stock associations

(a) Each charter application for a capital stock association shall

## NEW JERSEY REGISTER

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provide for stated capital of [no less than] \$2,000,000.00, or such other amount as required by the Commissioner.

(b) The incorporators of a capital stock association shall subscribe to [a minimum of 70 percent of the] such number of shares [authorized to be issued by the certificate of incorporation] as may be required by the Commissioner.

(c) The balance of the capital stock, if any, shall be offered [in small blocks] to [residents, employers and employees] the general public in the area to be served by the capital stock association if and when the application is approved and under such terms and conditions as set forth in the Commissioner's Decision and Order.

[(d) No individual, group of family members or close business associates shall subscribe for in excess of 10 percent of the authorized shares of a capital stock association.]

## COMMUNITY AFFAIRS

(a)

### DIVISION OF HOUSING AND DEVELOPMENT

#### Relocation Assistance and Eviction

**Proposed Readoption: N.J.A.C. 5:11**  
**Proposed Amendments: N.J.A.C. 5:11-1.2,**  
**2.1, 2.3, 2.5, 3.1, 3.2, 3.3, 3.6, 3.7, 3.9,**  
**3.11, 6.1, 7.1, 7.2, 7.4, 8.2**  
**Proposed New Rule: N.J.A.C. 5:11-3.13**

Authorized By: John P. Renna, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 2A:18-61.12, 52:31B-10 and 20:4-10.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael L. Ticktin, Esq.  
 Administrative Practice Officer  
 Division of Housing and Development  
 CN 804  
 Trenton, NJ 08625

The Department of Community Affairs thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The readoption becomes effective upon filing. The adopted amendments and new rule become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-68.

The agency proposal follows:

#### Summary

The purpose of this proposal is to readopt the existing Relocation Assistance and Eviction regulations (N.J.A.C. 5:11), the current text of which is scheduled to expire on April 1, 1984, pursuant to Executive Order No. 66(1978), commonly known as the "sunset" Executive Order. The Department has reviewed the text and determined that certain changes are needed in order to clarify the regulations and insure the most appropriate use of funds available for relocation assistance. Changes being proposed are as follows:

1. Definitions are provided for the terms "Commissioner" and

"WRAP" (Workable Relocation Assistance Plan) and the definition of the term "Displaced" is amended to add the requirement that an order resulting in displacement must be in writing.

2. The erroneous characterization of fire as an "Act of God" is removed. The Department does not wish to become involved in theological disputations. Moreover, some human agency may generally be presumed to be involved in those fires not caused by storms, lighting or vulcanism.

3. No relocation benefits shall be payable when displacement results from an order to vacate an unsafe structure issued by the local construction official in accordance with the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.). In accordance with prior hearing and court decisions, zoning code enforcement is also excluded.

4. In those cases in which relocation benefits are payable in connection with a Federally-funded rehabilitation project, Federal requirements and procedures shall govern.

5. Procedural requirements for the submission of a WRAP by a rehabilitation project sponsor are set forth.

6. Claims for relocation assistance are required to be filed within 12 months of receipt of a notice to vacate.

7. Emergency relocation benefits are to be an amount not greater than \$500.00, rather than just \$500.00.

8. Notice to vacate must be lawful and must be in writing to give rise to relocation assistance eligibility. Replacement housing must be standard but must be otherwise comparable to the previous housing.

9. Rental benefits, once calculated, are to remain constant over the four year payment period.

10. Rental rates for comparable replacement housing are to be based on the fair market rent schedule of the Federal Housing Administration for the area to which the displacement occurs.

11. Continued payment of rental assistance shall be contingent upon the claimant continuing to reside in standard housing and being current in rental payments.

12. Rental assistance payments that are discontinued because a claimant moved from the area or moved into substandard housing may be paid again if the claim is reactivated within a year of the last previous eligible date.

13. If a person eligible for downpayment assistance purchases a building with more than one dwelling unit, the payment shall not exceed the portion of the minimum downpayment that represents the pro rata payment for the unit to be occupied by the owner.

14. Displaced businesses shall be entitled to reimbursement for reasonable expenses for professional fees incurred in renovation, lease, use or acquisition of the replacement site.

15. If business personal property is to be replaced rather than moved, the assistance payable shall be the lesser of the cost of replacement less proceeds of the sale of the old property and the estimated cost to relocate the property.

16. Reimbursable expenses in a self-move shall be the lesser of the lowest of three moving estimates and the estimate obtained by the displacing agency.

17. Maximum reimbursement for expenses incurred in searching for a replacement business location shall be \$1,000.00, rather than \$500.00, and the maximum payment that this may include for search time is increased from \$10.00 per hour to \$15.00 per hour.

18. A WRAP shall not be required to include an analysis of public programs affecting the availability of housing. It shall, however, include provision for securing the coordination or relocation activities with other displacing agencies.

19. The maximum budget which a municipality may have and still be eligible for full State funding of relocation assistance is increased from \$1,000,000.00 to \$1,500,000.00.

Statutory authority for these regulations is found in the Relocation Assistance Law of 1967 (N.J.S.A. 52:31B-1 et seq.), the Relocation Assistance Act (N.J.S.A. 20:4-1 et seq.) and the Fair Cause for Eviction Act (N.J.S.A. 2A:18-61.1 et seq.). The regulations originally promulgated under the 1967 law and

subsequently amended to reflect the requirements of the other two statutes were superseded by the present chapter, which constituted a complete revision, effective October 1, 1979. Subsequent amendments were made as issues requiring regulation presented themselves. The amendments included in the present proposal are the result of extensive examination and analysis by the staff of the Bureau of Housing Services, which administers the program for the Department of Community Affairs.

The purpose of the relocation assistance program is to insure that persons displaced by public acquisition of their dwellings or places of business, or by rehabilitation or discretionary code enforcement activities, receive compensation that will allow them to reestablish themselves in comparable surroundings elsewhere. When displacement is by a local agency, the State will provide reimbursement for 50 percent of the cost of relocation assistance if the dislocation is done pursuant to a Workable Relocation Assistance Plan previously submitted to, and approved by, the Department of Community Affairs. If the chapter were not readopted, the Bureau of Housing Services, local and State agencies engaged in activities necessitating displacement and potential claimants would all be left without guidance as to their rights and obligations.

**Social Impact**

Disputes over some of the issues dealt with by the proposed amendments have led to hearings in the past. Clarification of the rules should reduce the frequency of hearing requests as both displacing agencies and displacees are able to better understand what is expected of them and what they can expect. Removal of relocation liability when a dangerous structure is vacated under the State Uniform Construction Code will result in greater willingness of municipalities to use that code provision, with consequent abatement of hazards to life safety. It is the Department's understanding that the code enforcement provision of the 1971 Relocation Assistance Act was intended to apply to discretionary code enforcement activities directed towards neighborhood improvement, not to emergency situations in which life safety is in jeopardy.

Displacement engendered by municipal or state code enforcement programs impacts most severely on the poor and unsophisticated residents of substandard or marginal housing. They occupy these units for various reasons:

1. Rents are more in line with their ability to pay;
2. Units to accommodate their family size are non-existent or too expensive. Large families in overcrowded conditions contribute to the rapid decline of an otherwise standard unit.
3. Severe lack of standard, subsidized units.

The Division of Housing and Development is charged with regulating the quality of housing in hotels and multiple dwellings (Bureau of Housing Inspection) and rooming and boarding homes (Bureau of Rooming and Boarding Homes Standards). Each has the authority to cite a property as unfit resulting in displacement. Imminent hazard orders, requiring immediate vacation result in our obligation for interim or emergency housing, furniture storage and sometimes transportation to a replacement unit, if the occupant is handicapped.

Municipalities in some rural counties, Monmouth, Gloucester, Ocean and Camden, have agreements with their respective county welfare boards to provide relocation services to persons displaced by their municipal code enforcement programs. This is done primarily because:

1. Small, rural municipalities have part-time governments or lack the staff with expertise required to deal with the relocation process and its concomitant social problems.
2. Persons thus displaced are invariably welfare clients and the Board can provide this additional service to their clientele from a centralized location.

The Relocation Assistance Program has also focused on rehabilitation programs through which marginal housing has been

restored to quality housing stock. Programs in Jersey City (Montgomery Gateway project) generated hundreds of standard units. Families were temporarily relocated and if qualified for subsidy, Section 8 certificates, moved back into rehabbed units.

Relocation costs for rehabilitation projects in Bayonne and Hoboken were shared by the State, municipality and the developer. Families were given first priority to return to these renovated units.

**Economic Impact**

Clarification of the rules will result in more equitable distribution of local and State funds appropriated for relocation assistance. The more situations are clearly covered by the rules, the less room there is for unequal treatment of similarly situated claimants.

The State Appropriation for Relocation Assistance is divided into two categories – grants-in-aid to municipalities and welfare boards and direct assistance to families and individuals displaced by this Division's Bureau of Housing Inspection and Bureau of Rooming and Boarding Homes Standards.

Grants-in-aid to municipalities and welfare boards are matched by an equal amount contributed by the grantee with the exemption of some smaller municipalities which meet the exemption criteria (N.J.A.C. 5:11-8.2).

Appropriation for the past five years totalled \$5,091,000. Of this amount, grants to municipalities and welfare boards totalled \$3,782,083 matched by an equal amount. In addition, \$249,250 in grants-in-aid were awarded to municipalities exempt from the matching requirement. We calculate that 7,280 people were assisted through our grant-in-aid program.

Direct displacement engendered by this Division's Bureau of Housing Inspection (BHI) and Bureau of Rooming and Boarding Homes Standards (BRBH) resulted in relocation of an additional 1,020 families or individuals. Total state aid disbursed for these activities is \$463,060.

F/Y84 funding schedule includes:

Grants to municipalities and welfare boards	\$314,867
BRBH	\$150,000
BHI	\$ 30,000

This Department provides grants to the welfare boards which are matched by an equal amount from the municipalities. The Board, acting as an agent for this Department, provides timely payments to displacees. This Department provides administrative costs to the Boards, \$200 for each new case processed and \$50 for second, third and fourth year rental assistance payments. (N.J.A.C. 5:11-8.4). No other administrative costs are permitted in this program.

The chart below indicates average payments for each of these categories. This data was extrapolated from financial reports filed during F/Y83.

	Average Benefit Payments	
	Number Moved	Average Payment
First year moving and rental assistance payment	305	\$1169
Second, third and fourth year rental assistance payments	527	\$ 977
*Bureau of Rooming and Boarding House Standards	182	\$ 386
**Bureau of Housing Inspection	13	\$ 865

\*Bureau of Rooming and Boarding House Standards relocation costs are fully funded by the Department of Community Affairs. Displacees occupy furnished rooms resulting in a lesser benefit payment (\$200 dislocation + \$25.00 moving expenses). Interim emergency housing and sometimes invalid transportation as well as rental assistance benefits are included in the calculation base.

**\*\*Bureau of Housing Inspection displacement is also fully funded. Displacees payments include the standard moving payment (\$200 dislocation and \$185-300 for moving expenses) based on the number of rooms occupied. Emergency housing, storage costs and rental assistance payments are included in the calculation base.**

Recent passage of A3924 (sponsored by Assemblymen Zangari and Kelly) is awaiting Governor Kean's signature. This bill will enable public agencies, i.e., the State or a municipality to assess property owners for relocation costs who have been held liable in any final court adjudication for civil or criminal penalty.

This may result in either the landlord's consciousness of the need to maintain his property to avoid the risk of penalty for relocation costs, when collected returning to public coffers. This latter result would increase amount of available funds, thereby encouraging these agencies to pursue a more active code enforcement program designed to maintain housing stock before it deteriorates and is cited as unfit.

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

5:11-1.2 Definitions

**"Commissioner"** means the Commissioner of the Department of Community Affairs.

**"Displaced"** means required to vacate any real property lawfully occupied pursuant to any lawful **written** order or notice of any displacing agency on account of a program of acquisition, code enforcement proceedings or voluntary rehabilitation of buildings.

**"WRAP"** means the **Workable Relocation Assistance Plan required to be submitted to the Department for approval prior to the undertaking of any relocation activities.**

5:11-2.1 Building, housing **and** health [and zoning] code enforcement

(a) Whenever a State Agency or unit of local government undertakes a program of building code enforcement, housing code enforcement [,] or health code enforcement [or zoning code enforcement] that causes the displacement of people, businesses or farm operations, the said State Agency or unit of local government shall provide relocation payments and assistance to all lawful occupants who are displaced, as provided in subchapters 3 and 4 of this chapter. The date of eligibility shall be the date occupants received formal written notice to vacate from the State Agency or unit of local government.

(b) Whenever the displacement occurs because of an order to vacate issued by a State Agency or unit of local government as a direct result of [an "Act of God" such as, but not limited to] a **natural disaster, an imminent hazard to life safety necessitating the issuance of a vacate order pursuant to the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) or fire, there shall, except as may otherwise be expressly provided by statute, be no relocation benefits due the displacees; provided, however, that a municipality may provide such benefits to fire victims but shall receive no reimbursement through any State grant-in-aid, except as may otherwise be expressly provided by statute, for the cost of doing so.**

(c) (No change.)

5:11-2.3 Evictions under N.J.S.A. 2A:18-61.1(g)

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

(c) **In cases where a landlord is to be cited for a violation pursuant to an illegal occupancy which could potentially result in a g(3) eviction, the following shall be included as an insert sent with the violation notice:**

**IF, IN SEEKING TO CORRECT THE ILLEGAL**

OCCUPANCY FOR WHICH YOU HAVE BEEN CITED, IT IS NECESSARY FOR YOU TO EVICT ONE OR MORE TENANTS TO COMPLY, YOU MUST NOTIFY THOSE TENANTS OF THEIR POTENTIAL ELIGIBILITY FOR RELOCATION ASSISTANCE. FURTHER INFORMATION REGARDING YOUR RESPONSIBILITIES AS OWNER PURSUANT TO REGULATIONS CONCERNING EVICTION AND RELOCATION MAY BE OBTAINED BY CONTACTING THE FOLLOWING:

DEPARTMENT OF COMMUNITY AFFAIRS  
 DIVISION OF HOUSING AND DEVELOPMENT  
 [BUREAU] OFFICE OF LANDLORD-TENANT RELATIONS  
 [363 West State Street] CN 804  
 TRENTON, NEW JERSEY 08625  
 TELEPHONE: 609-292-6417

5:11-2.5 Programs of rehabilitation

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

**(c) In any case in which a Federal agency is providing funding for a rehabilitation program, relocation payments and assistance shall be made in compliance with applicable Federal requirements, any provisions of subchapters 3 and 4 of this chapter imposing different requirements notwithstanding.**

**(d) The WRAP submitted by the public agency shall be on standard forms required by the Department as well as in such format as may be required by the funding agency.**

5:11-3.1 Relocation payments generally

(a) Whenever a displacing agency causes the displacement of persons, businesses or farm operations and those persons, businesses or farm operations are eligible for relocation payments, the nature, extent and terms of those payments shall be as described in this subchapter.

**(b) Claims for relocation assistance must be filed within 12 months of receipt by the claimant of the notice to vacate.**

5:11-3.2 Rental assistance payments

(a) **A family or an individual [who] lawfully [occupies] occupying a rental dwelling unit for a period of not less than 90 days prior to the eligibility date as specified and [who vacates] vacating the rental dwelling unit after lawful written notice to vacate and [as a direct result of the cause of the displacement and] rents and occupies comparable decent, safe and sanitary replacement housing shall be eligible for a rental assistance payment in an amount not to exceed \$4,000.**

(b) The actual amount of the rental assistance payment shall be the difference between the [lesser of the] average monthly rent, including essential utilities, [or economic rent] for the rental dwelling unit and the [lesser of the economic rental for a comparable unit or the] actual monthly rental payment paid for a replacement unit, times 48, not exceeding \$4,000.

**1. Once calculated, the amount of this benefit shall remain constant and shall neither increase nor decrease over the four-year period.**

(c) If the rental assistance payment exceeds \$750.00, the displacing agency shall make the payment in four equal annual installments, upon verification that the tenant remains in [decent safe and sanitary] **comparable standard housing and that rent payments are current.**

**1. Should the tenant move outside the State and further than 50 miles away from the unit from which he was displaced or fail to occupy [decent, safe and sanitary] comparable standard housing during the four-year period, the displacing agency may discontinue further rental assistance payments. The 50 mile radius provided herein may be enlarged by the displacing agency, in its discretion.**

**2. If the rental assistance payments are not consecutive because the tenant moved into substandard housing or moved**

outside the authorized area, the tenant, if he is no longer living in substandard housing or outside the authorized area, may reactivate his claim within one year of the last prior date on which he would have been eligible to receive the rental assistance payment.

#### 5:11-3.3 Down payment [alternate] assistance

(a) A displaced tenant who is eligible to receive a rental assistance payment [and] or a displaced owner-occupant of [less] fewer than 180 days [of an owner-occupant who chooses to be treated as a tenant] may [at their option] elect to purchase a **comparable replacement dwelling** and, if [they do] **he does** so purchase, [they then] **he** shall receive an amount not to exceed \$4,000.00 or the amount necessary in order to make a down payment on the [purchased replacement dwelling] **purchase of a comparable standard dwelling adequate to accommodate such person and his family, whichever is less**, subject to the following:

1.-2. (No change.)

3. In the event the [claim is for more than] **total of the minimum down payment needed and incidental closing costs exceeds \$2,000.00**, the displacee must match dollar for dollar [with respect to] the amount in excess of \$2,000.00, to a maximum payment of \$4,000.00.

4. **If the displacee chooses to purchase a building containing more than one dwelling unit or commercial space, down payment assistance shall be limited to that portion of the minimum down payment required that is attributable on a pro rata basis to the dwelling unit to be occupied by the owner.**

#### 5:11-3.6 Payments to businesses

(a) An eligible business that is displaced from its place of operation and moves its personal property therefrom shall be entitled to receive payment for:

1. Actual reasonable moving expenses, as set forth in N.J.A.C. 5:11-3.7[,]; actual reasonable direct loss of tangible personal property, as set forth in N.J.A.C. 5:11-3.8[,]; actual reasonable expenses incurred in searching for a replacement business, as set forth in N.J.A.C. 5:11-3.9; **and actual reasonable expenses for professional fees incurred in the renovation and lease, use or acquisition of the replacement site, as set forth in N.J.A.C. 5:11-3.13; or**

2. (No change.)

#### 5:11-3.7 Moving expenses; businesses

(a) A relocation payment for moving expenses of a business shall be limited to the following items, as applicable:

1. (No change.)

2. The actual reasonable and necessary cost incurred for inspection **and** license fees required **by statute or local ordinance** to permit the operation of the business at the new location.

3. The actual reasonable and necessary cost of reconnecting utility service to machinery and equipment, including, **without limitation**, the cost incurred in adapting or converting relocated machinery and equipment to use a different type of power supply, **to the extent that these services were required in the former location.**

4. (No change.)

5. **The owner of a displaced business may elect to replace with a comparable item any item of personal property, including, without limitation, outdoor advertising displays or signs, utilized in its operation which is not to be moved. In such a case, the amount of the moving expense payment shall be the lesser of:**

i. **The actual cost of the substitute equipment delivered and installed at the new location less any proceeds from the disposition of the old equipment or, if a bona fide sale cannot be made, less the market value of the old equipment as determined by an independent appraisal; and**

ii. **The estimated cost of relocating the old equipment, as determined by the displacing agency.**

(b) The business move may be accomplished by **either of two** methods, as described in this subsection:

1. (No change.)

2. The displaced business may choose to move itself upon prior notice to the displacing agency and shall submit the three moving estimates as in [paragraph 1 of this subsection.] **(b)1 above**. The amount of the moving cost payment shall be the lesser of the bid chosen or the [actual expenses incurred] **estimate obtained** by the [displaced business] **displacing agency**. [The actual moving expenses for a self move shall be limited to:

i. Amount paid for trucks and equipment rental;

ii. A reasonable amount, as determined by the displacing agency, to cover the cost of gas, oil, insurance and depreciation on trucks and equipment belonging to the business and used in moving;

iii. Wages, on an hourly basis, paid to persons who participate in the move; and

iv. Other expenses as authorized by the displacing agency.]

#### 5:11-3.9 Expenses for searching for a replacement location

(a) In addition to moving expenses and loss of personal property payments, a displaced business shall be reimbursed for the actual and reasonable expenses incurred in searching for a replacement location, not to exceed [\$500.00] **1,000.00**.

(b) These expenses may include transportation costs within 50 miles, time spent in searching, not exceeding [\$10.00] **\$15.00** per hour, and fees paid to a real estate agent for locating a site.

#### 5:11-3.11 Emergency relocation

In the event a displacing agency causes a displacement that required emergency relocation, the displacing agency shall provide a lump sum payment [in the amount] of **not more than \$500.00** so that the displacee may obtain living quarters until permanently relocated. This payment shall be available immediately upon the displacement and shall be charged against the total amount payable in accordance with the statute.

#### 5:11-3.13 Payment for professional fees

(a) **The owner of a displaced business may receive a payment for professional fees for, without limitation, the following services:**

1. **Architect's plans for the new site, as required by local ordinance, showing modifications needed to make physical changes to an existing building; and**

2. **Legal services, including, without limitation, the research of local ordinances and preparing of documents for submission to local construction officials, planning boards and boards of adjustment.**

#### 5:11-6.1 Workable Relocation Assistance Plan (WRAP)

(a) In order to insure that the relocation benefits required are administered in a uniform manner, the displacing agency shall submit a workable Relocation Assistance [Program] **Plan (WRAP)** to the Department for approval. No relocation activities may take place until the WRAP is approved.

(b) (No change.)

(c) The WRAP shall include such measures, facilities or services as are necessary in order to:

1.-2. (No change.)

3. [Provide an analysis of Federal, State and Local programs affecting the availability of housing] **Secure the coordination of relocation activities with other displacing agencies;**

4.-9. (No change.)

#### 5:11-7.1 General notice

(a) Whenever a landlord intends to terminate a tenancy because of enforcement of building, housing[,], or health [or zoning] codes, public acquisition of the premises or participation in a government-sponsored program of voluntary rehabilitation, including, without limitation, new construction, the landlord shall give written notice of his intent to the tenant.

1.-2. (No change.)

5:11-7.2 Additional notice for proceedings under N.J.S.A. 2A:18-61.1(g)

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

(c) Landlords may obtain copies of this required statement from the [Bureau] Office of Landlord-Tenant Relations, Department of Community Affairs, [P.O. Box 2768] CN 804, Trenton, New Jersey 08625. Spanish speaking tenants shall be provided with this statement in Spanish, and such statement is also available at the same address.

5:11-7.4 Responsibilities of Department of Community Affairs

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

(c) The premises shall be inspected, the tenant's comments and the landlord's statement shall be assessed and, where applicable, the Department of Community Affairs shall consult with the local inspection agency. On the basis of this information, a conclusion as to the feasibility of achieving compliance through elimination of the violations without removal of the tenant shall be reached by the Department of Community Affairs within 60 days of its receipt of the original notice from the landlord. Notice of this conclusion shall be given to the [District] Court **having jurisdiction**, the appropriate [displacing] relocation agency, the landlord, the affected tenants and the local inspection agency within 90 days of receipt of the landlord's notice.

(d) (No change.)

(e) The notice of the Department's conclusion shall include the name, address and telephone number of the appropriate [displacing] relocation agency.

(f) The name and addresses of the tenants, any tenant comments, and an explanatory letter shall be enclosed with the notice of the Department's conclusion to the [District] Court.

5:11-8.2 Funding criteria

(a) A municipality meeting the following criteria may receive the total cost of relocation assistance and payments.

1. (No change.)

2. A budget of less than [\$1] **\$1.5 million**;

3.-4. (No change.)

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

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Uniform Construction Code Certificate of Continued Occupancy

Proposed Amendments: N.J.A.C. 5:23-1.4 and 2.23

Authorized By: John P. Renna, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-124.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael L. Ticktin, Esq.
Administrative Practice Officer
Division of Housing and Development
CN 804
Trenton, NJ 08625

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

This proposal is known as PRN 1984-47.

The agency proposal follows:

Summary

The proposed amendments will clarify the function of a certificate of continued occupancy. Such a certificate is to be issued if, upon general inspection of the visible parts of a building, the enforcing agency finds that no violations of N.J.A.C. 5:23-2.14 (construction permit requirements) have occurred, that there are no unsafe conditions as specified in N.J.A.C. 5:23-2.32 and that the existing use has lawfully existed. Subcode officials' approval is to be required for issuance of a certificate and available municipal records are to be consulted to determine the legality of the existing use.

Social Impact

As a result of the proposed amendments, both owners and enforcing officials will better understand the purpose of a certificate of continued occupancy.

Economic Impact

There will be no apparent economic impact from these amendments since they simply serve to clarify certificate of occupancy requirements.

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

5:23-1.4 Definitions

"Certificate of continued occupancy" means the certificate provided for in N.J.A.C. 5:23-2, indicating that as a result of a general inspection of the visible parts of the building, [there are] no [apparent] violations of [the regulations] N.J.A.C. 5:23-2.14 have been determined to have occurred and no unsafe conditions violative of N.J.A.C. 5:23-2.32 have been found, and that the existing use of the building has heretofore lawfully existed.

5:23-2.23 Certificate of occupancy requirements

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

(c) Existing buildings: Upon request [from] of the owner of an existing building or structure, the construction official, with the approval of the subcode officials, shall issue a certificate of continued occupancy provided that there are not violations of law or orders of the construction official pending and it is established after inspection and investigation of available municipal records that the alleged use of the building or structure has [heretofore] lawfully existed. The certificate of continued occupancy shall evidence only that a general inspection of the visible parts of the building has been made, and that [there are] no [apparent] violations of [the regulations] N.J.A.C. 5:23-2.14 have been determined to have occurred and no unsafe conditions violative of N.J.A.C. 5:23-2.32(a) have been found. Nothing in this subsection shall prevent the continued lawful use and occupancy of any such lawfully existing building or structure.

(d)-(k) (No change.)

(a)

**DIVISION OF HOUSING AND DEVELOPMENT**

**Uniform Construction Code Tax Exemptions**

**Proposed Amendments: N.J.A.C. 5:23-6.1  
Proposed New Rule: N.J.A.C. 5:23-6.2**

Authorized By: John P. Renna, Commissioner, Department of Community Affairs.  
Authority: P.L. 1983, c. 309.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael L. Ticktin, Esq.  
Administrative Practice Officer  
Division of Housing and Development  
CN 804  
Trenton, NJ 08625

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

This proposal is known as PRN 1984-42.

The agency proposal follows:

**Summary**

Subsection 8b. of P.L. 1983, c. 309 requires the Commissioner of Community Affairs to adopt rules and regulations establishing technical standards for automatic fire suppression systems necessary to qualify these systems for exemption from taxation pursuant to the Act. The proposed new rule establishes such standards and provides necessary guidance to construction officials. The present N.J.A.C. 5:23-6 (Tax exemption for Solar Facilities) is made a section (N.J.A.C. 5:23-6.1) of an expanded subchapter 6 which covers all tax exemptions involving administrative action under the State Uniform Construction Code.

**Social Impact**

Adoption of this new rule will help insure uniformity in enforcement of the tax exemption statute.

**Economic Impact**

By limiting the exemption to those fire suppression systems installed in conformity with the applicable standards, the new rule will prevent the granting of exemptions for any nonconforming systems.

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

**SUBCHAPTER 6. TAX EXEMPTIONS [FOR SOLAR FACILITIES]**

**5:23-6.1 [Application; forms] Solar facilities**

- (a) (text of 5:23-6.1.)
- (b) (text of 5:23-6.2.)
- (c) (text of 5:23-6.3.)
- (d) (text of 5:23-6.4.)
- (e) (text of 5:23-6.5.)

**5:23-6.2 Automatic fire suppression systems**

(a) Applications for tax exemption pursuant to P.L. 1983, c.309 shall be made on a form prepared by the Department of Treasury, Division of Taxation, and made available to the public at the office of the enforcing agency.

(b) Construction official's responsibilities:

1. The construction official shall have responsibility for determining the eligibility of any proposed automatic fire suppression systems.

2. The construction official shall consult with the appropriate subcode officials in determining conformity with the building and fire protection subcodes and their referenced standards, as well as, where applicable, the most recently published editions of NFPA 13D, NFPA 20, NFPA 22 and NFPA 24. A system shall only be eligible for tax exemption if it conforms to such of these standards as are applicable to that type of automatic fire suppression system and appurtenant installations.

i. A system shall not be deemed ineligible because it is in a new building or because it only provides coverage to part of a building.

3. The construction official shall, in addition, review the cost estimates provided by the applicant.

4. The construction official may require documentation in the form of signed contracts, contractor estimates and the like if he deems it necessary.

5. The construction official shall grant or deny certification of the system prior to issuance of the construction permit and shall notify the applicant of his decision at that time.

6. The construction official shall forward a copy of the approved application for exemption to the municipal assessor for his action upon issuance of the certificate of occupancy or certification of completion.

(c) The enforcing agency, after giving written notice to the owner, may revoke such certification whenever any of the following appears:

1. The exemption was obtained by fraud or misrepresentation;

2. The claimant for tax exemption has failed substantially to proceed with the construction, reconstruction, installation or acquisition of an automatic fire suppression system;

3. The mechanical system to which the certificate relates has ceased to be used for the primary purpose of providing automatic fire suppression and is being used for a different primary purpose;

4. The claimant for tax exemption hereunder has so departed from the equipment, design and construction previously certified by the enforcing agency that, in the opinion of said enforcing agency, the automatic fire suppression system is not suitable and reasonably adequate for the purpose of providing automatic fire suppression.

(d) The construction official shall notify the assessor in writing of the revocation of the certification.

(e) Appeals may be made regarding the decision of the construction official to the Construction Board of Appeals, in accordance with N.J.A.C. 5:23-2.34.

(a)

**DIVISION OF HOUSING AND DEVELOPMENT**

**Rooming and Boarding Houses  
State-contracted Facilities; Licenses;  
Exceptions**

**Proposed Amendments: N.J.A.C. 5:27-1.6  
and 1.9**

Authorized By: John P. Renna, Commissioner, Department of Community Affairs.  
Authority: N.J.S.A. 55:13B-4.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael L. Tickin, Esq.  
Administrative Practice Officer  
Division of Housing and Development  
CN 804  
Trenton, NJ 08625

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

This proposal is known as PRN 1984-46.

The agency proposal follows:

**Summary**

A new license category, Class D, is created for facilities which are operated under contract with any State agency. Class D licenses shall specify the type of facility for which the license is being issued. State agencies which sponsor facilities which request waiver of any regulation governing personal or financial services will have such waiver requests granted unless the Bureau finds that harm to residents or the public will thereby result.

**Social Impact**

Adoption of these amendments will reduce confusion as to the authority of different State agencies dealing with the same facility and will make it clear to the community and to all involved that a given facility has a contractual relationship with an agency of State government.

**Economic Impact**

Sponsors of State-contracted community residences or congregate living arrangements will be better able to avoid being caught between varying requirements of the contracting agency and the Bureau.

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

5:27-1.6 Licenses

(a) (No change.)

(b) There shall be [three] **four** classes of licenses, which shall be as follows:

1.-3. (No change.)

**4. Class D license: Valid only for facilities operated under contract with an agency of the State of New Jersey.**

(c) The annual fees for licenses shall be as follows:

1.-2. (No change.)

3. Class C or Class D license: \$100.00 plus the amount determined in accordance with (c)5 below;

4.-5. (No change.)

(d)-(i) (No change.)

**(j) A Class D license shall specify the type of facility for which it is issued. Except as otherwise provided in this chapter, any service which may be provided under a Class C license may be provided under a Class D license and any facility operated under a Class D license shall conform to all standards that would be applicable to the facility were it operated under a class C license.**

5:27-1.9 Exceptions

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

**(d) Upon the request of a State agency which has a contractual relationship with the owner of a facility operated under a Class D license, the Bureau shall waive application of any regulation contained in subchapters six through eleven of this chapter, unless the Bureau finds that harm to residents or the public generally would thereby result.**

**ENVIRONMENTAL PROTECTION**

(b)

**DIVISION OF WATER RESOURCES**

**Assessment of Civil Administrative Penalties**

**Proposed Readoption with Amendments:  
N.J.A.C. 7:14-8**

Authorized By: Robert E. Hughey, Commissioner,  
Department of Environmental Protection.  
Authority: N.J.S.A. 58:10A-1 et seq., specifically 58:10A-4 and 58:11-64 et seq. (L.1983, c.230)  
DEP Docket No. 074-83-12

A public hearing concerning this proposal will be held on February 27, 1984 at 10:00 A.M. at the:

State Library  
1st Floor meeting Room  
185 W. State Street  
Trenton, NJ

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Philip Yeany  
Office of Regulatory Services  
CN 402  
Trenton, NJ 08625

Any inquiries or requests for the regulations may be made by calling Mr. Yeany at (609)292-2689.

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

This proposal is known as PRN 1984-78.

The agency proposal follows:

### Summary

The purpose of this proposal is to readopt existing rules for the assessment of civil administrative penalties. The current text of this chapter is scheduled to expire on March 15, 1984.

The Department has reviewed the existing rules and found them necessary for effective protection against intentional and unintentional degradation of the State's environment. They provide an effective means of enforcing against those who violate the laws of the State.

In 1977 the Legislature enacted the New Jersey "Water Pollution Control Act" (hereinafter the "Water Act"), N.J.S.A. 58:10A-1 et seq. The Legislative findings and declarations clearly identify the purpose of the Act: to protect public health and welfare by restoring, maintaining and enhancing the quality of ground and surface waters of the State. The Water Pollution Control Act was just one of three acts established in 1977 which clearly identified New Jersey's commitment to protect its ground and surface waters. (See also the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq. and the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.)

One of the purposes of this Act is to replace direct regulation by the Federal Government by providing a mechanism whereby the State assumes primary responsibility for the Federal NPDES water pollution control program. Under Federal law a State is authorized to take over the Federal permit program, provided the State satisfies certain minimum requirements (33 USCA 1342(b)). With the adoption of the NJPDES Regulations, and after meeting other Federal criteria (See 40 CFR Part 123.), on April 13, 1982, New Jersey became the 37th state to take over the Federal permit program for discharges to surface water.

Equally, if not more important in New Jersey, is the need to protect the ground waters of the State. About 50 percent of the State's water supply is from ground water. This ground water supply is threatened by the uncontrolled discharge of pollutants and, unfortunately, has actually been severely damaged in many areas. A present Departmental inventory indicates about 1,000 facilities that discharge to ground water.

These rules are used by the Department to impose sanctions when there are violations of the Department's rules governing ground water discharges. Two Federal ground water programs are encompassed within the purview of matters regulated by the Water Act. These two Federal programs regulate the Underground Injection Control (UIC) of pollutants and the disposal of hazardous waste (RCRA). (See the Safe Drinking Water Act, 42 USCA 300(f) et seq. and the Resource Conservation and Recovery Act, 42 USCA 6901 et seq.) The State is taking over the Federal hazardous waste program on an incremental basis. Delegation of the UIC program was granted to the Department by the Federal government on August 15, 1983. The civil administrative penalties rules were reviewed by EPA as part of the submissions by the Division for delegation of the programs (See 40 CFR sections 123.27, 145.13 and 271.16.) and are used by the Department as an enforcement tool to help implement all three programs.

These rules are being amended to provide civil administrative penalties for the implementation of the provisions of the recently enacted "Water Supply and Wastewater Operators Licensing Act (Licensing Act), N.J.S.A. 58:11-64 et seq. The penalty sections in both the Water Act, N.J.S.A. 58:10A-10(d), and the Licensing Act N.J.S.A. 58:11-71(b), provide that civil administrative penalties must be imposed in conformance with regulatory standards. These rules provide the necessary standards.

The other most important changes which are being proposed for the rules are as follows:

1. The list of examples of violations has been expanded in order to give more guidance to both the agency and the regulated community as to the types of violations covered by these regulations.

2. The category of non-discharge violations has been broken down into two subcategories, time and non-time violations. This is more reflective of the types of violations with which the Department

deals.

3. In the schedule of factor values for discharge violations, the values for seriousness of the environmental damage have been doubled. This is being proposed to give more emphasis to the environmental impacts of discharges. Also, the originally adopted penalty schedule is no longer as effective because of the impact of inflation. In addition, the change brings the penalties in line with what is being charged by the Department for permit fees. It should be noted that the statutory limit of \$5,000.00 per violation still applies.

4. The time limit for an appeal of the imposition of penalties has been changed from 20 business days to 20 calendar days. It is the Department's position that this more accurately reflects the legislative intent behind the Water Pollution Control Act.

5. Some of the terminology used in the rules is being changed to help prevent confusion. "Ordered parties" would now be referred to as "violator" throughout the rules. "Notices of intent to assess" would now be referred to as "notices of assessment" and "final orders" would now be referred to as "final assessments." These revisions do not alter the legal effect of these terms. It should be stressed that the revisions do not affect any of the due process rights which the regulated community retained under the old rules.

6. The responsible party for penalties for the unlawful building or construction of a facility is being changed from "builder or operator" to "owner." This amendment clarifies the ultimate responsibility for these types of violations.

### Social Impact

Readoption of these rules with the proposed amendments will have a beneficial social impact. The rules establish standards for assessment of penalties which are used by the Department as an enforcement tool for the protection of the surface and ground waters of the State. These waters have numerous important uses in the State. Clean ground and surface waters are needed for water supply used for domestic, municipal and industrial purposes. Clean surface waters are needed for both commercial and recreational fishing, including clamming and crabbing. The State's waters are important for other recreational uses such as swimming and boating. By readopting these rules with the proposed amendments and implementing an effective enforcement program utilizing them, the Department will protect the ground and surface waters of the State.

### Economic Impact

From January, 1977 to June, 1983 the Department assessed \$2,022,232 in penalties. For the same period the Department collected \$976,635. (It should be noted these figures included some penalties assessed and collected through court actions undertaken by the Department.) The collected penalties become part of general operating revenues of the State. Weighed against this cost must be the economic impacts of pollution. These impacts are difficult to estimate. Ground water contamination has had a substantial negative impact on water supply in the State. Frequently new sources of water must be provided at considerable cost. Pollution decreases property values, it discourages businesses from operating in a State where its employees are not attracted by a clean environment, and it can adversely affect tourism which is one of New Jersey's largest industries. In addition, the Department has had to annually condemn selected clamming areas off the coast due to pollution.

### Environmental Impact

At present, there are approximately 400 identified hazardous waste sites in New Jersey requiring decontamination. There are approximately 1,000 other identified sources of ground water pollution in this State. For surface water discharges there are approximately 1,300 dischargers in the State. These discharges emit a wide variety of pollutants, including toxic chemicals, with known deleterious effects on both human and non-human biota. Readoption of these rules will allow the State to effectively enforce the Water and Licensing Acts.

Full text of the proposed reoption can be found in the New Jersey Administrative Code at N.J.A.C. 7:14-8.

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

7:14-8.1 Authority and purposes

(a) This subchapter is enacted to provide a schedule and procedures for the assessment of civil administrative penalties as provided in section 10(d) of the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-10(d) and **section 8b of the Water Supply and Wastewater Operators Licensing Act, N.J.S.A. 58:11-71(b).**

(b) (No change.)

(c) **N.J.S.A. 58:11-71 provides the department with three options for enforcement actions to which it may resort whenever it finds that a person is in violation of the Water Supply and Wastewater Operators Licensing Act. One of the options is to levy a civil administrative penalty in accordance with N.J.S.A. 58:11-71(b). Under that section, the department is authorized to assess a penalty of not more than \$5,000.00 for each offense. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate, and distinct offense.**

7:14-8.2 Scope

(a) (No change.)

(b) The following is a list of Department regulations which have been adopted pursuant to the authority of the Water Pollution Control Act, and for violations of which penalties may be assessed under this subchapter:

1. N.J.A.C. 7:9-1[.1], Sewer systems and wastewater treatment plants;
  2. N.J.A.C. 7:9-2[.1], Standards for construction of **individual subsurface** sewage [facilities for realty improvements] **disposal systems**;
  3. N.J.A.C. 7:9-4[.1], Surface water quality standards;
  4. **N.J.A.C. 7:9-6, Groundwater quality standards**;
  - 4.] 5. N.J.A.C. 7:9-8[.1], Treatment of wastewaters discharged into waters of the State;
  - [5. N.J.A.C. 7:9-9.1, Sealing of abandoned wells;]
  - [6. N.J.A.C. 7:9-10.1, Installation of sewerage facilities in critical areas;]
  - [7. N.J.A.C. 7:9-11.1, Allocation of waste loads to point source discharges;]
  - [8.] 6. N.J.A.C. 7:9-13[.1], [Sewerage connection] **Sewer extension bans; and**
  - [9. N.J.A.C. 7:14-1.1, Water Pollution Control Act regulations, general provisions;]
  - [10. N.J.A.C. 7:14-2.1, Approval of facilities for prevention, collection, treatment or discharge of pollutants; and]
  - [11. N.J.A.C. 7:14-3.1, New Jersey Pollutant Discharge Elimination System (NJPDES) permits.]
7. **N.J.A.C. 7:14A, Regulations concerning the New Jersey Pollutant Discharge Elimination System.**

NOTE: This list is reproduced here for information purposes only. If a rule validly adopted pursuant to the Water Pollution Control Act is omitted from this list, such omission shall not affect the ability of the Commissioner or the Department to enforce that rule by assessment of a penalty pursuant to this subchapter.

(c) [The following are examples] **Examples** of the most common kinds of violations for which **penalties** could be assessed under this subchapter **are listed in N.J.A.C. 7:14-8.13 and 8.14.** Others are possible. These lists [is] **are** for information purposes only and [is] are not intended in any way to limit the kinds of violations for which a penalty may be assessed under this subchapter. **The department will use its best judgment in determining the type of violation.**

[1. Discharging pollutants without a valid NPDES or NJPDES permit (violation of N.J.S.A. 58:10A-6);

2. Discharging pollutants in violation of effluent limitations or other conditions of a NPDES or NJPDES permit;

3. Construction or use of a facility for the collection, prevention, treatment or discharge of a pollutant (e.g. sewer mains, treatment plant) without obtaining required Treatment Works Approval pursuant to N.J.A.C. 7:14-2.1 et seq., or in violation of the conditions of a Treatment Works Approval which has been obtained;

4. Submitting false information in an application, record, or other document required to be filed or maintained under the Water Pollution Control Act;

5. Discharging into a municipal treatment works in violation of duly promulgated pretreatment standards;

6. Tying into or building an extension to a sewer system in violation of a sewerage extension ban imposed pursuant to N.J.A.C. 7:9-13.1 et seq.;

7. Failure to file required reports.]

7:14-8.3 Definitions

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

Note: The definitions of N.J.A.C. [7:14-1.4] **7:14A-1.9** apply to this subchapter. In particular, the terms "Commissioner", "Department", "Discharge", "**Domestic treatment works**", "Effluent Limitation", "Federal Act", "Municipal treatment works", "NPDES", "NJPDES", "Permit", "**Permit by rule**", "Person", "Point Source", "Pollutant", "Pretreatment standards", "Treatment works", and "Waters of the State" shall have the meanings ascribed to them in N.J.A.C. [7:14-1.4] **7:14A-1.9.**

"Discharge violation" means a violation which includes or results in the discharge of pollutants (including the release of any pollutant into a [municipal] **domestic** treatment works). **Examples are provided at N.J.A.C. 7:14-8.14(a).**

"Non-discharge violation" means a violation other than a discharge violation. **Examples are provided at 7:14-8.13(a).**

"Hazardous pollutant" means:

1. [Any pollutant designated as "toxic" pursuant to Section 307 of the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977, 33 U.S.C. 1377, P.L. 95-217.] **Any "toxic pollutant" as defined in N.J.A.C. 7:14A-1.9.**

2. [Any substance which has been designated a "hazardous substance" pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. and the regulations adopted under that Act, N.J.A.C. 7:1E-1.1 et seq.] **Any "hazardous substance" as defined in N.J.A.C. 7:14A-1.9.**

3. Any substance regulated as a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 135 et seq.

4. Any substance the use [of] or manufacture of which has been prohibited under the Federal Toxic Substances Control Act, 15 U.S.C. 2601 et seq.

5. Any substances listed as a known carcinogen on the registry of the National Institute of Occupational Safety and Health (NIOSH).

6. [Any other pollutant which the Commissioner has determined to be a "toxic pollutant" as defined in section 3(r) of the New Jersey Pollution Control Act, N.J.S.A. 58:10A-3(r).] **Any "hazardous waste" as defined in the "Hazardous Waste Management Regulations", N.J.A.C. 7:26-8 or at a minimum as defined in 40 CFR Part 261.**

"Time related non-discharge violation" means that type of non-discharge violation that occurs when there is a failure to meet a time limit or deadline imposed by a NJPDES permit, permit by rule, regulation, treatment works approval, statute, schedule of compliance, order or directive letter. Examples are given at N.J.A.C. 7:14-8.13(a)1.

“Non-time related non-discharge violation” means a non-discharge violation other than a time related non-discharge violation. These may occur when there is a failure to carry out a duty imposed by statute, order, permit, regulation, or directive letter. Examples are given at N.J.A.C. 7:14-8.13(a)2.

“Order” means any and all orders issued by the department including, but not limited to, Notice of Assessment, Final Assessments, Administrative Orders, and Consent Orders.

7:14-8.4 Procedures for assessment of civil administrative penalties

(a) Before any assessment is levied pursuant to this subchapter the violator shall be notified by certified mail, return receipt requested, or by personal service. Such notice shall include:

- 1. A reference to the section of the statute, regulations, order and/or permit condition violated;
2. A concise statement of the facts alleged to constitute the violation;
3. A statement of the amount of civil administrative penalties sought to be imposed; and
4. A statement of the [ordered party’s] violator’s right to a hearing and notice of the procedures for requesting a hearing.

Note: A [An order giving] notice [of intent to assess] of assessment of a civil administrative penalty may be issued separately or as part of an administrative order issued pursuant to N.J.S.A. 58:10A-10(b) requiring the [ordered party] violator to take affirmative actions to comply with the Water Pollution Control Act or a rule, regulation, water quality standard, effluent limitation, or permit issued pursuant to the Act.

(b) The [ordered party] violator shall have 20 [business] calendar days from receipt of the notice of assessment within which to deliver a written request for a hearing to the appropriate Region Chief:

[Office of Regulatory Affairs]
Division of Water Resources
Enforcement Element
[P.O. Box] CN-029
Trenton, New Jersey 08625

1. After a hearing, and upon finding that a violation has occurred, the Commissioner or his authorized representative may issue a final [order assessing] assessment of the amount of the fine specified in the notice[,] or such lesser amount as he may assess pursuant to the provisions on compromise of N.J.A.C. 7:14-8.5.

(c) If no hearing is requested, the original notice of assessment shall become a final [order] assessment after expiration of the 20 [business] calendar day period following receipt of the notice by the [ordered party] violator.

(d) Payment of an assessed civil administrative penalty is due when a final [order] assessment is issued or the notice becomes [a] final [order]. If the [ordered party] violator fails to pay the penalty to the department under (b) above, or to make acceptable arrangements to pay the penalty within a reasonable period of time thereafter, the Department may institute a civil action pursuant to N.J.S.A. 58:10A-10(e) for a civil penalty not to exceed \$10,000 per day.

(e) The Department shall publish in the “DEP [Weekly] Bulletin” a list of all notices and final [orders] assessments issued under this section.

7:14-8.5 Compromise of penalties (No change.)

7:14-8.6 Alternative remedies (No change.)

7:14-8.7 Records of assessments

In order to promote consistency in the application of this subchapter, the Department shall collect and maintain in a discrete file a record of each assessment made pursuant to this subchapter.

Such file shall be a public record and shall be kept available for public inspection pursuant to the “Right to Know Law”, N.J.S.A. 47:1A-1 et seq. The file shall at a minimum include a copy of each notice issued pursuant to N.J.A.C. 7:14-8.4(a), all final [orders] notices issued pursuant to N.J.A.C. 7:14-8.4(b), and the terms of any compromise agreed to pursuant to N.J.A.C. 7:24-8.5.

7:14-8.8 [(Reserved)] Penalties for violations of the Water Supply and Wastewater Operations Licensing Act

(a) Basic penalty for violations of the Water Supply and Wastewater Operators Licensing Act are as follows:

- 1. Basic penalty shall be:
i. \$500.00 for the first violation;
ii. \$1000.00 for the second similar violation;
iii. \$5000.00 for each similar violation thereafter.
2. Daily fine:
i. Each day during which the violation continues constitutes an additional, separate, and distinct offense subjecting the violator to the basic penalty schedule in 1 above. For example, on the second day of violation, the total penalty which may be assessed is \$1500.00; on the fourth day of violation, the total penalty which may be assessed is \$11,500.00.

7:14-8.9 (Reserved)

7:14-8.10 Basic Penalty for discharge violations

(a) The basic penalty which may be assessed for a discharge violation under this subchapter is \$5,000 or a fraction thereof, to be determined by application of factors indicative of the type, seriousness, and duration of the violation, as described below.

- 1.-3. (No change.)
4. The following presumptions shall be applied in the determination of the appropriate type factor:
i. (No change.)
ii. [iii.] Any discharge violation known to the violator which continues for a period of 30 days or more without the violator taking steps to abate it [,] shall be presumed a willful violation.
iii. [iv.] Any discharge violation which occurs as the result of a condition which involved the violation of any rule of the Department, or of any permit condition [and] the purpose of which was to prevent discharges or promote practices to that end, shall be presumed foreseeable or highly foreseeable. This includes, but is not limited to, any regulation or permit condition which specifies design criteria or engineering practices for the storage, treatment, disposal, or handling of pollutants.

5. Schedule of factor values: Penalties for discharge violations shall be computed after assigning values to the Seriousness and Type Factors from the ranges set forth below:

Table with 3 columns: Factor, Range, Value. Rows include Seriousness (1-4) and Type (1-4) with corresponding numerical values and ranges.

\*Hazardous pollutant: if the discharge violation involves the discharge of a hazardous pollutant, an additional number between 0.10 and 0.25, depending on the inherent toxicity or harmful characteristics of the pollutant, shall be added to the type factor. This is intended to reflect the higher standard of care in the storage and use of hazardous pollutants which the Department seeks to encourage.

6.(No change.)

7:14-8.11 Non-discharge violations which result in discharge violations

## PROPOSALS

## ENVIRONMENTAL PROTECTION

(No change.)

7:14-8.12 (Reserved)  
(No change.)

7:14-8.13 [(Reserved)] **Non-discharge violations**

(a) **There are two types of non-discharge violations: time related and non-time related violations.**

1. **Examples of time related violations include, but are not limited to, the following:**

i. **Failure to submit permit fee on time in accordance with N.J.A.C. 7:14A-1.8;**

ii. **Failure to submit a timely and complete application or renewal application in accordance with N.J.A.C. 7:14A-2.1(f), 3.2 and 10.1;**

iii. **Failure to submit timely reports including, but not limited to, Discharge Monitoring Reports, Monitoring Report Forms, Monthly Operators Reports, planned changes, anticipated noncompliance, transfers, compliance schedule reports or other information in accordance with N.J.A.C. 7:14A-2.5(1) and 2.9(c);**

iv. **Failure to comply with schedules of compliance in accordance with N.J.A.C. 7:14A-2.8;**

v. **Failure to submit a timely emergency plan in accordance with N.J.A.C. 7:14A-3.12;**

vi. **Failure to report changes in effluent quality in a timely manner in accordance with N.J.A.C. 7:14A-3.11 and 3.10; and**

vii. **Failure to pay a penalty assessed pursuant to this subchapter.**

2. **Examples of non-time related violations include, but are not limited to, the following:**

i. **Failure to provide complete and accurate information in accordance with N.J.A.C. 7:14A-2.1(g), 2.1(h) and 10.3.**

ii. **Failure to maintain records in accordance with N.J.A.C. 7:14A-2.5(j) and 2.1(i);**

iii. **Denial of the right of inspection and entry to departmental personnel or departmentally designated personnel in accordance with N.J.A.C. 7:14A-2.5(i);**

iv. **Failure to properly carry out monitoring and sampling activities in accordance with N.J.A.C. 7:14A-2.5(j), 2.9 and 6.1;**

v. **Failure to implement an emergency plan in accordance with N.J.A.C. 7:14A-3.12;**

vi. **Improper maintenance or operation in accordance with N.J.A.C. 7:14A-2.5(e);**

vii. **Construction of a facility for the collection, prevention, treatment, or discharge of a pollutant (for example, sewer mains, treatment plant) without obtaining required Treatment Works Approval, NJPDES permit, and/or waiver letter pursuant to N.J.A.C. 7:14A-12.1;**

viii. **Failure to request and/or submit endorsements or submit proof of such request in accordance with N.J.A.C. 7:14A-2.1(j);**

ix. **Failure to have signatories in compliance with N.J.A.C. 7:14A-2.4 and 2.5(k); and**

x. **Distribution, sale, offer or exposure for sale of any sewage system cleaner containing restricted chemical material, as defined in N.J.S.A. 58:10A-16.**

(b) **Penalties for violations of the Water Supply and Wastewater Operators Licensing Act, N.J.S.A. 58:11-64 to 73, shall be imposed as authorized by N.J.A.C. 7:14-8.8 and are not subject to the provisions of N.J.A.C. 7:14-8.13. The basic penalty schedule may be found at 7:14-8.8.**

7:14-8.14 **Discharge violations**

(a) **Discharge violations include but are not limited to:**

1. **Discharging pollutants without a valid [NPDES or] NJPDES permit issued in accordance with N.J.A.C. 7:14A-1.3(e) or 10.1;**

2. **(No change.)**

3. **Discharging pollutants in excess of effluent limitations, including effluent limitations adopted as part of N.J.A.C. 7:14A, contained in a valid [NPDES or] NJDES permit, permit by rule, Treatment Works Approval, construct and operate permit, or in violation of any other permit conditions restricting the quantity, period of release, or any other characteristics of the effluent stream [.] ;**

4. **Failure to reduce or halt activities in accordance with N.J.A.C. 7:14A-2.5(c);**

5. **Failure to mitigate in accordance with N.J.A.C. 7:14A-2.5(d);**

6. **Failure to properly maintain and operate in accordance with N.J.A.C. 7:14A-2.5(e);**

7. **Failure to properly dispose of sludge or seepage in accordance with N.J.A.C. 7:14A-2.5(m);**

8. **Failure to implement an emergency plan in accordance with N.J.A.C. 7:14A-3.12;**

9. **Failure to meet a schedule of compliance in accordance with N.J.A.C. 7:14A-2.8;**

10. **Use of any sewage system cleaner containing restricted chemical material, as defined in N.J.S.A. 58:10A-16;**

11. **Operation of a facility for the collection, prevention, treatment, or discharge of a pollutant (for example, sewer mains, treatment plant) without obtaining a required Treatment Works Approval, a waiver letter from the department (violation of N.J.A.C. 7:14A-12), or in violation of the conditions of such authorization;**

12. **Operating sewage facilities covering 50 or more realty improvements without obtaining required approval from the department (violation of N.J.A.C. 7:9-2);**

13. **Operating a sewer extension in violation of a sewer extension ban (violation of N.J.A.C. 7:9-13.1);**

14. **Discharging after the expiration of a NJPDES permit in violation of N.J.A.C. 7:14A-2.3;**

15. **Using or attempting to use dilution to achieve permit compliance in violation of N.J.A.C. 7:14A-2.5(a); and**

16. **Discharging into a domestic treatment works in violation of duly promulgated pretreatment standards, including N.J.A.C. 7:14A-13.1.**

(b) **(No change.)**

7:14-8.15 **Construction [or operation] of unpermitted facilities**

(a) **The following kinds of actions constitute violations of regulations of the Department adopted pursuant to the authority of the Water Pollution Control Act:**

1. **Building [.] or installing [.] or operating] a treatment works without obtaining required Treatment Works Approval or NJPDES permit from the Department (violation of N.J.A.C. 7:14A-[2.1] 1 et seq.) [.] or in violation of the conditions of such approval.**

[2.] **Building or operating a sewerage facility in an area designated a critical area for sewerage purpose without obtaining required approval from the Department (violation of N.J.A.C. 7:9-10.1 et seq.) .]**

[3.] **2. Building [or operating sewerage] sewage facilities covering 50 or more realty improvements without obtaining required approval from the Department (violation of N.J.A.C. 7:9-2[.1 et seq.] .)**

[4.] **3. Building [or operating] a sewer extension or tying into a public [sewerage] sewage system in violation of a sewerage extension ban (violation of N.J.A.C. 7:9-13[.1 et seq.] .)**

[5.] **4. Any other construction [or operation] which violates a regulation of the Department promulgated pursuant to the authority of the Water Pollution Control Act.**

(b) **If the construction [or] and operation of a facility in violation of a regulation of the Department promulgated pursuant to the authority of the Water Pollution Control Act results in a discharge violation, the violation may be assessed (as described in N.J.A.C. 7:14-8.11) as a discharge violation only, or according to subsection (c) below, or both.**

(c) The penalties which may be assessed for unlawful building or construction as a non-discharge violation shall be as follows:

1. Basic penalty: The basic penalty shall be five percent [(5%)] of the value of the construction, to a maximum of \$5,000; unless it can be shown that the [builder or operator] **owner** knew of the requirement for obtaining approval from the Department and deliberately sought to evade it, in which case the basic penalty shall be ten percent [(10%)] of the value of the construction, to a maximum of \$5,000.

2. Daily fine:

i. (No change.)

[ii. If operation of an unapproved facility continues after receipt of an order from the Department directing the use of the facility be stopped, the daily fine shall be \$500 for each day such use continues.]

[iii.] ii. If the [operator] **owner** of an unapproved facility has been ordered to submit plans and specifications and apply for Department approval, a daily fine of \$100 may be assessed for each day the operator fails to submit such plans, specifications and application beyond the date specified by the Department for its receipt of such submission. In determining such date, the Department shall afford the **owner** [operator] a reasonable period for obtaining the information and drawing the papers necessary to such submission. If the [operator] **owner** still fails to submit the required material within 30 **calender** days after the date set by the Department, the daily fine shall rise to \$200, and after 60 **calender** days to \$500. The Department may, in its discretion, extend the deadline for submitting required material for good cause shown.

7:14-8.16 [Failure to file required report] **Basic penalties for non-discharge violations**

(a) The penalties which may be assessed [for failure to file in timely fashion any report, such as a self-monitoring report, required by regulation or the terms of a NPDES or NJPDES permit to be filed with the Department,] **for time related non-discharge violations shall be as follows:**

1. Basic penalty **up to a maximum of \$5,000.00:**

i.-iv. (No change.)

2. (No change.)

(b) **The penalties which may be assessed for non-time related non-discharge violations shall be:**

1. **Basic penalty shall be as follows:**

i. **\$500.00 for the first violation;**

ii. **\$1,000.00 for a second similar violation;**

iii. **\$5,000.00 for each similar violation thereafter.**

2. **Daily fine: After the receipt of an order from the department requiring cessation of the violation, the daily fine shall be:**

i. **During first week after receipt of the order: \$100.00 per day.**

ii. **During the second week after receipt of the order: \$500.00 per day.**

3. **Penalties for the construction of a facility for the collection, transmission, prevention, treatment, or discharge of a pollutant (for example, sewer mains, treatment plant) without obtaining required Treatment Works Approval pursuant to N.J.A.C. 7:14A-12 shall be imposed as authorized by N.J.A.C. 7:14-8.15 and are not subject to the provisions of N.J.A.C. 7:14-8.16.**

(a)

**DIVISION OF FISH, GAME AND WILDLIFE**

**Relay of Hard Clams**

**Proposed New Rules: N.J.A.C. 7:25-15.1**

**Proposed Repeal: N.J.A.C. 7:25-15.1**

Authorized By: Robert E. Hughey, Commissioner,  
Department of Environmental Protection.

Authority: N.J.S.A. 50:1-1 et seq.; 50:1-5 specifically.

A **public hearing** concerning the proposal will be held Wednesday, February 29, 1984 at 7:00 P.M. at Court Room One, Ocean County Court House, Toms River, New Jersey.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gale Critchlow, Chief  
Division of Fish, Game and Wildlife  
Bureau of Shellfisheries  
1566-70 Edgewood Avenue  
Trenton, NJ 08618

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

This proposal is known as PRN 1984-79.

The agency proposal follows:

**Summary**

The proposed new rule partially reflects public comments received in response to the emergency adoption and concurrent proposed amendment appearing on November 21, 1983 at 15 N.J.R. 1959(a). Because this proposal substantially and substantively departs from both the November 21, 1983 emergency adoption and concurrent proposed amendment and the preexisting rule, this proposal is presented as a proposed repeal of the current rule and proposed new rule. The proposed new rule outlines a procedure by which licensed commercial clambers may move (relay) clams from polluted waters to areas in clean water (relay lots) where the clams can, over a period of time, purge themselves of impurities to become wholesome and fit for market.

**Social Impact**

In the past the relay of hard clams has provided valuable employment for many baymen who would otherwise be unable to work steadily at their chosen trade. The proposed new rule will provide an orderly procedure for the recovery of clams in New Jersey waters for relay to lots in clean waters for ultimate purification.

**Economic Impact**

Loss of a source of legitimate income, if the relay cannot be conducted in an orderly manner, would have a catastrophic economic impact on the clambers involved and the families they support on income from the hard clam relay. The baymen who work on the relay are hardworking, and they are dedicated to making a living on the water. It is what they know best, and as pollution has forced them to adapt their way of life, many have come to depend on the State's relay programs for them to continue their work without serious disruption.

### Environmental Impact

Relay harvest has had little adverse environmental impact on the bays of New Jersey or its clam resource. The possibility of severe negative health impact on the general population can be avoided by providing for legal harvest and safe relay of clams from polluted waters.

Full text of the proposed new rule follows.

#### 7:25-15.1 Relay of hard clams

(a) This rule is intended to implement the hard clam relay program administered by the Department of Environmental Protection (hereinafter "department"). This rule must be read together with the shellfish growing water classification rules and definitions which appear at N.J.A.C. 7:12-1 and are subject to amendment at anytime. N.J.S.A. 58:24-2 requires the department to condemn immediately shellfish beds subject to pollution.

(b) The general intent of this rule is to control the relay of hard clams (*Mercenaria mercenaria*) from Special Restricted or Condemned Waters within the Atlantic Coast Section (see N.J.S.A. 50:1-18) to specially designated leased shellfish cleansing grounds also situated in the Atlantic Coast Section. These designated Special Restricted or Condemned Waters will be charted by the department and such charts will be issued to participants and available to the public. Anyone who meets the requirements set forth below in this rule may participate in this program. If it becomes necessary to limit the number of participants, then applicants will be admitted in order of their application.

(c) The department will schedule areas for harvest and designate the landing site and so notify the participants. The department will designate certain specific areas as off limits to the use of clam rakes and tongs for the harvest of hard clams in such shallow water areas as it deems abundant with soft clams. Charts of the designated soft clam areas will be provided to all participants by the department. In these designated soft clam areas, the harvest of hard clams shall be permitted only by treading.

(d) Participants shall be furnished numbered receipt forms, with the date they are to be used, by the Division of Fish, Game and Wildlife, (hereinafter "division"). These forms shall be completed in their entirety and signed by the harvester and, if sold at the landing site, by the buyer for each date used. Receipt forms will be sent to the division's Marine Enforcement Unit (hereinafter "enforcement unit") no later than one week after the forms are completed.

(e) Any person who wishes to participate in this program must comply with the following conditions in order to be eligible for participation:

1. Possess a current, valid, commercial clamming license issued by the division (see N.J.S.A. 50:2 et seq.);

2. Possess one of the following special permits issued by the Division of Water Resources (N.J.S.A. 58:24-3 and N.J.A.C. 7:12-2) to harvest and/or buy and/or sell hard clams from condemned waters:

i. Permit 5a: SPECIAL PERMIT TO HARVEST, BUY, SELL AND RELAY HARD CLAMS FROM SPECIFIED SPECIAL RESTRICTED OR CONDEMNED WATERS IN CONJUNCTION WITH A STATE APPROVED SHELLFISH RELAY PROGRAM; or

ii. Permit 5b: SPECIAL PERMIT TO HARVEST HARD CLAMS FROM SPECIFIED SPECIAL RESTRICTED OR CONDEMNED WATERS FOR SALE PURPOSES ONLY IN CONJUNCTION WITH A STATE APPROVED SHELLFISH RELAY PROGRAM; and

3. The above permits will show on their face the specific conditions that are deemed necessary for the proper operation of the shellfish relay program. All permittees are also required to comply with all other applicable statutes and regulations. Included with every permit will be department charts of the harvest areas showing specific sections within the estuaries that may be harvested on any particular day, as determined by the department.

(e) Any person applying for permit 5a must have acquired a special relay lease from the department for three one-half acre lots of shellfish cleansing grounds on which the relayed shellfish are to be planted by the means hereinafter set forth. No person shall hold more than one relay lease. Applications for leases must be made in person at the Nacote Creek Shellfish Office of the department. The lease shall be subject to the following additional conditions:

1. This special relay lease shall be issued for only one year and can be reapplied for annually;

2. The fee for this lease, to be paid at the time of application, shall be \$50.00;

3. Once the lease lots have been marked by the division, the lessee shall be solely responsible for the placement and maintenance of the stakes marking same, or their necessary replacement;

4. This special relay lot shall be used for relay from the specified harvest areas only. No special relay lease will be renewed if the lessee did not actively participate in the previous year's program unless such inactivity was due to unusual hardship, as determined by the department, or was due to the department's failure to administrate or operate a hard clam relay program during the previous year.

i. Upon termination of the program by the department, special relay lessees, subject to (g) below, shall retain exclusive rights, for a period of 18 months, to the clams planted on their leased grounds before the termination date and may thereafter reapply to lease the grounds;

5. A lessee vacating a relay lot shall have exclusive right to hard clams planted before the date of vacation for a period of six months from that date;

6. Signs, having a white background with six-inch black lettering giving the participant's special relay permit number or code symbol and relay lot "Section A", "B", or "C", shall be placed and maintained on the participant's relay lot corners. Failure to mark lots as specified shall be deemed a violation of these rules;

7. The participant's harvest boat shall be marked on both sides, amidships, with six-inch black letters on a white background giving the participant's first initial, last name, and special relay permit number while he is engaged in any phase of the program; and

8. The designated enforcement unit shall have the authority to inspect any relay lot to ensure compliance with all relay program rules. Shellfish found on any relay lot contrary to these and other applicable statutes and rules shall be subject to seizure.

(f) All clams harvested from the specified Special Restricted or Condemned Waters shall be landed at the site and at the time specified by the enforcement unit.

(g) All clams harvested by the participant shall be bagged, three-quarter bushel to the bag, in bags approved by the department. All bags shall be marked, "RELAY CLAMS," with two-inch letters stenciled on the side. No unstenciled bags will be allowed in the harvester's or buyer's vehicle or boat at the harvest, or landing, planting off-loading, or transplant sites. Each bag shall have a tag attached, marked with the harvester's and/or buyer's name and permit number.

1. The bags will be counted by the relay harvester and listed on the numbered three-part relay receipt forms which shall be certified by the harvester. The forms must be filled out in their entirety before the clams are transported. Receipts for all clams must be in the transporting vehicle. In the case of clams harvested under Relay Permit 5b, the form shall be certified by both the harvester and the buyer-planter. The department shall provide receipt forms and seals and designate procedures for their use.

2. The harvester shall retain one copy, forward one copy to the Bureau of Shellfisheries' Nacote Creek Office each Friday, and give the third copy to the buyer who shall carry it with the bagged clams directly to the relay lot. Spoiled or voided forms shall be returned to the Bureau of Shellfisheries' Nacote Creek Office with the completed forms each Friday.

3. Participants will place their counted bags in the truck, said vehicle provided by the participants and approved by the

enforcement unit, for transportation to the planting area. The truck or trucks will be sealed by the enforcement unit at the harvest landing site and opened by the enforcement unit at the planting off-loading site. The enforcement unit may specify the route to be taken from the harvest landing site to the planting off-loading site. Deviation from a specified route will not be tolerated except in an emergency. In the case of a mechanical failure or act of God interrupting this process, the transporter will notify the enforcement unit immediately in order to receive further instructions with which he shall comply.

4. Clams in bags shall be transported to the participant's leased lots and planted within the time frame specified by the enforcement unit. The bags of clams will be directly transported to the respective planting lots and immediately planted thereon. All clams shall be removed from the bags as they are planted on the relay lots.

5. Participants shall not harvest any shellfish on the same trip they plant clams from the day's relay. Persons harvesting clams from relay lots after "certification", described in subsection (h) below, shall not have any stenciled transport bags in their boats at the time they harvest.

6. The Bureau of Shellfisheries shall notify the participants of the dates the relay shall be conducted, the area to be harvested, the hours clams must be landed and planted, and the landing site to be used.

(h) Clams relayed to the leased lots shall remain upon said leased lots until written approval for their harvest, that is, "certification", has been granted by the department's Division of Water Resources, Bureau of Shellfish Control.

(i) Only the lessee or his designated substitute harvester shall remove clams from the leased lots. The designated substitute harvester must possess a letter of permission from the lessee giving the dates for which he is allowed harvest privilege and the lessee's permit from the Division of Water Resources (Permit 5a) at all times during harvest operations.

(j) The department shall establish a schedule of dates and times for the relay and the areas of the Special Restricted or Condemned Waters which shall be opened to participants in this program for the harvest of clams. Trucks will be sealed at the landing site and unsealed at the planting off-loading site at times established and announced to all participants by the enforcement unit. Any vehicle carrying relay clams not under seal, or with a broken seal, shall be in violation of these rules.

(k) The department may terminate this program, or anyone's participation therein, at any time for just cause and upon notice to the affected participants. Just cause shall include, but not be limited to, peril to public health, excessive depletion or threat thereof to the shellfish stocks, lack of industry participation, and violation of the rules of the relay program deemed by the department detrimental to the program. Possession of any unmarked bag of clams, or loose clams, in a vessel which has left the relay lots after planting, or any misrepresentation on the receipt form by the harvester or buyer, shall be prima facie evidence of a violation of these rules.

(l) Penalty: Any participant violating these rules or the terms of the special relay permit issued by the Division of Water Resources may cause the violator's permits to be revoked or suspended. This participant may also be subject to prosecution, including fine, imprisonment and forfeiture of vessel, vehicle, and all equipment. Any lessee who is convicted of an offense which results in the revocation of a Shellfish Harvesting License or Special Permit mentioned in (e)2 above shall have his lease terminated by the department; provided, however, that upon notice to the division within a 10-day period, the lessee shall be given the opportunity to show why his lease should not be terminated. If notice is given within the 10-day period, termination of the lease will not be effective until the next regularly scheduled meeting of the Atlantic Coast Shellfisheries Council. The Atlantic Coast Shellfisheries Council shall have the authority to permanently suspend such termination for good cause shown. Nothing in this section shall allow the termination of a lease because of a violation of N.J.S.A.

50:2-1 or N.J.S.A. 50:2-5. A violation of this rule is a violation of 50:1-5 and is subject to a penalty under 23:2B-14a (first offense \$100.00 to \$3,000., subsequent offense \$200.00 to \$5,000.).

## HEALTH

(a)

### DIVISION OF HEALTH FACILITIES EVALUATION

#### Standards for Licensure of Hospital Facilities Obstetric and Newborn Services

#### Proposed New Rule: N.J.A.C. 8:43B-8 Proposed Repeal: N.J.A.C. 8:35 and 8:43B-8

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

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1984-70.

The agency proposal follows:

#### Summary

N.J.A.C. 8:35, Mixed Obstetric and Gynecologic Floors in Hospitals, and N.J.A.C. 8:43B-8, Maternal and Newborn Services, of the current Manual of Standards for Hospital Facilities, have been in existence for a number of years. These current regulations are out-dated and no longer reflect the current state of the art in the provision of obstetric and newborn services. Extraordinary technology and new health care systems have evolved in the past two decades which have profoundly affected obstetric and newborn care today. Additionally, the current regulations are written in general, subjective, and nonspecific terms which have created difficulties in interpreting and enforcing the regulations.

The proposed new rules are based on a general revision and reorganization of the current rules and serve as a foundation for providing quality obstetric and newborn services at a reasonable cost. The proposed rules are designed to simplify and clarify regulations and provide maximum flexibility in the administration of the services while protecting the health and safety of patients. The proposed regulations are reflective of the current state of the art in obstetric and newborn care in that they allow, at the discretion of the facility and the facility's staff, the humanization and

normalization of the birth process in accordance with the facility's policies and procedures. The humanization and normalization process includes, for example, preparation of families and hospital staff for the birthing experience, newborn interaction with mother and father after birth, use of a birthing room as an alternative method of birthing, flexible rooming-in, and the facility's determination of select nonobstetric patients to be admitted to the obstetric and newborn services. The proposed new rules for obstetric and newborn services have been written in more specific language to make the regulations more explicit, precise, and cohesive which in turn will enhance the workability and enforceability of these regulations. The proposed repeal of N.J.A.C. 8:35 and the incorporation of the proposed regulations for allowing select nonobstetric patients to be admitted to the obstetric and newborn services into N.J.A.C. 8:43B-8 will facilitate compliance on the part of the facilities. The proposed new rules are also consistent with the planning requirements of N.J.A.C. 8:33C, Appendix B, Levels of Care Criteria for the Regionalization of Maternal and Neonatal Services in New Jersey, Level I.

The proposed subchapter on obstetric and newborn services treats the following topics: Definitions and/or qualifications; General requirements; Infection control; General staffing requirements; Obstetric services; Obstetric medical records; Surgical services; Staffing requirements - obstetric services; Newborn services; Newborn medical records; Staffing requirements - newborn services; Birthing room; and Criteria for admitting nonobstetric patients to the obstetric service. The organization of the proposed new rules differs from the arrangement of topics in the current rule regarding Maternal and Newborn Services, N.J.A.C. 8:43B-8, which addresses the following: Applicability; Physical standards; Operation standards; Personnel standards; Protection against hazards; and Glossary of terms; and in the current N.J.A.C. 8:35, Criteria for Mixed Obstetric and Gynecologic Floors in Hospitals.

A summary of the major changes contained in the proposed new rules for obstetric and newborn services, N.J.A.C. 8:43B-8, follows:

The proposed section concerning definitions and/or qualifications, N.J.A.C. 8:43B-8.1, has been reorganized and expanded for greater ease of usage. All terms have been placed in alphabetical order, definitions from the current glossary of terms, N.J.A.C. 8:43B-8.6, have been incorporated into the proposed rules, and expanded definitions and/or qualifications have been added, for example, for an anesthesiologist, certified registered nurse anesthetist, charge nurse, dietitian, nursing supervisor, and social worker. To further complement the proposed text, definitions were added concerning infection prevention and control, as well as for other terminology used within the proposed subchapter.

The current N.J.A.C. 8:43B-8.2, Physical standards, was deleted, since it is duplicative of the regulations appearing in N.J.A.C. 8:43B-3.

The proposed new rule, N.J.A.C. 8:43B-8.2, delineates the general requirements for the obstetric and newborn services. The proposed rule, N.J.A.C. 8:43B-8.3, addresses the requirement for the facility to develop a policy and procedure manual for the organization and operation of the obstetric and newborn services. The policies and procedures include criteria for acceptance of patients, the functions and responsibilities of staff, training and experience requirements for personnel, the use of home health services and social services, and a plan for staff orientation and education for the management and care of patients. Proposed N.J.A.C. 8:43B-8.4 requires the establishment and implementation of written policies and procedures regarding parents' rights. Proposed N.J.A.C. 8:43B-8.5 requires the collection and submission of data by the obstetric and newborn services.

Separate new infection control sections, N.J.A.C. 8:43B-8.6 and 8.7, have been established which are not part of the current rules. The proposed infection control sections incorporate both general requirements and those specific to obstetric and newborn services.

The absence of a subchapter for infection control and prevention within N.J.A.C. 8:43B necessitates that the proposed rules, N.J.A.C. 8:43B-8.6 and 8.7, incorporate requirements for general infection control policies as well as specific rules for the obstetric and newborn services. The Department is planning to revise N.J.A.C. 8:43B. When N.J.A.C. 8:43B is revised, the general requirements for infection control will be removed from the proposed infection control sections, N.J.A.C. 8:43B-8.6 and 8.7, and incorporated into a separate infection control subchapter. The proposed rules establish an infection control committee, or its equivalent, which may be part of the hospital infection control committee, and delineate the specific responsibilities of the committee for establishing and implementing policies and procedures which include, for example, the assignment of responsibility for collection and analytic review of data to determine nosocomial infections, epidemics, clusters of infections, and infections due to pathogens; the recording of data on all infections; the transportation of patients outside the obstetric and newborn services for treatments and procedures elsewhere in the facility; the control of traffic, including personnel and visitors; orientation of new employees to the infection control program and documented inservice education; establishment of infection prevention, surveillance, and control procedures relating to sterilization and disinfection practices, central supply service, housekeeping, laundry, engineering and maintenance, food sanitation, and waste management; and the review of cleaning procedures.

Infection control is superficially addressed in the current rule, N.J.A.C. 8:43B-8.3(c), as isolation. However, the criteria for the isolation of mothers and/or newborns and the policies and procedures for the isolation of patients are delineated in more specific terms in proposed N.J.A.C. 8:43B-8.7(a)10 and 11 which allow greater flexibility in developing policies and procedures which are specific to the individual facility and, thus, will contribute to the provision of improved patient care and safety.

The designation of general staffing requirements in the proposed rules, N.J.A.C. 8:43B-8.8 and 8.9, is not a new concept; however, in contrast to the format of the current rules, separate sections regarding staffing have been established in the proposed rules. The designation of a physician-director in proposed rule N.J.A.C. 8:43B-8.9 is required in current rules N.J.A.C. 8:43B-6.1(c) and 6.2(a)10 which use the equivalent term of chief of clinical service for this position. The designation of physician-director is also required in current rule N.J.A.C. 8:33C (see above). The specific responsibilities of the physician-director have been delineated in proposed rule N.J.A.C. 8:43B-8.9.

Proposed rule N.J.A.C. 8:43B-8.10 requires the appointment of a nursing supervisor and delineates the responsibilities of the nursing supervisor for the obstetric and newborn service or for each service. This rule is similar to the current rules, N.J.A.C. 8:43B-5.3(c)2 and N.J.A.C. 8:43B-8.4(a) and (b), which require a supervisor for each specialty division of the nursing department.

Proposed rules N.J.A.C. 8:43B-8.11, 8.12, and 8.13 delineate the responsibilities for the charge nurse, nursing personnel, and substitute nursing personnel, respectively. Again, due to the nonspecificity of the current rule, N.J.A.C. 8:43B-5.3, Nursing service, some of the proposed rules are general in nature. Upon revision of N.J.A.C. 8:43B-5, the general rules regarding staffing requirements will be removed from the proposed rules, N.J.A.C. 8:43B-8.11, 8.12, and 8.13, and incorporated into a separate nursing service subchapter. The issues addressed in these proposed sections are currently addressed in a limited manner in N.J.A.C. 8:43B-5.3(d), (e), and (f). The proposed regulations, N.J.A.C. 8:43B-8.11, 8.12, and 8.13, are also consistent with the stipulations of N.J.A.C. 8:33C (see above).

Proposed rule N.J.A.C. 8:43B-8.14 requires the availability of a social worker and a dietitian and expounds upon their responsibilities. The supportive services of a social worker and dietitian are necessary to maintain the quality and continuity of care

for the patients of the obstetric and newborn services.

The section concerning obstetric services, N.J.A.C. 8:43B-8.15, has been written so as to be more specific and comprehensive, and has been expanded in the interest of protecting the health, safety, and welfare of the patients. For example, requirements for immediate resuscitation of the newborn have been added and specific time periods have been established for the availability of clinical laboratory, blood bank, and radiological services and personnel; for cesarean section capability; and for the availability of anesthesia service and personnel. In this case, too, these proposed regulations are consistent with N.J.A.C. 8:33C (see above). Proposed N.J.A.C. 8:43B-8.16 delineates the specific requirements for the obstetric service to develop and implement policies and procedures regarding, for example, establishing criteria for the identification of high risk patients; birthing alternatives; the presence of fathers and/or chosen companions during labor, delivery, recovery, and postpartum periods; the care of patients during labor and delivery; parental contact with the newborn in the delivery room and during hospital stay; care of the newborn in the delivery room; assignment of personnel; prophylaxis against ophthalmia; means of identifying each newborn and mother; rooming-in; and posthospital referral of patients. The proposed rule expands on the requirements in the current rules, N.J.A.C. 8:43B-8.3 and 8.4, and incorporates the concepts of N.J.A.C. 8:33C (see above).

The Department contends that a broad range of supporting services is necessary to maintain the quality and continuity of obstetrical care. Examples include: laboratory, radiology, anesthesia, social work, and dietary services, and patient education. These services are, of course, essential for the maintenance of quality professional standards throughout the hospital and are needed to insure that each patient receives appropriate care at the right time and place. The proposed rule, N.J.A.C. 8:43B-8.16, which has been expanded in the interest of both patient safety and flexible management, requires each facility to define its own policies and procedures regarding specific matters affecting the safe, efficient, and cost-effective provision of obstetrical services to patients.

The proposed rules, N.J.A.C. 8:43B-8.17, 8.18, and 8.19, regarding obstetric medical records delineate the specific details to be documented in the medical record such as those regarding the course of labor, delivery, and the immediate postpartum period. Once again, due to the nonspecificity of the current rule, N.J.A.C. 8:43B-7, Medical records, the proposed rules contain additional material not specific to obstetric patients. Upon future revision of N.J.A.C. 8:43B-7, the general rules will be incorporated into a viable and realistic medical records subchapter.

A separate section for obstetric surgical services, proposed rule N.J.A.C. 8:43B-8.20, has been reorganized and established. This section requires that specific policies and procedures for the obstetric surgical service be developed including the establishment of a 24-hour schedule of availability for all personnel required to perform and assist in surgery, and policies and procedures for the maintenance of a current record of surgical procedures. The proposed rule, N.J.A.C. 8:43B-8.20, states that policies and procedures for the obstetric surgical service shall include those for the obstetric and newborn services, and establishes a specific time period for the availability of the physician-director of the obstetric surgical service. This section is required since N.J.A.C. 8:43B does not currently address surgical services in a comprehensive, viable manner. Many of the regulations for surgical services are general and will eventually be incorporated elsewhere in future revisions of N.J.A.C. 8:43B.

Proposed rules N.J.A.C. 8:43B-8.21 and 8.22 deal with the specific medical and nursing staffing requirements for obstetric services and are predicated upon the rules in N.J.A.C. 8:33C (see above).

Proposed rule N.J.A.C. 8:43B-8.23 specifically concerns newborn services and is not included in the current rules. This

proposed new section specifies the requirements regarding, for example, the capability of immediate resuscitation of the newborn, oxygen administration, intravenous therapy, temperature control, and infusion equipment; laboratory, radiological, and blood bank services; and a system of communication, consultation, and written agreements for secondary and tertiary newborn services. The proposed rule, N.J.A.C. 8:43B-8.23, is based upon and is consistent with N.J.A.C. 8:33C (see above) and is reasonable given the need to provide safe, quality care to the newborn.

Proposed rule N.J.A.C. 8:43B-8.24 requires policies and procedures for the care of the newborn in the delivery room and after delivery; policies and procedures for the admission/observation area; a policy for a physician's physical examination of a newborn; and policies and procedures for isolation of newborns. A separate formula room as specified in the current rule, N.J.A.C. 8:43B-8.2(d)1, is not required in the proposed rules, since most formula now is prepackaged. However, proposed rule N.J.A.C. 8:43B-8.24(a)11 does require the establishment of policies and procedures for the preparation and use of formula. The requirement in the current rule, N.J.A.C. 8:43B-8.3(h), for policies and procedures for the early detection of biochemical disorders in newborn infants has been retained. The proposed rule, N.J.A.C. 8:43B-8.24, includes the requirement for screening newborns for high risk factors associated with hearing impairment, in accordance with N.J.S.A. 26:2-101, and reporting to the Department all congenital defects in accordance with N.J.S.A. 9:13-5.

Proposed rule N.J.A.C. 8:43B-8.25 specifies the requirement for infant care stations.

The proposed newborn medical records section, N.J.A.C. 8:43B-8.26, delineates the specific documentation to be included in the newborn's medical record, such as a summary of labor and delivery, and records of the newborn assessment, the initial physical examination, and the discharge physical examination.

Proposed rule N.J.A.C. 8:43B-8.27, regarding medical staffing requirements for newborn services, establishes a specific time frame for the availability of the pediatrician. Proposed rule N.J.A.C. 8:43B-8.28 requires the nursing supervisor of the newborn service to implement staffing ratios based upon the number of newborns per shift. Once again, this section is predicated upon the requirements specified in N.J.A.C. 8:33C (see above).

The birthing room referred to in the proposed rule, N.J.A.C. 8:43B-8.29, is optional, and allows patients alternative birthing methods. The proposed rule establishes the location of the birthing room in relation to the labor and delivery suite and specifies the contents of the birthing room. Proposed N.J.A.C. 8:43B-8.30 requires policies and procedures for the birthing room which shall include the policies and procedures for the obstetric and newborn services. Further policy and procedure requirements include those for care in the birthing room; the types of analgesia and anesthesia to be used in the birthing room; the transfer of the mother to the postpartum unit; patient discharge; the referral of services for postdischarge follow-up care; the completion of medical records; visitors; and infection control. The birthing room is one room with a homelike environment for labor, delivery, and recovery and permits alternative childbirth techniques; rooming-in; early discharge; and sibling visits and participation, as well as extended family members' involvement, depending upon the facility's policies and procedures. The proposed regulations will allow facilities to respond to consumer demand by providing safe, alternative birthing methods.

A coordinator of the birthing room program shall be designated as stated in proposed rule N.J.A.C. 8:43B-8.31.

Proposed rules N.J.A.C. 8:43B-8.32, 8.33, and 8.34, regarding the admission of select nonobstetric patients to the obstetric service, incorporate current rules from N.J.A.C. 8:35 which are being repealed. The proposed rules introduce a modified concept in which the facility is allowed to determine which select types of nonobstetric patients may be admitted to the obstetric service.

### Social Impact

Chapters 136 and 138, P.L. 1971, Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., and amendments thereto, enjoin the Department of Health to protect and promote the health of the citizens of this State. The Act also mandates the Department to develop "standards and procedures relating to the licensing of health care facilities and the institution of additional health care services" to ensure the efficient and effective delivery of health care services.

The readoption as a new rule of N.J.A.C. 8:43B-8 establishes minimum rules and regulations to ensure the provision of quality care to patients requiring obstetric and newborn services in hospitals.

The proposed rules will have a significant social impact upon the provision of obstetric and newborn care since the proposed rules have been updated to reflect the current state of the art in obstetric and newborn care and emphasize concerns regarding maternal and infant mortality. The proposed rules will allow facilities to provide care intended to ensure the safe outcome of a healthy pregnancy.

Since the first minutes after birth are so important, the proposed standards demand prompt, organized, and skilled responses for the care of the mother and newborn by requiring the facilities to develop written policies and procedures delineating responsibilities for immediate newborn care, resuscitation, selection and maintenance of necessary equipment, and training of personnel in proper techniques. Attention has been given to the provision of sufficient professional and supportive health care personnel to attend the birth and provide the immediate postpartum and neonatal care. The lack of sufficient and appropriately qualified staff may result in death or permanent disability of infant or mother.

The regulations have not only the traditional objective of reducing maternal and infant mortality but, at the same time, allow facilities, depending on their policies and procedures, to provide an opportunity for the humanization and normalization of the birth process.

There is no one right way to manage childbirth. Many different models have equal validity; the proposed regulations encourage and allow maximum flexibility for facilities to develop obstetric and newborn care services, realizing that each labor and delivery is unique and requires individualized management. The proposed rules allow for individual situations to be accommodated. The proposed rules, for example, allow experts within the facility to use their professional expertise to decide the types of birthing care to be provided. The intent of the proposed regulations is not to imply that there is a first or best approach to obstetric and newborn services.

The development of various natural childbirth methods, consumer demand, the women's movement, and concern regarding hospital cost-containment have contributed to the use of alternative methods for birthing and have radically changed, in some hospitals, maternity care both in concept and in practice.

The proposed rules mandate patient care evaluation, including peer review and audit, which will result in a better quality of performance. The proposed rules allow for a comprehensive approach to care which will have a positive impact on the family unit. For example, by addressing social work services and home health services, the proposed rules link the care of the patients in the hospital to the utilization of community resources. Counseling and education services are addressed in the proposed rules, thus enhancing the birthing process and parenting skills.

Admissions of obstetric patients to the obstetric service are usually less predictable than admissions to other inpatient services of a hospital. When a prospective mother is ready to deliver, she must be admitted to the hospital. The modification which permits the treatment of select nonobstetric patients in the obstetric service, providing that definite policies and procedures concerning such admissions are established, implemented, and strictly enforced, would allow increased utilization of the obstetric service and possibly reduce the fluctuation of bed occupancy without

endangering the quality of patient care.

The proposed subchapter, N.J.A.C. 8:43B-8, is more progressive, more responsive to the needs of individual facilities and patients, and more clearly written than the current rules. The proposed rules reflect the state of modern obstetric and newborn services. Insofar as the proposed rules are less prescriptive than the current rules with respect to the content of the required policies and procedures, the proposed rules will allow the various hospitals the opportunity and flexibility to devise innovative and effective methods of providing obstetric and newborn services to patients. The precise language of the proposed rules will facilitate uniform interpretation and the survey process. These characteristics of the proposed rules will render the goals of a higher level of patient care and a higher level of patient safety more achievable.

### Economic Impact

The Department does not expect the proposed readoption as a new rule of N.J.A.C. 8:43B-8 to have any substantial financial impact upon hospitals providing obstetric and newborn services. The contents of these regulations have largely been required of facilities for some time; thus, the mandated services are currently being provided. Similarly, the proposed rule, N.J.A.C. 8:43B-8, calls for specific personnel and levels of staffing. Since the functions of the personnel remain the same as those they have performed to date, no additional costs should be incurred for their services. Based upon available information, facilities are currently adhering to these staffing requirements as mandated in N.J.A.C. 8:33C (see above). In addition, clinical laboratory, blood bank, and radiology services, which, although specifically mentioned in the obstetric and newborn services rules for the first time (see N.J.A.C. 8:43B-8.15(a)2), are traditionally available to obstetric and newborn patients.

The proposed regulations make mention also of social work services, home health agencies, and various community resources as services to be utilized, when necessary, to link patients in the hospital to services in the community for ongoing care. Here, too, such resources are already available and utilized by hospitals on behalf of their obstetric and newborn patients; the regulations simply make explicit cost-effective practices.

Screening newborns for high risk factors associated with hearing impairment (see N.J.S.A. 26:2-101 et seq.), testing for the early detection of biochemical disorders (see N.J.S.A. 26:2-110 through 112), and reporting of congenital defects (see N.J.S.A. 9:13-5) are required for all newborns, but will not increase costs because they are already required by State statute.

The proposed regulations address counseling and education of parents before, during, and after childbirth, as a means of promoting improved infant care and maternal self-care; this should work to reduce subsequent costs by improving the health of both mother and child and reducing the amount of care they require during delivery and the postpartum period. Costs for educational activities are not expected to rise, however, since existing facility staff can be used to provide the instruction.

For the first time, rules for obstetric and newborn services include standards for a birthing room, which is an optional service (see N.J.A.C. 8:43B-8.29 through 31). Birthing rooms may be expected to have an eventual positive impact upon cost containment. A review of the literature indicates that hospitals nationally have begun to realize the benefits of alternative birthing methods. Since birthing rooms promote a homelike atmosphere, the costs of furnishing and equipping them may prove to be less than those incurred in providing labor, delivery, and recovery rooms with traditional furnishings and equipment. Because women who deliver in birthing rooms do not use anesthesia and only occasionally use medication, the cost of anesthesia and medications is reduced or eliminated. Since newborns stay with their mothers throughout the hospitalization, which is usually of reduced duration, nursery costs—and charges for the mother—may be lowered.

Policies and procedures in the proposed regulations allow the facilities maximum flexibility in determining their own methods for providing services that take into account the economic ramifications for the individual facility. The requirement for a separate formula room has been deleted.

The proposed rules for the mixing of obstetric and select nonobstetric patients will give facilities greater discretion in determining which of certain allowable categories of nonobstetric patients to admit to the obstetric unit. The modification to permit treatment of these patients, provided that definite policies and procedures concerning such admissions are established, implemented, and enforced, will promote increased utilization of the obstetric service, reducing fluctuations in bed occupancy and thereby fostering cost containment without compromising the quality of patient care.

The Department will incur no additional expense for the survey process because surveys of the obstetric and newborn services are currently a part of the hospitals' annual licensure inspection. However, since the proposed regulations are clearer and better formulated than the existing ones, less time need be spent in interpretation of their contents by either the Department or the facilities. The survey process, accordingly, will be expedited; that is, rendered more efficient and economical.

Finally, and of greatest significance, by updating these regulations to reflect the state of the art in maternal and newborn care, the Department's objective is to reduce maternal and infant morbidity and mortality. In the long run, regulations such as these should have the effect of reducing the costs of ongoing care and treatment in later life for the families involved and for their communities.

In short, the Department foresees no significant negative economic impact on hospitals from promulgation of the proposed regulations; on the contrary, the long term effect will be to improve the quality and efficiency of maternal and infant services.

**Delete** in its entirety the current text of N.J.A.C. 8:35 in the New Jersey Administrative Code.

**Delete** in its entirety the current text of N.J.A.C. 8:43B-8 in the New Jersey Administrative Code and **replace** it with the following new text.

#### SUBCHAPTER 8. OBSTETRIC AND NEWBORN SERVICES

##### 8:43B-8.1 Definitions and/or qualifications

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

"Adolescent" shall mean a person in the period of life extending from puberty through the teen years to the legal age of majority (18 in New Jersey).

"Anesthesiologist" shall mean a physician who is a member of the facility's medical staff, and who is certified or eligible for certification by the American Board of Anesthesiology, Inc., or who has been granted privileges by the facility to provide services equal to or higher than those provided by a Board-certified or Board-eligible physician.

"Anesthetist" shall mean an anesthesiologist, a certified registered nurse anesthetist, or a physician who has been granted privileges by the facility to administer anesthesia.

"Antepartum" shall mean the period of time extending from conception until the onset of labor.

"Available" shall mean ready for immediate use (pertaining to equipment), or capable of being reached (pertaining to personnel), unless otherwise defined in the text.

"Bassinet" shall mean a crib used for a newborn.

"Care plan" shall mean a written plan documenting an assessment of the individual patient, goals, and care and treatment to be provided for each service the patient receives.

"Certified Nurse-Midwife" shall mean a person who is licensed to practice nurse-midwifery by the New Jersey Board of Medical Examiners.

"Certified Registered Nurse Anesthetist" (CRNA) shall mean a registered professional nurse who has graduated from a school of nurse anesthesia accredited by the Council on Accreditation of Educational Programs of Nurse Anesthesia or its predecessor, is certified as a nurse anesthetist by the Council on Certification of Nurse Anesthetists, and has training and experience in obstetric and neonatal anesthesiology and resuscitation as specified in the facility's policy and procedure manual(s).

"Charge nurse" (head nurse) shall mean a registered professional nurse who has at least 12 months of full-time, or full-time equivalent, nursing experience in a health care facility and three months of full-time, or full-time equivalent, experience in an obstetric and newborn service.

"Cleaning" shall mean the removal by scrubbing and washing, as with hot water, soap or detergent, and vacuuming, of infectious agents and of organic matter from surfaces on which and in which infectious agents may find conditions for surviving or multiplying.

"Clinical note" shall mean a written, signed, and dated notation by each member of the health care team who renders a service to the patient, including a description of signs and symptoms, treatments and/or medications given, the patient's reaction, and any changes in physical or emotional condition. Clinical notes are written into the patient's medical record the day service is rendered.

"Communicable" shall mean relating to a specific infectious agent or its toxic products and occurring through transmission of that agent or its products from a reservoir to a susceptible host.

"Conspicuously posted" shall mean placed at a location accessible to and seen by patients and the public.

"Current" shall mean up-to-date, extending to the present time.

"Department" shall mean the New Jersey State Department of Health.

"Dietitian" (dietary consultant) shall mean a person who:

1. Is registered or eligible for registration by the Commission on Dietetic Registration of the American Dietetic Association; or

2. Has a bachelor's degree from a college or university with a major in foods, nutrition, food service or institution management, or the equivalent course work for a major in the subject area; and has completed a dietetic internship accredited by the American Dietetic Association or a dietetic traineeship approved by the American Dietetic Association; or has one year of full-time or full-time equivalent, experience in nutrition and/or food service management in a health care facility; and

3. Has a master's degree plus six months of full-time, or full-time equivalent, experience in nutrition and/or food service management in a health care facility; and

4. Participates annually in continuing dietary education.

"Discharge summary" shall mean a written summary prepared by each service rendering care to the patient, and including treatment provided and results, reason for discharge, preparation of the patient for discharge, and continuity of care.

"Documented" shall mean a signed and dated notation or statement.

"Epidemic" shall mean the occurrence or outbreak in the facility of one or more cases of an illness in excess of normal expectancy for that illness, and derived from a common or propagated source.

"Full-time" shall mean a time period established as a full working week by the facility, as defined in its policy and procedure manual.

"Governing authority" shall mean the organization, person, or persons designated to assume full legal responsibility for the determination of policy, management, operation, and financial viability of the facility.

"Health care facility" shall mean a facility so defined in Chapters 136 and 138, P.L. 1971, Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., and amendments thereto.

"Incubator" (isolette) shall mean an apparatus for maintaining a newborn infant in a controlled environment.

"Infant" shall mean a child in the first twelve months of life.

"Infant care station" shall mean the equipment designated for the exclusive use of the newborn to whom it is assigned, and shall include an individual bassinet or incubator and at least a supply of clothing, bed pads, sheets, blankets, diapers, and a thermometer.

"Intrapartum" shall mean the period of time extending from the onset of labor through the delivery of the placenta and membranes.

"Job description" shall mean a written list developed for each position in the facility, containing the qualifications, duties and responsibilities, and accountability required of personnel in that position.

"Licensed nursing personnel" (licensed nurse) shall mean registered professional nurses or practical (vocational) nurses licensed by the New Jersey State Board of Nursing.

"Licensed practical nurse" shall mean a person who is so licensed by the New Jersey State Board of Nursing.

"Medication" shall mean a drug or medicine as defined by the New Jersey State Board of Pharmacy.

"Monitor" shall mean to directly observe, watch, or check.

"Newborn" shall mean a liveborn infant during the first 27 days, 23 hours, and 59 minutes of life.

"Nosocomial infection" shall mean an infection acquired by a patient while in the facility.

"Nursing supervisor" shall mean a registered professional nurse who has at least 12 months of full-time, or full-time equivalent, experience in nursing and 12 months of full-time, or full-time equivalent, experience in administration in the obstetric service (for the obstetric nursing supervisor) or in the newborn service (for the newborn nursing supervisor).

"Obstetrician" shall mean a physician who is a member of the facility's medical staff, and who is certified or eligible for certification by the American Board of Obstetrics and certification by the American Board of Obstetrics and Gynecology, Inc., or who has been granted privileges by the facility to provide services equal to or higher than those provided by a Board-certified or Board-eligible physician.

"Obstetric patient" shall mean any woman who is pregnant, parturient, or recovering from parturition. (A patient delivering a fetus weighing less than 500 grams is considered a nonobstetric patient.)

"Pediatrician" shall mean a physician who is a member of the facility's medical staff, and who is certified or eligible for certification by the American Board of Pediatrics, Inc., or who has been granted privileges by the facility to provide services equal to or greater than those provided by a Board-certified or Board-eligible physician.

"Physician" shall mean a person who is licensed or authorized by the New Jersey State Board of Medical Examiners to practice medicine in the State of New Jersey.

"Physician-director" shall mean a physician who is a member of the facility's medical staff. The physician-director of the obstetric service shall be an obstetrician. The physician-director of the newborn service shall be a pediatrician.

"Postpartum" shall mean occurring after childbirth (that is, after delivery of the placenta and membranes).

"Public health nurse" shall mean a person licensed as a registered professional nurse, who has completed a baccalaureate degree program approved by the National League for Nursing for public health nursing preparation or post-baccalaureate study which includes content approved by the National League for Nursing for public health nursing preparation.

"Registered professional nurse" shall mean a person who is so licensed by the New Jersey State Board of Nursing.

"Rooming-in" shall mean an arrangement which allows the mother and her newborn to be cared for together in the same room.

"Secondary care" shall mean care delivered by referral to a specialist or subspecialist by the primary care source. This may include ambulatory or inpatient care.

"Shift" shall mean a period of time established as a full working

day, as defined in the hospital policy and procedure manual.

"Signature" shall mean the full name and title of a person legibly written with his/her own hand.

"Social work designee" shall mean a person with a bachelor's degree in psychology, sociology, or another field related to social work, and at least one year of full-time, or full-time equivalent, social work experience in a health care facility under the supervision of a social worker.

"Social worker" shall mean a person who has a master's degree in social work from a graduate school of social work accredited by the Council on Social Work Education, and at least one year of full-time, or full-time equivalent, social work experience in a health care facility.

"Staff education plan" shall mean a written plan developed at least annually and implemented throughout the year, which describes a coordinated program for staff education for the obstetric and newborn service, including inservice programs and education, staff development, on-the-job training, and continuing education, and the intervals and times at which these shall be given. Each employee shall receive education to develop skills and increase knowledge so as to improve patient care. Inviting speakers to the facility, or occasional attendance by staff at programs or conventions, does not solely constitute an acceptable staff education plan.

"Staff orientation plan" shall mean a written plan for the orientation of each new employee to the duties and responsibilities of the service to which he or she has been assigned, as well as to the personnel policies of the hospital. Orientation for each new employee shall be provided prior to or within one week of employment.

"Sterilization" shall mean a process of destroying all microorganisms, including those bearing spores, in and around an object.

"Tertiary care" shall mean specialized inpatient care.

#### 8:43B-8.2 General requirements

(a) The provisions of this subchapter shall apply to all hospitals providing obstetric and newborn services. The obstetric and newborn services shall be administered by the governing authority responsible for the management, control, and operation of the hospital.

(b) The obstetric and newborn services shall be physically separate from all other services.

#### 8:43B-8.3 Policy and procedure manual

(a) A policy and procedure manual, supplementing the hospital policy and procedure manual, for the organization and operation of the obstetric and newborn services shall be developed and implemented. It shall be reviewed, signed, and updated as specified in the facility's policies and procedures. The manual shall include at least the following:

1. Criteria and priorities for acceptance of patients;
2. Functions and responsibilities of physicians and personnel;
3. Training and experience requirements for all obstetric and newborn service personnel;
4. A procedure by which medical and nursing staff in the obstetric and newborn services shall be encouraged to participate in hospital staff committees or their equivalents, including, but not limited to, those relating to patient care policies, evaluation, pharmacy and therapeutics, discharge planning, and infection control;
5. Provisions for services to adolescent parents, in accordance with the facility's policies and procedures;
6. Policies and procedures regarding the recording of vital signs (temperature, pulse, respiration, and blood pressure), including frequency;
7. Policies and procedures for the use of home health services and social services;
8. A plan for staff orientation and education for the management and care of patients, including, but not limited to, the following:
  - i. Knowledge and recognition of psychological needs and rights of mothers, fathers, newborns, and siblings;

- ii. Understanding of the physiology of the pregnant and postpartum women and of the newborn;
- iii. Specialized nursing procedures for obstetric and newborn patients;
- iv. Labor support and coaching techniques;
- v. Maternal and newborn assessment and resuscitation;
- vi. Parent/newborn contact immediately after birth and during hospital stay; and
- vii. Medications relating to obstetric and neonatal care.

9. Policies and procedures for making available to patients, if requested, information on prenatal classes, counseling, and education. If the facility offers these services, they shall include, but not be limited to, the following:

- i. Signs of pregnancy, and its physiological and psychological processes;
  - ii. Nutrition and enhancement of health, and their relationship to fetal development;
  - iii. Avoidance of alcohol, tobacco, environmental and other contaminants, and avoidance of radiological examinations and medications unless prescribed by a physician;
  - iv. Childbirth, including anatomy, physiology, psychological states, the stages of labor and delivery, and parent-newborn bonding;
  - v. The pregnant woman's responsibility for her own care;
  - vi. Rights of expectant parents, including informed consent;
  - vii. Self-help techniques for pregnancy, labor, and delivery (including childbirth and breathing exercises), and postpartum recovery;
  - viii. Physical fitness, including promotion of muscle tone, tension control, and relaxation;
  - ix. Support and coaching techniques during labor for the father or other chosen companion;
  - x. Options in childbirth procedures and environment;
  - xi. The role of health care providers in labor, delivery, and the postpartum period;
  - xii. Preparation for parenting, including its emotional and practical aspects, such as infant care, breast- and bottle-feeding, immunization, child development, nutrition, and effects of parenthood upon family relationships and sexuality; and
  - xiii. Community resources, including childbirth education associations; support groups for cesarean delivery, breast-feeding, and postpartum adjustment; women's health groups; physical fitness classes; social, welfare and community services; food stamp and nutrition programs (for example, Women, Infants, and Children Food Supplementation Program-WIC); and
10. High risk pregnancy and delivery, including:
- i. Indications for prenatal diagnostic testing, such as ultrasound, amniocentesis, testing of fetal lung maturity, and oxytocic challenge test;
  - ii. The indications, procedures, and postpartum recovery for cesarean deliveries;
  - iii. Indications for use of fetal monitoring and other equipment and procedures;
  - iv. The parents' role in the care of a newborn placed in intensive care; and
  - v. The physical environment of the obstetric and newborn services. Classes shall include a tour of the obstetric and newborn services.

#### 8:43B-8.4 Patient rights

(a) The facility shall establish written policies and procedures regarding parents' rights, and shall be responsible for developing and adhering to procedures implementing such policies and procedures. The policies and procedures shall be available to patients, staff, and the public. Parents' rights shall include, but not be limited to, the following:

- 1. The right to education concerning the importance of nutrition and the avoidance of drugs and alcohol, smoking, and other contaminants;
- 2. The right to childbirth education; and

- 3. The right to informed consent.

#### 8:43B-8.5 Summary information report

The obstetric and newborn services shall provide to the Maternal and Child Health Program of the Department a quarterly summary report of the information in the Newborn Record Logbook and Maternity Service Records.

#### 8:43B-8.6 Infection control committee

The facility's Infection Control Committee or its equivalent shall establish, implement, and review written policies, procedures, and methods for the obstetric and newborn service.

#### 8:43B-8.7 Policies and procedures

(a) Policies and procedures shall include, but not be limited to, the following:

- 1. Reporting of findings and recommendations to the governing authority, administration, medical staff, and director of nursing services;
- 2. Development of definition(s) of nosocomial infections;
- 3. Establishment of criteria for maternal and newborn morbidity;
- 4. In conformance with Chapter 2 of the New Jersey State Sanitary Code, N.J.S.A. 26:1A-7 et seq., development and implementation of a system for investigating, reporting, evaluating, and maintaining records of infections and reportable diseases among patients and personnel, including respiratory, gastrointestinal, surgical wound, skin and urinary tract infections, and septicemias;
- 5. Assignment of responsibility for the continuous collection and analytic review of data, including determinations of nosocomial infections, epidemics, clusters of infections, and infections due to pathogens;
- 6. Assignment of responsibility for corrective action;
- 7. Development and/or approval of all forms used for collection and collation of data about infections;
- 8. Data to be recorded on all infections, including identification and location of the patients or personnel, date of admission or employment, date of onset of infection, type of infection, cultures taken and their results, any antibiotics or other medications administered, and name of the physician responsible for the care of the patients or personnel;
- 9. Initiation, review, and corrective action for cultures of patients, personnel, or the environment required by the facility, the medical staff, or Federal, State, or local agencies or regulations;
- 10. Written criteria for isolation of mothers and/or newborns, to include at least the following categories:
  - i. Birth prior to admission to the facility;
  - ii. Birth within the facility but prior to admission to the labor and delivery suite;
  - iii. Readmission to the service after transfer or discharge;
  - iv. Presence of infection;
  - v. Elevated temperature (excepting fever due to pyelonephritis); and
  - vi. Presence of rash, diarrhea, or discharging skin lesions;
- 11. Written policies and procedures for the isolation of patients, including, but not limited to, the following:
  - i. Ensuring that a physician orders and documents in the patient's medical record the placement of a mother and/or newborn in isolation;
  - ii. Admission and management of patients who exhibit signs of infection in antepartum, delivery, and postpartum rooms or units;
  - iii. Ensuring that at least one labor room is available for use by a patient requiring isolation;
  - iv. Ensuring that a mother and/or newborn transferred from another facility or readmitted to the service from home is and/or are isolated until examined by a physician;
  - v. Provision for the isolation of a mother and newborn together in the same room (rooming-in) or in separate rooms; and
  - vi. Policies and procedures for assigning nursing personnel to care for patients in isolation.

12. Policies and procedures for cleaning of equipment, linens, and rooms following use by an infected patient;

13. Transportation of patients outside the obstetric and newborn services for treatments and procedures elsewhere in the facility;

14. Control of traffic, including personnel and visitors. Personnel leaving the obstetric and newborn services to work in another unit may return to the obstetric and newborn services within the same 24-hour period only in accordance with the facility's policies and procedures;

15. Determination of the health status of personnel, and control of personnel with symptoms of communicable infectious disease;

16. Orientation of all new employees to the infection control program, and documented inservice education;

17. Infection prevention, surveillance, and control procedures relating to sterilization and disinfection practices, central supply service, housekeeping, laundry, engineering and maintenance, food sanitation, and waste management;

18. Review of cleaning procedures, agents, and schedules in use in the obstetric and newborn services, and review of any changes;

19. Techniques of patient care, including handwashing and the use of protective clothing such as gowns, masks, and gloves;

20. Selection, storage, and use of disposable and nondisposable patient care items and disposition of disposable patient care items. Disposable items shall not be reused;

21. Procedures for care of equipment and devices that provide a portal of entry for pathogenic microorganisms;

22. Selection, storage, use, and disposition of hypodermic needles and syringes, in accordance with N.J.S.A. 2A:170-25.17. There shall be a system of accountability for the disposal of used needles and syringes which shall not necessitate the counting of individual needles and syringes after they are placed in the container for disposal; and

23. Establishment of procedures to ensure that medical records include the final diagnosis and infections occurring during hospitalization.

**8:43B-8.8 Administrator's appointment**

The governing authority shall designate an administrator or administrators for the obstetric and newborn services, who may serve as administrator for other services, but who shall be available full-time. An alternate shall be designated in writing to act in the absence of the administrator.

**8:43B-8.9 Physician-director's appointment and responsibilities**

(a) The facility shall appoint a physician-director for the obstetric service and a physician-director for the newborn service who shall be responsible for the direction, provision, and quality of medical care provided. Each physician-director shall be responsible for, but not limited to, the following:

1. Delineating the responsibilities of physicians on the obstetric service and newborn service;

2. Assisting in the development and implementation of patient care policies;

3. Participating in the development and implementation of staff orientation and educational programs;

4. Ensuring the development of a system of patient care evaluation, including peer review and audit, based upon the Guidelines for Perinatal Study Conferences, Subcommittee on Newborn Records, Medical Society of New Jersey;

5. Participating in the fiscal and budgetary planning for the service, and in the preparation of required reports if specified in the facility's policies and procedures;

6. Ensuring that statistical reporting of mortality and morbidity occurring in the obstetric and newborn services, including a review of each fetal, neonatal, and maternal death, is performed and documented at least on a quarterly basis and sent to the Maternal and Child Health Program of the Department. A report of each maternal death shall be sent to the County Medical Examiner and to the Maternal and Child Health Program of the Department; and

7. Designating in writing an alternate physician to act in his or her absence.

**8:43B-8.10 Nursing supervisor's appointment and responsibilities**

(a) A full-time nursing supervisor shall be appointed for the obstetric and newborn services, or to each service. He or she shall be responsible for the direction, provision, and quality of nursing care provided, including, but not limited to, the following:

1. Developing and maintaining written objectives, philosophy, policies, a procedure manual, and an organizational and evaluation plan for the nursing service;

2. Participating in planning and budgeting for the nursing service, including recommending the number and levels of nursing personnel to be employed;

3. Coordinating and integrating the nursing service with other patient care services in the hospital;

4. Ensuring representation of nursing personnel in meetings of hospital staff committees or their equivalents, at least on a consultative basis;

5. Ensuring that nursing staffing patterns are implemented;

6. Developing and maintaining written job descriptions for nursing personnel, and assigning duties based upon education and training;

7. Ensuring that a registered professional nurse initiates an individual nursing care plan for each patient, assesses and reassesses the nursing needs of each patient, and writes clinical notes and a nursing summary;

8. Ensuring that nursing care is consistent with nursing care plans;

9. Ensuring supervision and evaluation of nursing personnel performance;

10. Assisting in the development of, and participating in, orientation of staff to the service;

11. Determining staff educational needs, and planning and organizing staff educational programs;

12. Ensuring that licensed nursing personnel enter in the patient's medical record:

i. The nursing care plan (prepared by a registered professional nurse);

ii. Clinical notes;

iii. The nursing discharge summary; and

iv. A record of medications administered, including the name and strength of the drug, date and time of administration, dosage administered, method of administration, and signature and title (R.N. or L.P.N.) of the licensed nurse administering the drug; and

13. The nursing supervisor shall not be included in computation of the nurse:patient ratio.

**8:43B-8.11 Charge nurse designation and responsibilities**

(a) A charge nurse shall be designated in writing for each shift. The charge nurse shall be responsible for, but not limited to, the following:

1. Supervising and evaluating all nursing personnel and activities related to the nursing service;

2. Assigning duties and delegating responsibility to nursing personnel for provision of nursing care;

3. Evaluating the outcomes of nursing care provided;

4. Assisting in the organization and implementation of staff orientation and educational programs for nursing personnel; and

5. Assisting the nursing supervisor in developing and maintaining written objectives, philosophy, policies, a procedure manual, and an organizational and evaluation plan for the nursing service.

**8:43B-8.12 Nursing personnel responsibilities**

(a) In accordance with written job descriptions, licensed nursing personnel shall be responsible for, but not limited to, the following:

1. Providing nursing care in accordance with the State of New Jersey Nursing Practice Act, N.J.S.A. 45:11-23 et seq.;

2. Assessing the nursing needs of each patient and developing,

reviewing, revising, and implementing nursing care plans for meeting those needs;

3. Observing and monitoring the patient's response to treatment and nursing care;

4. Coordinating nursing care with other patient care services;

5. Consulting with, teaching, and supervising the patient, family, and staff regarding methods of meeting the nursing care needs of the patient (registered professional nurses only shall perform these functions which may be reinforced by licensed nursing personnel); and

6. Entering in the patient's medical record:

i. The nursing care plan (prepared by a registered professional nurse);

ii. Clinical notes;

iii. The nursing discharge summary; and

iv. A record of medications administered, including the name and strength of the drug, date and time of administration, dosage administered, method of administration, and signature and title (R.N. or L.P.N.) of the licensed nurse administering the drug.

#### 8:43B-8.13 Substitute nursing personnel

The obstetric and newborn services (including the obstetrical surgical recovery room) shall each have a plan for substitute nursing personnel to act in the absence of assigned nursing personnel.

#### 8:43B-8.14 Social worker's or social worker's designee and dietitian's responsibilities

(a) A social worker, or a designee who receives consultation from a social worker, and a dietitian shall be available to patients, and shall be responsible for, but not limited to, the following:

1. Implementing written objectives, philosophy, policies, a procedure manual, and an organizational and evaluation plan for social or dietary services to obstetric patients and newborns, developed by the hospital social service and dietary departments, respectively;

2. Providing consultation to the hospital social service or dietary department in planning and budgeting for social or dietary services provided to obstetric patients and newborns, and providing guidance and consultation to other personnel caring for such patients;

3. Coordinating and integrating the social or dietary service with other patient care services;

4. Assessing the social service or dietary needs of the patient in accordance with the facility's policies and procedures, preparing an individual care plan, and assessing the patient's response to services provided;

5. Providing services as specified in the care plan; and

6. Entering in the medical record of each patient receiving the service:

i. The care plan, which shall be kept current;

ii. Clinical notes; and

iii. The social service or dietary discharge summary.

#### 8:43B-8.15 Obstetric services

(a) The obstetric inpatient service shall include, but not be limited to, the following:

1. Identification and management of high risk patients, as defined in the policy and procedure manual;

2. Clinical laboratory, blood bank, and radiological services and personnel, available at all times. Personnel shall be able to arrive in the facility within 30 minutes of being called;

3. Fetal monitoring equipment, to be used only upon order of a physician;

4. Cesarean section capability within one hour of decision;

5. Anesthesia service and personnel who are available at all times, and able to arrive in the facility within 30 minutes of being called;

6. Equipment for immediate resuscitation of the newborn, and capability to stabilize newborn respiration until transfer or admission to specialized care;

7. Ability to monitor neonatal blood pressure, heart rate, and respiration, with the capability to regulate temperature and monitor oxygen flow;

8. As described in the policy and procedure manual, home health services provided directly or by referral;

9. At least one social worker, who shall be assigned at least one-quarter time to the obstetric service;

10. Genetic counseling services provided directly or by referral; and

11. A system of communication, consultation, and written agreements of their equivalents, for secondary and tertiary obstetrical services.

#### 8:43B-8.16 Policies and procedures for the obstetric service

(a) Policies and procedures for the obstetric service shall include those for the obstetric and newborn services, in addition to the following:

1. Criteria as established in the policy and procedure manual for the identification of high risk patients, such as the Medical Perinatal Risk Scoring Sheet, Form MCH-13, page 2a, of the Maternal and Child Health Program of the Department;

2. A current roster of physicians, with a delineation of their obstetrical privileges. This roster shall be kept in each nursing unit;

3. An on-call schedule to ensure that a physician with obstetrical privileges is available at all times;

4. Policies and procedures regarding birthing alternatives;

5. Monitoring, with or without the use of electronic equipment, of patients and procedures during antepartum, labor, delivery, recovery, and postpartum periods;

6. Policies regarding the presence of fathers and/or chosen companions during labor, delivery, recovery, and postpartum periods;

7. Policies and procedures, including safety precautions, governing the use of radiological and electronic services for the obstetric patient;

8. Policies and procedures for maintaining the Newborn Record Logbook and Maternity Service Records, current editions (both available from the Medical Society of New Jersey, 2 Princess Road, Lawrenceville, New Jersey 08648);

9. Policies and procedures for completion of birth certificates;

10. Policies and procedures for the care of patients during labor and delivery. These shall include, but not be limited to, the following:

i. Policies and procedures regarding administration of Rh immune globulin to Rh negative mothers who have met eligibility criteria, with documentation in the Maternity Service Records and the patient's medical record;

ii. Policies for the use of oxytocic agents for the induction or stimulation of labor, including a requirement that a physician with obstetrical privileges be available within the facility. A physician engaged in surgery on another patient within the facility shall not be considered available for the purposes of this standard;

iii. Assignment of a registered professional nurse to the labor, delivery, and recovery rooms, for each shift;

iv. Assignment of licensed nursing personnel so that no patient is without an assigned nurse;

v. Aseptic surgical techniques;

vi. Safety techniques and attire required;

vii. Assignment of at least one licensed nurse and a physician to be present in the delivery room at the time of delivery. The registered professional nurse assigned to the labor and delivery suite may substitute for the licensed nurse if there is no other patient in the labor, delivery, and recovery rooms;

viii. Assignment of a registered professional nurse or physician to the newborn resuscitation area of the delivery room if the newborn requires resuscitation. The registered professional nurse or physician shall have no other responsibilities until the newborn has left the newborn resuscitation area; and

ix. Policies and procedures for the use of anesthesia;

11. Policies and procedures regarding parental contact with the newborn in the delivery room immediately after birth, and during the hospital stay. This shall include policies and procedures for cesarean births, premature, sick, congenitally malformed, and dying newborns, and their parents;

12. Policies and procedures for the postdelivery care of the newborn in the delivery room, including, but not limited to, the following:

i. Maintaining the newborn's airway, respiration, and body temperature;

ii. Assessing the newborn and recording the one-minute and five-minute Apgar scores;

iii. Performing prophylaxis against ophthalmia by instillation of a 1.0 percent solution of silver nitrate aqueous solution, erythromycin, or tetracycline ointment or solution, to be performed within one hour of delivery, with documentation entered in the newborn's medical record;

iv. Clamping or tying of the umbilical cord, and collecting a sample of cord blood;

v. Performing Rh and Coombs' tests for every newborn born to an Rh negative mother or with a family history of blood incompatibility. If such a qualitative test is performed, the results shall be documented in the newborn's medical record; and

vi. Prior to leaving the delivery room, a means of identification shall be used to identify each newborn with two identification bands fastened on the newborn and one identification band fastened on the mother, as specified in the policy and procedure manual;

13. Policies and procedures for newborn transport to the nursery, including, but not limited to, the following:

i. A heated bassinet equipped with oxygen, transport incubator, or similar device shall be available to transport the newborn from the delivery room; and

ii. The newborn's medical record shall accompany him or her in transport from the delivery room;

14. Policies and procedures for the care of patients in the recovery room (or recovery area within the labor and delivery suite) to ensure that each postpartum patient is under the observation of a registered professional nurse for at least one hour following delivery, and a registered professional nurse observes and assesses the patient, and documents in the medical record the patient's vital signs, condition of the uterus, blood loss, and any complications, before transfer to the postpartum unit;

15. Policies and procedures for the care of patients in the postpartum unit, including, but not limited to, the following:

i. Assignment of licensed nursing personnel;

ii. Identification and management of postpartum complications;

iii. Laboratory procedures, if any, to be performed before discharge;

iv. Physical care, including care of the perineum and breasts, and ambulation;

v. Policies and procedures regarding complete (24-hour) and modified rooming-in; and

vi. Policies regarding length of stay, discharge planning, and early discharge (within 24-72 hours of delivery). A home visit by a public health nurse or certified nurse-midwife shall be provided, if requested by the patient;

16. Policies and procedures to ensure that every patient receives a physical examination before discharge;

17. Policies and procedures for the posthospital care or referral of patients, including, but not limited to, the following:

i. Identification of parents with potential difficulties in parenting; and

ii. Referrals to a licensed home health agency;

18. Policies and procedures for the instruction of patients during the postpartum phase in self-care (nutrition, rest, breast and perineal care, restoration of muscle tone, and physical fitness), newborn care, feeding including breast-feeding, parenting, accident prevention, and use of infant car safety restraints; and provision of information on family planning and pregnancy

alternatives, if requested; and

19. Policies and procedures for the counseling and education of adolescents, including:

i. Counseling regarding opportunities to continue the education and referral to special educational programs for adolescent parents (when available);

ii. Counseling or referral regarding adjustment to pregnancy and parenthood; and

iii. Referral to social and legal services.

#### 8:43B-8.17 Obstetric medical records

(a) The facility shall maintain a complete medical record for each patient, in accordance with Section Seven of the Manual of Standards for Hospital Facilities (see N.J.A.C. 8:43B).

(b) The medical record shall include, but not be limited to, the following:

1. Patient identification data;

2. Names of the patient's physician;

3. A physician's signed and dated admission note, medical and surgical history and report of physical examination, completed within 24 hours of admission. Updating of the prenatal record fulfills this standard;

4. A completed Prenatal Record, i.e., Form MCH-13 of the Maternal and Child Health Program of the Department, pp. 1, 2, 2a, 3, and 3a, or another form that includes the same information, entered in the medical record prior to or at the time of admission;

5. Reports of laboratory, radiological, and other tests done prior to admission. The following tests shall be performed if they have not been performed previously during the pregnancy:

i. Complete blood count, including smear and differential, with sickle cell preparation for high risk patients;

ii. Dipstick urinalysis, including protein, sugar, and ketones;

iii. Chest x-ray on specific indication;

iv. Serologic test for syphilis;

v. Rubella titer or record of previous titer; and

vi. Blood group and Rh determination. If Rh is negative, a record of antibody titer performed at 24-28 weeks of gestation and repeated at 32-36 weeks of gestation; and a notation as to whether Rh<sub>0</sub> (D) Immune Globulin (Human) was or was not indicated; if indicated, whether it was or was not administered;

6. Documentation of the course of labor, delivery, and the immediate postpartum period, at intervals specified in the policy and procedure manual, including but not limited to:

i. Station;

ii. Dilatation;

iii. Effacement, and fetal presentation and position;

iv. Heights of fundus;

v. Location and condition of the cervix;

vi. Pelvic assessment;

vii. A record of maternal temperature, pulse, respiration, and blood pressure in the labor room; and a record of maternal blood pressure and pulse in the delivery room, and after delivery until the patient's condition is stable, as documented in the patient's medical record;

viii. A record of maternal fluid intake and output;

ix. A record of frequency, duration, and intensity of contractions; and

x. A record of fetal heart status during the progress of labor, at intervals specified in the policy and procedure manual;

7. All orders for the patient, written, signed, and dated;

8. Documentation of the patient's vital signs, condition of the uterus, blood loss, and any complications, prior to transfer to the postpartum unit;

9. A nursing care plan;

10. Signed informed consents, as specified in the facility's policy and procedure manual;

11. An operative report, if surgery has been performed, recorded by the physician who performed the surgery, including a description of the technique used, surgical procedures, tissue

removed or altered, sponge count, condition of the patient upon leaving the operating or delivery room, estimated blood loss, postoperative diagnosis, and the names of the physician-in-charge and assistants;

12. For patients receiving anesthesia:

i. A preanesthesia record, including at least drug history, anesthesia history, and potential anesthetic problems;

ii. An anesthesia record, describing at least induction and maintenance of anesthesia, including volume, route of administration, patient's vital signs, duration of anesthesia, any complications of anesthesia or analgesia management, and drugs, intravenous fluids, blood, and/or blood components administered; and

iii. A postanesthesia note by the anesthetist immediately after surgery, describing any postoperative abnormalities or complications and documenting the blood pressure, pulse, presence or absence of swallowing reflexes, cyanosis, and ability to move extremities;

13. Reports of accidents and incidents, if any;

14. A record of any treatment, medication, or service refused by the patient, including a physician's visit;

15. Documentation of any medication released to the patient upon discharge;

16. Progress notes by the physician;

17. Clinical notes;

18. A record of medications administered, including the name and strength of the drug, date and time of administration, dosage administered, method of administration, and signature and title (R.N. or L.P.N.) of the licensed nurse administering the drug;

19. Any referrals to outside resources;

20. A discharge summary; and

21. Page 4 of the Prenatal Record, Form MCH-13 of the Maternal and Child Health Program of the Department, or another form that includes the same information, included at the time of discharge.

(c) During labor and delivery, the patient's medical record shall be in the room or labor and delivery suite.

(d) All entries in the patient's medical record shall be typewritten or written in ink, legible, and dated and signed by the recording person. All typed reports shall include the dates of dictation and transcription and shall be signed by the person who dictated the report.

(e) All medical records shall be preserved in accordance with N.J.S.A. 26:8-5 et seq.

#### 8:43B-8.18 Transfer of medical records

Upon transfer of a patient to another health care facility, a copy, summary, or abstract of the patient's medical record shall be sent to the receiving facility with the written consent of the patient. In the event of denial of permission, a copy of the written denial shall be kept in the patient's medical record at the facility. If the patient refuses to sign the denial of permission, a witnessed, written statement by a staff member to that effect shall be included in the patient's medical record.

#### 8:43B-8.19 Storage and retrieval of medical records

If the facility ceases its operation, it shall notify the Department in writing at least 14 days before cessation of operation, regarding how and where medical records shall be stored.

#### 8:43B-8.20 Policies and procedures for obstetric surgical services

(a) Policies and procedures for the obstetric surgical service shall include those for the obstetric and newborn services, in addition to the following:

1. Policies and procedures to ensure that a cesarean section is performed only in an operating room or in a delivery room that meets the requirements for an operating room;

2. A 24-hour schedule for all personnel required to perform and assist in surgery, available to the director of nursing, the nursing supervisor(s), and the charge nurse;

3. Delineation of surgical and anesthesia privileges;

4. Purposes and types of surgical procedures for which the delivery and operating rooms may be used;

5. Definitions of major and minor surgery, and of who is qualified to act as first assistant in both categories of surgery. The first assistant in all major surgical procedures shall meet the requirements of the New Jersey State Board of Medical Examiners;

6. Methods for taking and maintaining records of sponge counts;

7. Policies and procedures regarding operating room apparel;

8. Safety measures regarding anesthetic gases;

9. Labeling and disposition of tissue removed during the procedure, including delivery to the pathologist, filing reports in the patient's medical record, and retention and storage in the facility of microscopic sections of tissue; and

10. Policies and procedures for the maintenance of a current record of surgical procedures which shall include the following information:

i. Name and hospital identification number of the patient;

ii. Date and time of the procedure, and the number of the operating or delivery room where it was performed;

iii. Preoperative and postoperative diagnoses;

iv. Names of all physicians, assistant physicians, nurses, and surgical technicians;

v. Surgical procedures performed and anesthetic agents used;

vi. Complications of surgery, if any; and

vii. Classification of each procedure for the purpose of infection control statistics.

(b) At least one registered professional nurse shall function as a circulating nurse in the operating room.

(c) A pediatrician shall be in the delivery room whenever a high risk delivery is being performed.

(d) The physician-director of the obstetric surgical service or his or her designee shall be available to the surgical service, including the recovery room. (Available, in this instance, shall mean able to arrive in the facility within 30 minutes of being called.)

(e) The physician-in-charge of the surgery, or an alternate, shall be available while the patient remains in the recovery room, and shall authorize the patient's transfer from the recovery room.

#### 8:43B-8.21 Medical staffing requirements - Obstetric services

(a) The governing authority shall ensure that the following personnel are available to the obstetric service:

1. At least one obstetrician available in the facility at all times, or available by telephone and able to arrive on the obstetric service within 30 minutes of being called;

2. A pediatrician, available at all times or available by telephone and able to arrive in the facility within 30 minutes of being called; and

3. Medical and surgical specialists, available for consultation.

#### 8:43B-8.22 Nursing staffing requirements - Obstetric services

(a) In addition to the responsibilities previously listed in this subchapter, the nursing supervisor of the obstetric service shall implement staffing patterns to ensure that antepartum and postpartum nursing care are provided as follows:

1. On the day shift, there shall be a ratio of one registered professional nurse to no more than ten patients;

2. On the evening shift, there shall be a ratio of one registered professional nurse to no more than 15 patients;

3. On the night shift, there shall be a ratio of one registered professional nurse to no more than 20 patients;

4. At least one registered professional nurse shall be assigned to the labor, delivery, and recovery rooms for each shift;

5. The total number of licensed nursing personnel assigned to the labor, delivery, and recovery rooms on each shift shall equal not less than one-half the average number of deliveries per day for that facility based on quarterly data, to be calculated as follows: the total number of deliveries in a quarter divided by the number of calendar days in that quarter. One member of the nursing staff per shift shall

be capable of acting as the circulating nurse for cesarean deliveries; and

6. In a facility that provides rooming-in and shared postpartum and nursery staffing, on each shift at least one registered professional nurse shall be responsible for no more than five mothers and their newborns.

#### 8:43B-8.23 Newborn services

(a) The newborn service shall provide care which includes at least the following:

1. Capability of immediate resuscitation of the newborn (including short-term ventilation with laryngoscope, endotracheal tube, and bag-valve-mask), oxygen administration, intravenous therapy, temperature control, and infusion equipment;

2. Capability to maintain at least short-term newborn ventilation;

3. Laboratory, radiological, and blood bank services available at all times;

4. Care of newborns transferred from secondary and tertiary care services; and

5. A system of communication, consultation, and written agreements, or their equivalents, for secondary and tertiary newborn services.

#### 8:43B-8.24 Policies and procedures for newborn service

(a) Policies and procedures for the newborn service shall include those for the obstetric and newborn services, in addition to the following:

1. Criteria for the identification of high risk patients, as defined in the Prenatal Record, Form MCH-13 of the Maternal and Child Health Program of the Department, p. 2a; or another form that includes the same information, as specified in the current Standards and Recommendations for Hospital Care of Newborn Infants, American Academy of Pediatrics;

2. A current roster of physicians, with a delineation of their pediatric privileges. This roster shall be kept in each nursing unit on the newborn service;

3. An on-call schedule, established to ensure that a physician with pediatric privileges is available at all times. This roster shall be kept in each nursing unit on the newborn service;

4. Policies and procedures for the care of the newborn in the delivery room, as specified in N.J.A.C. 8:43B-8.16(a)12i through vi;

5. Policies and procedures for the care of the newborn after delivery, including care of the skin and umbilical cord;

6. Policies and procedures for the admission/observation area, including, but not limited to, the following:

i. A registered professional nurse or a physician shall perform an assessment of the newborn in the admission/observation area, and shall document the assessment in the newborn's medical record; and

ii. If the hospital has a policy that permits the newborn and mother to remain together in the recovery room, the newborn may be assessed in the recovery room;

7. A policy that a physician shall perform and document a physical examination of the newborn within 24 hours of birth or upon admission to the newborn nursery, and at least every three days thereafter while the newborn remains in the nursery;

8. Designation of the following, with provision of an infant warming device for each:

i. A resuscitation room or area, separate from or adjacent to the nursery, for resuscitation and stabilization of newborns immediately after birth;

ii. A newborn nursery;

iii. An admission/observation area, which may be a part of the newborn nursery or a separate nursery;

iv. A growing nursery, which may be either a part of the newborn nursery or a separate nursery. Growing nursery, in this instance, shall mean an area for newborns and infants whose condition is stable and who are placed or remain in this area for the purpose of gaining weight prior to discharge; and

v. An isolation area, which shall be a separate room used for no other purpose. Based on the facility's policies and procedures, the facility may also make provisions for the isolation of newborns within the newborn nursery;

9. Procedures to ensure that every bassinet and incubator in the nursery bears the identification of the newborn to whom it is assigned. Identification shall include at least the newborn's last name, sex, date and time of birth, the mother's first and last names, and the physician's name. The means of identification shall not bear commercial advertising;

10. Provision of individual supplies and equipment for each newborn;

11. Policies and procedures for the preparation and use of formula, including, but not limited to, the following:

i. If formula preparation is necessary, formula shall be stored, prepared, and assembled in a clean area on the obstetric or newborn service;

ii. Feeding units shall be distributed immediately after assembly;

iii. Prepared formula shall be used within the time period designated on the package; and

iv. Except in an emergency, as defined in the facility's policies and procedures, only presterilized formula shall be used;

12. Management of breast-feeding mothers and their newborns, in compliance with the current edition of the American Academy of Pediatrics' standards and recommendations for hospital care of newborn infants;

13. Policies and procedures for isolation of newborns, in accordance with N.J.A.C. 8:43B-8.7(a)11 i through vi and the following:

i. A newborn born outside the facility or outside the labor and delivery suite or returning from another facility shall be isolated for at least 12 hours, alone or rooming-in with his or her mother, until the physician caring for the newborn and the physician-director order and document in the medical record his or her transfer to the newborn nursery; and

ii. A newborn or infant discharged to home and readmitted is isolated until the physician caring for the newborn or infant or the physician-director order and document in the medical record his or her transfer to the newborn nursery;

14. Policies and procedures for infection control, including, but not limited to, the following:

i. In the event of an epidemic, as determined by the medical staff and the Department, control measures, including closing of the nursery if indicated, shall be instituted immediately;

ii. A newborn shall be assigned to a clean incubator or bassinet at least every seven days;

iii. If newborns are weighed on a common scale, an impervious cover that completely covers the surface of the scale pan shall be used and changed after each newborn is weighed; and

iv. Provisions for gowning in the isolation area and isolation nursery;

15. Policies and procedures for screening newborns for high risk factors associated with hearing impairment, in accordance with N.J.S.A. 26:2-101 et seq. A registered professional nurse shall screen the newborn using the Newborn Hearing Screening Report Form of the New Jersey Hearing Evaluation Council and the Maternal and Child Health Program of the Department. The facility shall send copies of the Newborn Hearing Screening Report Form for all newborns, on a monthly basis, to the Maternal and Child Health Program of the Department;

16. Policies and procedures for the early detection of biochemical disorders in newborn infants pursuant to N.J.S.A. 26:2-110 through 112, to include, but not be limited to, the following:

i. Collection of blood specimens from newborn infants on collection kits provided by the Department;

ii. Collection of blood specimens 24 hours after the newborn infant's first feeding or 48 hours after the newborn infant's birth or upon the newborn infant's discharge from the facility, whichever comes first;

iii. Development of a system within the facility for the submission of blood specimens to arrive at the Department's laboratory no later than 96 hours after the newborn infant's birth;

iv. Designation of a staff member(s) to be responsible for receiving verbal and written positive screening test results and documenting the results in the newborn infant's medical record; and

v. Provision of written information, provided by the Department and/or the facility, to all parents and physicians regarding the testing of biochemical disorders and the possibility of incorrect screening test results if the blood specimen is not collected in accordance with N.J.A.C. 8:43B-8.24(a)16ii above, because the infant is discharged from the facility;

17. Policies and procedures for reporting to the Department all congenital defects, in accordance with N.J.S.A. 9:13-5;

18. Policies and procedures for housekeeping, including, but not limited to, the following:

i. Scales and equipment in the nursery shall be washed or dusted with a clean damp duster at least daily;

ii. Floors in the nursery shall be wet-mopped with a disinfectant at least daily;

iii. Walls and ceilings in the nursery shall be washed with disinfectant at least monthly;

iv. Housekeeping procedures shall be performed when newborns are out of the nursery. Ventilation rates shall be in compliance with (HRA) 79-14500 during the cleaning process; and

v. An incubator or bassinet shall be cleaned with detergent and disinfectant registered by the United States Environmental Protection Agency, each time a newborn occupying it is discharged. If the bassinet or incubator is stored for over 72 hours, it shall be cleaned again prior to reuse; and

19. Policies and procedures for laundry and linens, including, but not limited to, the following:

i. The nursery linen supply retained in the facility shall be at least five times the census, so that at least three sets of clean linens are stored at each infant care station;

ii. The selection and use of laundering agents; and

iii. A policy that aniline oil (aminobenzene) or oil of mirbane (nitrobenzene) or other benzene derivatives shall not be used to stamp or mark any linens, clothing, or other items used in newborn care.

#### 8:43B-8.25 Infant care stations

Each nursery shall have no more than 20 infant care stations.

#### 8:43B-8.26 Newborn medical records

(a) The facility shall maintain a medical record for each newborn, in accordance with this section. The newborn's medical record shall include, but not be limited to:

1. A summary of the mother's obstetric history;

2. A summary of labor and delivery, including: anesthesia, analgesia, and medications given to the mother; reasons for induction of labor and operative procedures (if performed); condition of the newborn at birth, including the one- and five-minute Apgar scores or the equivalent, time of sustained respirations, details of any physical abnormalities, and any pathological states observed and treatment given before transfer to the nursery; any abnormalities of the placenta and cord vessels; date and hour of birth; birth weight and length; length of gestation; and procedures performed in the delivery room, including verification of eye prophylaxis. This summary shall be signed by the mother's physician according to the policies and procedures of the facility;

3. The newborn's identification, as specified in the policy and procedure manual;

4. A record of newborn assessment, performed by a physician or registered professional nurse upon the newborn's admission to the newborn nursery;

5. A nursing care plan;

6. A record of the initial physical examination, dated and signed by a physician; and

7. A physical examination on discharge or transfer to another facility, including head circumference and body length (unless previously measured), signed by a physician.

#### 8:43B-8.27 Medical staffing requirements; Newborn services

The governing authority shall ensure that at least one pediatrician is available at all times in the facility, or by telephone and able to arrive in the facility within 30 minutes of being called.

#### 8:43B-8.28 Nursing staffing requirements

(a) In addition to the responsibilities listed previously in these rules, the nursing supervisor of the newborn service shall ensure that nursing staffing requirements shall be implemented as follows:

1. In the admission/observation area, there is a ratio of one licensed nurse to no more than four newborns, in addition to at least one registered professional nurse, for each shift;

2. In the newborn nursery, separate from the admission/observation area, there is a ratio of one licensed nurse to no more than six newborns, in addition to at least one registered professional nurse, for each shift; and

3. The number of licensed practical nurses shall not exceed the number of registered professional nurses on any shift.

#### 8:43B-8.29 Provision and location of birthing room(s)

(a) If the facility provides a birthing room(s), the birthing room(s) shall be located within, or adjacent and with direct access to, the labor and delivery suite. Each birthing room shall contain at least the following:

1. A bed or chair to be used for labor, delivery, and recovery. A means of transport shall be provided from the birthing room to the delivery room, if transfer is required;

2. Means for the patient to observe her delivery; and

3. Furniture and other objects to create a homelike atmosphere.

(b) Carpeting shall be prohibited in the birthing room.

(c) There shall be a lounge for family and friends accessible to the birthing room. (This may be shared with the labor and delivery suite.)

#### 8:43B-8.30 Policies and procedures for birthing room services

(a) Policies and procedures for the birthing room shall include those for the obstetric and newborn services, in addition to the following:

1. A statement of the philosophy, goals, and objectives for the use of the birthing room;

2. Criteria for eligibility to use the birthing room, including, but not limited to, requirements concerning attendance at prenatal and childbirth classes;

3. A definition of high risk conditions which disqualify patients from using the birthing room;

4. Policies and procedures for care in the birthing room, including, but not limited to, the following:

i. Definition of vital signs, the intervals at which they shall be taken, and requirements for documentation;

ii. Observation, monitoring, and assessment of the patient by a registered professional nurse, or certified nurse-midwife, or physician; and

iii. A policy that the patient have a choice of position for delivery, unless contraindicated by the physician or certified nurse-midwife;

5. A list of equipment and supplies to be kept in the birthing room, including intravenous fluids and equipment for their administration, and medications, including oxytocics and epinephrine;

6. Policies and procedures regarding the types of analgesia and anesthesia to be used in the birthing room;

7. Specification of conditions of labor or delivery requiring transfer of the patient from the birthing room to the delivery room;

8. Specification of conditions in the newborn requiring transfer to the nursery;

9. Policies and procedures for the transfer of the mother to the postpartum unit, including, but not limited to, the following:

- i. Conditions requiring transfer; and
- ii. A policy concerning whether the mother is transferred to the postpartum unit, or discharged from the birthing room to home;

10. Policies and procedures regarding patient discharge, including, but not limited to, the following:

- i. Criteria for discharge of the mother and newborn; and
- ii. Procedures preceding discharge for mother and newborn;

11. Policies and procedures regarding referral for the following service for postdischarge follow-up care of mother and newborn when discharged within 36 hours after birth:

- i. At least one home visit by a public health nurse or certified nurse-midwife;

12. Policies and procedures for the completion of medical records;

13. In the event that the patient is transferred to the delivery room or operating room, a policy regarding the presence of the father or chosen companion in the delivery room or operating room;

14. Policies and procedures regarding visitors, including the number of visitors allowed in the birthing room, their relationship to the mother, and the presence of the newborn's siblings; and

15. Policies and procedures for infection control, including, but not limited to, the following:

- i. Gowning and attire to be worn by persons in the birthing room, upon leaving it, and upon returning.

**8:43B-8.31 Designation of a coordinator**

The facility shall designate a coordinator of the birthing room program, who shall be either a registered professional nurse or a certified nurse-midwife.

**8:43B-8.32 Seeking approval to admit nonobstetric patients to the obstetric and newborn services**

(a) A facility seeking approval to mix obstetric and nonobstetric patients in the obstetric and newborn services shall request permission in writing from the Department. Such a written request shall be submitted to:

Director of Licensing, Certification  
and Standards  
Division of Health Facilities Evaluation  
New Jersey State Department of Health  
CN 367  
Trenton, NJ 08625

(b) The written request shall include a narrative justifying the continuation of the facility's obstetric service and the admission of nonobstetric patients to the obstetric and newborn services.

**8:43B-8.33 Committee for mixing of obstetric and nonobstetric patients**

The facility shall establish a committee, or its equivalent, for the mixing of obstetric and nonobstetric patients in the obstetric and newborn services. The committee, or its equivalent, shall consist of at least the physician-directors of the obstetric and newborn services, the nursing supervisor of the obstetric and newborn services, and the administrator or his or her designee. A representative of the Infection Control Committee, or its equivalent, shall be available for consultation.

**8:43B-8.34 Policies and procedures for mixing of obstetric and nonobstetric patients**

(a) The committee, or its equivalent, shall establish and implement policies and procedures for mixing nonobstetric patients with obstetric patients. These policies and procedures shall be reviewed as specified in the facility's policies and procedures. Such policies and procedures shall include, but not be limited to, the following:

- 1. Criteria for the admission of patients, in conformity with these rules and ensuring that a nonobstetric female patient:

- i. Is not admitted to the obstetric service if an obstetric patient would thereby be excluded;

- ii. Is admitted to the obstetric service only if the number of empty beds available for obstetric patients exceeds the average number of deliveries per day for the facility based on data in the quarterly reports;

- iii. Does not share a room with an obstetric patient;

- iv. Is free of infection;

- v. Is not suffering from substance abuse or misuse and is not mentally ill;

- vi. If requiring surgery, the type(s) of surgery has been approved by the committee, or its equivalent; and

- vii. Is admitted to the obstetric service only if approved by the physician-director of the obstetric service and with physician's written orders in accordance with the admission criteria established by the committee, or its equivalent, on the mixing of obstetric and nonobstetric patients.

2. Restrictions to the admission and retention of nonobstetric patients, to ensure that a nonobstetric patient is not admitted to or retained in the obstetric and newborn services if the patient:

- i. Exhibits signs of morbidity;

- ii. Morbidity in a nonobstetric patient shall mean a temperature of 100.4°F or higher on any two successive days of the first ten postoperative days, exclusive of the first 24 hours following surgery;

- iii. Has any sign of infection, including infection discovered at the time of surgery;

- iv. Has a diagnosed malignancy;

- v. Requires a hemorrhoidectomy or other bowel surgery; and

- vi. Received antibiotics other than prophylactic antibiotics or was admitted to a hospital during the two-week period prior to admission;

3. Policies regarding restrictions to the use of antibiotics to ensure that they are administered only in one or more of the following situations:

- i. Local application of antibiotics such as bladder irrigation or local vaginal preparation;

- ii. Preoperative sterilization of the bowel when negligible amounts of the antibiotic will be absorbed from the gastrointestinal tract;

- iii. Administration of perioperative prophylactic antibiotics in a patient undergoing surgery. Such antibiotics shall not be administered more than six hours prior to surgery nor continued for more than 72 hours following surgery; and

- iv. Administration of antibiotics if a patient requires an indwelling catheter or develops a urinary tract infection, as proven by a positive urinalysis of more than 10 WBC/HPF prior to the administration of the drug. If the urinalysis shows less than 10 WBC/HPF, administration of the drug shall be justified by a physician in the patient's medical record and approved by the physician-director of the obstetric service;

4. Procedures for visitors, to ensure that the same visiting privileges apply to both obstetric and nonobstetric patients;

5. Staffing patterns, to ensure that nursing personnel from other services are not assigned to the obstetric and newborn services during the same tour of duty;

6. A policy that if surgery is required for nonobstetric patients, it shall be performed in the operating room;

7. Procedures for temperature readings. Oral temperature readings shall be taken at least four times a day on all nonobstetric patients;

8. Written protocols for the culture(s) of nonobstetric patients, including the type of culture(s), when it/they shall be performed, and under what circumstances; and

9. Policies and procedures for medical records and collection of data, including:

- i. A policy that the medical record of each nonobstetric patient admitted to the obstetric service include a completed Admission Check-Sheet and Questionnaire form of the Department, or its equivalent;

- ii. Review of the medical record of each patient transferred from the mixed obstetric service, including the reason for transfer and the organisms found in the culture(s) of any patient transferred because

of morbidity or infection;

iii. Review of the medical record of each obstetric patient and newborn or infant with morbidity, including the causes of morbidity and the reasons for and results of cultures; and

iv. Maintenance of a logbook for nonobstetric patients admitted to the obstetric service, including, but not limited to, the following information: patient's name, age, date of admission, date of discharge, date of surgery, if performed, length of hospital stay, admission diagnosis, discharge diagnosis, type(s) of surgery performed, whether major or minor surgery, major or minor associated procedures (incidental appendectomy not included), morbidity and cause, transfer or discharge (use T or D), reason for transfer, hospital day of transfer, postoperative day of transfer, and surgeon's name.

(a)

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products

Proposed Amendment: N.J.A.C. 8:71

Authorized By: Drug Utilization Review Council, Leroy L. Schwartz, M.D., Chairman. Authority: N.J.S.A. 24:6E-6b.

A public hearing concerning this proposal will be held on February 27, 1984, at 10:00 A.M. at:

Conference Room
First Floor
Health-Agriculture Building
John Fitch Plaza
Trenton, NJ 08625

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Thomas T. Culkun, PharmD, MPH
Drug Utilization Review Council
New Jersey State Department of Health
120 S. Stockton Street
CN 364
Trenton, NJ 08625
(609) 984-1304

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

This proposal is known as PRN 1984-69.

The agency proposal follows:

Summary

The proposed additions will expand the List of Interchangeable Generic Drug Products. For example, generic Chlorpropamide could then be used by pharmacists in place of the brand name product Diabinese.

Social Impact

If a patient's physician approves the substitution of a generic for a brand name product, the pharmacist must dispense a substitute which reflects a lowered price to the consumer. The substitution can only occur if the drug is placed on the List of Interchangeable Drug Products. Thus, additions to the list expand the pharmacist's choice.

Economic Impact

There will be an expanded opportunity for consumers to save money on prescriptions through the use of generic medicines in place of brand name medicines. The extent of the savings due to these specific proposed additions cannot be quantitated.

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

- Acetaminophen 120/5; Codeine 12 mg/5 elixir Roxane
Atropine Sulfate Ophth. Soln 1% Optopics
Belladonna Alkaloids/Phenobarbital elixir Naska
Betamethasone Valerate lotion, cream, Fougera/BYK-Gulden oint. 0.1%
Betamethasone Valerate lotion, Pharmaderm/BYK-Gulden cream, oint. 0.1%
Brompheniramine/Phenylephrine/ Phenylpropanolamine E.R. tabs Pioneer
Butalbital/Aspirin/caffeine caps, tabs Cord
Butalbital/Aspirin/caffeine tabs Boots Labs
Chloridiazepoxide/Clidinium Br. Caps Par
Chlorpheniramine/Phenyltoloxamine/ Par, Pioneer, Chelsea Phenylpropanolamine/Phenylephrine E.R. tabs
Chlorpropamide tabs 250 mg Zenith
Chlorzoxazone 250/Acetaminophen Par, Pioneer, Duramed 300 tabs
Chlorzoxazone tabs 250 mg Par
Cyclandelate caps 200, 400 mg Pioneer
Cyproheptadine HCL tabs 4 mg Duramed
Dexamethasone Soln 0.5/5 ml Bay, Roxane
Dexamethasone tabs 6 mg Par
Dexchlorpheniramine Maleate E.R. tabs 4, 6 mg Par
Diphenoxylate/Atropine Solution Roxane
Diphenhydramine elixir 12.5/5 Bay
Dipyridamole tabs 25, 50, and 75 mg Cord
Fluocinolone Acetonide cream 0.01%, 0.025% NMC
Furosemide tabs 20, 40 mg Roxane, Zenith
Gentamicin Topical cream, oint. 0.1% NMC
Hydralazine HCL tabs 100 mg Par
Hydroxyzine HCL tabs 10, 25, 50 mg Danbury
Imipramine HCL tabs 10, 25, 50 mg Par
Indomethacin caps 25, 50 mg Zenith, Par
Isoxsuprine HCL tabs 10, 20 mg Roxane
Multiple Vitamins/Fluoride 1 mg chewable Par
Multivitamins with Fluoride (0.5 mg) chewable Amide
Multivitamin Forte (Vicon Forte Formula) caps Par
Nicotinyl alcohol tartrate tabs 150 mg Par
Oxtriphylline tabs E.C 100 mg, 200 mg Bolar
Papaverine HCL 150 mg E.R. cap Pioneer, Duramed
Pilocarpine HCL Ophth. Soln. 1,2, 3, 4% Optopics
Potassium Chloride 0.25 g/15 ml with Potassium Naska
Gluconate 3.90 g/15 ml
Potassium Chloride Liquid 10%, 20% Naska
Potassium Gluconate elixir 20 mEq/15 ml Naska
Prednisone tabs 5, 10, 20 mg Duramed
Prenatal vitamins (Materna 1.60 Formula) Amide
Selenium Sulfide lotion 2.5% Bay
Spironolactone 25/Hydrochlorothiazide Zenith
25 tabs
Spironolactone tabs 25 mg Zenith
Sulfacetamide Sodium Ophth. 10%, 30% Soln. Optopics
Sulfamethoxazole/Trimethoprim NPC
Susp. 40/5, 200/5
Tetracaine HCL Ophth. Soln 1/2% Optopics
Theophylline 150/15 with Guaifenesin 90/15 ml Naska
Theophylline (Anhydrous) 200 mg E.R. tabs Cord
Theophylline/Ephedrine/Hydroxyzine tabs Par
Thiordiazine HCL tabs 10, 15, Cord, Bolar, Danbury 25, 50 mg

Thioridazine HCL tabs 100 mg	Bolar, Mylan
Thioridazine HCL oral soln 30 mg/ml, 100 mg/ml	Bay
Triamcinolone Acetonide cream, oint, 0.025%, 0.1%, 0.5%	Bay
Trichlormethiazide tabs 2, 4 mg	Par
Trifluoperazine HCL Syrup 10 mg/ml	Bay
Triple vitamins/Fluoride 1 mg chewable	Par
Tripolidine/Pseudoephedrine tabs, syrup	Roxane
Vitamin B complex tabs (Berocca Formula)	Par
Vitamin B complex/Folic Acid (Iberet Folic 500 Formula)	Par

## HIGHER EDUCATION

(a)

### HIGHER EDUCATION ASSISTANCE AUTHORITY

#### Guaranteed Student Loan Program PLUS Program; Loan Limits

#### Proposed Amendments: N.J.A.C. 9:9-1.2 and 9.3

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

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Eric M. Perkins  
Administrative Practice Officer  
Department of Higher Education  
CN 542  
Trenton, NJ 08625

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

This proposal is known as PRN 1984-44.

The agency proposal follows:

#### Summary

The New Jersey Higher Education Assistance Authority administers the Federal Guaranteed Student Loan (GSL) Program and the Parent Loan Program (PLUS) in New Jersey. The Federal regulations for these programs do not distinguish between loans to full and part-time students. The Authority has received legal advice that it cannot enact regulations which are contrary to the Federal regulations. The proposed amendments remove current limitations on loans to part-time students to conform the Authority's regulations to those of the Federal programs.

#### Social Impact

The proposed amendments will enable part-time college students to borrow increased sums under the Federal programs to finance their post secondary education in New Jersey.

#### Economic Impact

There is no cost to the State of New Jersey as a result of the proposed amendments. As loans under the GSL and PLUS programs are made by private lenders, there is no additional cost to the federal government unless the loans go into default causing the Authority to buy up the loans using Federal monies.

Full text of the current rules may be found at 15 N.J.R. 475(a), 15 N.J.R. 1663(b).

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

#### 9:9-1.2 Loan amounts

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

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

[(c)] (b) The minimum amount the Authority will guaranty is \$200.00.

#### 9:9-9.3 Loan amount

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

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

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

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

## HUMAN SERVICES

(a)

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Long Term Care Services Manual Subchapter 1. General Provisions

**Proposed Readoption: N.J.A.C. 10:63-1.1,  
1.2, 1.4, 1.7-1.13, 1.15, 1.16, 1.18-1.22**

**Proposed Readoption with Amendments:  
N.J.A.C. 10:63-1.3, 1.5, 1.6, 1.14, 1.17**

Authorized By: George J. Albanese, Commissioner,  
Department of Human Services.

Authority: N.J.S.A. 30:4D-6a(4)(a), b(14), 7 and 7b;  
1905(a)(4)(A) and (a)(15) of the Social Security Act  
and 42 CFR 440.40(a) and 440.150.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Henry W. Hardy, Esq.  
Administrative Practice Officer  
Division of Medical Assistance  
and Health Services  
CN 712  
Trenton, NJ 08625

The Department of Human Services thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), this rule would otherwise expire on March 30, 1984. The readoption of the existing rule becomes effective upon filing with the Office of Administrative Law of the notice of the readoption. The concurrent amendments to the existing rule become effective upon publication in the Register of a notice of its adoption.

This proposal is known as PRN 1984-54.

The agency proposal follows:

#### Summary

The term "long term care facility" (LTCF) is an all inclusive term that refers to both a skilled nursing facility (SNF) and an intermediate care facility (ICF). The state and federal requirements for SNFs and ICFs are separate and distinct. Any institution, or distinct portion thereof, that wishes to qualify as a provider of long term care services under the New Jersey Medicaid Program must meet all applicable state and federal requirements. The type of patients being cared for in an LTCF are those that do not require acute-level hospital care but who, because of their mental or physical condition, require nursing care in an institutional setting. In New Jersey, Medicaid patients requiring services in an LTCF are classified as either level III, "skilled nursing patient," or level IV-A or B, "intermediate care patient."

A level III patient requires "continuous 24-hour availability of nursing personnel." A level IV-A patient requires "substantial assistance with personal care needs involving activities of daily living." Level IV-B patients require "minimal assistance with personal care needs on a daily basis." (Reference is made to N.J.A.C. 10:63-1.2, Definitions.)

Generally speaking, LTC services must be prior authorized by

the Division's Medical Evaluation Team (MET), consisting of physician, nurse, and social worker. If a Medicaid patient is admitted to an LTCF directly from a Class A Special hospital, Acute Care hospital or a Title XIX participating Psychiatric hospital, then authorization is required subsequent to admission. The LTCF is required to notify the Medicaid District Office promptly of the admission.

Subchapter One, entitled General Provisions, contains the basic requirements for those LTCFs that participate in the New Jersey Medicaid Program. The subchapter includes such topics as basic definitions; required and additional services that must/may be performed by an LTCF; records documenting the delivery of these services; utilization control; reimbursement by level of care; and patients' rights.

An administrative review has been conducted, and a determination made that the rule should be continued. There are many patients whose medical condition requires institutional care in a chronic, rather than an acute facility, such as an LTCF. In addition, continuation of this rule will insure continued receipt of Federal matching funds. The rule is necessary, adequate, reasonable, efficient and responsive to the purpose for which it was intended. The rule describes the basic rights and responsibilities of both LTCFs and Medicaid patients vis-a-vis the Medicaid Program.

The rule has been amended several times. Some of the amendments related to various aspects of record keeping. LTCFs are required to keep records of patients' personal needs allowance for 7 years and all other records for 5 years (Section 1.14 as amended by R. 1981 d. 345 at 13 N.J.R. 579(d)). Sections 1.4 and 1.8 were amended to set forth the requirements concerning dental treatment, and documentation thereof, when dental services are provided in an LTCF (R. 1981 d. 219 at 13 N.J.R. 430(b)). Another amendment to section 1.8 specified the records that must be made available for the Division's MET team when they conduct their review of patient care (R. 1981 d. 33 at 13 N.J.R. 146(c)).

Other amendments included the requirement that whenever the Medicaid program purchases durable medical equipment, the patient will be granted a possessory interest, but ownership will vest in the Division of Medical Assistance and Health Services (R. 1982 d. 110 at 14 N.J.R. 391(a)). Section 1.5 was amended twice. The first change indicated that the Division will conduct inspections of patient care once every 12 months (R. 1982 d. 72 at 14 N.J.R. 279(a)). The second change allowed the MET team to consider alternate care in a non-institutional setting provided such care is available, accessible and appropriate to the needs of the patient (R. 1983 d. 304 at 15 N.J.R. 1254(a)).

New rules governing the three-year audit cycle (Section 1.21) and field audits (Section 1.22) were added to define the procedures governing audits of cost studies submitted by LTCFs. The rule governing field audits and completion thereof was required by New Jersey Law (N.J.S.A. 30:4D-17(f)). (Section 1.21 was adopted as R. 1981 d. 23 at 13 N.J.R. 146(a); Section 1.22 was adopted as R. 1983 d. 5 at 15 N.J.R. 155(a)).

The following amendments are being made as part of the proposed readoption. Section 1.3 is being amended to enable the requirements for a social worker, or social work designee, to be consistent with standards promulgated by the New Jersey Department of Health in their **Manual of Standards for Licensure of LTCFs**. Since the Health Department promulgated regulations in the New Jersey Register on March 7, 1983 at 15 N.J.R. 279(a) and adopted June 20, 1983 at 15 N.J.R. 1022(b) the reader is referred to this text. The specific regulations being incorporated by reference are N.J.A.C. 8:39-1.1, entitled "Definitions and/or qualifications" but only those pertaining to "social worker" and "social work designee," and N.J.A.C. 8:39-12, entitled Social Services. The proposal also adds a standard that is applicable to LTCFs that are licensed as SNFs. This standard is based on Federal Medicare regulations (20 CFR 405.1101(s) and 405.1130). Sections 1.5 and 1.6 are being amended to indicate that the maximum periods of authorization (for long term care services

approved by the Division) are up to six months for level III and up to 12 months for intermediate levels IV-A and IV-B.

Section 1.6 also is being revised to indicate that if the MET decision changes the patient's level of care, the MCNH-7 will serve as notice of this change. Section 1.14 will allow written summaries of nurses notes to be written at least once every 60 days for level IV-A patients, and once every 90 days for level IV-B patients. Summaries should be written more frequently than the prescribed time frames if the patient's condition warrants. Section 1.17 merely clarifies the existing text.

**Social Impact**

The rule impacts on those Medicaid patients whose condition requires care and services in a long term care facility. The rule should be continued, because the same social conditions still exist, i.e., there are patients who are chronically ill who require care in an institutional setting.

Since the rule sets forth the Medicaid program's basic requirements for patient care, it impacts on all LTCFs who are providers in the Medicaid Program. At present there are approximately 240 LTCFs that are Medicaid providers.

The rule also impacts significantly on the New Jersey Department of Health, who is responsible for licensure and certification of LTCFs.

**Economic Impact**

There is no changed economic impact directly associated with this proposal, because there is no change in the per diem rate paid to LTCFs.

The Division of Medical Assistance and Health Services spent approximately 278 million dollars (federal-state share combined) for skilled and intermediate care facilities for FY 1983.

Pursuant to federal regulations (42 CFR 435.725), Medicaid patients are required to contribute toward the cost of their care from their available income. Medicaid patients are allowed \$25 per month for their personal needs.

**Full text** of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:63-1.1, 1.2, 1.4, 1.7 through 1.13, 1.15, 1.16, 1.18 through 1.22.

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

10:63-1.3 Required services

The following services are included in the per diem rate.

(a)-(k) (No change.)

[(l) Social Services:

1. Staff:

i. The LTCF may elect to either provide social services directly or arrange with an appropriate social service agency, usually the county welfare agency, for the provision of social services.

ii. Social Services staff shall meet the qualifications for Social Work Designee and Social Worker as defined in the Health Department Manual of Standards for Licensure of Long Term Care Facilities (see N.J.A.C. 8:39-1.1 and 1.20).

iii. The facility shall appoint a social worker, or a social work designee who receives onsite consultations from a social worker. The social worker or designee shall provide social services in the facility one hour per week for every six patients. Facilities of 210 patients shall have one full-time social worker or designee. Additional social work time shall be provided in the facility proportionate to the numbers of patients over 210 at a ratio of one additional hour per six additional patients.

iv. Social work consultation to the designee shall be least two hours per week in facilities of 60 or more patients and four hours per month in facilities of 60 or fewer patients.

2. Delineation of roles of social service staff:

i. A social work designee/social worker shall be responsible for identifying the social needs of the patients and for providing or arranging for services to meet these needs; gathering and documenting the social record, involving other agencies in providing services where necessary; cooperating with other staff in the facility in clarifying the social aspects of treatment; planning and preparing patient and family for, and arranging for both admission and discharge; the social worker may assist in the development of the social work department and the training of staff in social care areas.

ii. A social worker in the consultant capacity shall be responsible for training the designee to identify needs, provide and document social services. The consultant may also provide inservice training in the area of social care to other facility staff, intervene in difficult case situations, and advise the administrator in the development and organization of the social services department.

3. Program:

i. The facility shall have satisfactory arrangements for identifying medically related social and emotional needs of patients and for providing services to met these needs. Identifying social needs means that each patient's situation is reviewed regularly (at least semi-annually) to determine what problems or gaps exist in interrelationships and activities within the facility and with the family, and to develop a course of action to meet these needs. Contact shall be made frequently with patients, family and staff to assess patient needs.

ii. Social services to be provided shall consist of an initial interview with the patient and family, on-going counseling with patients and families (individual and/or group), consultation and advice to nursing and other professional staff, the handing of social problems related to interpersonal relationships, behavior difficulties, family situations, information and referral and contact with other agencies, advocacy: assisting patients in asserting and understanding rights, tangible services related to money, clothing, and other personal incidental items, discharge planning and implementation of discharge arrangements.

4. Space: Office space shall be available to insure visual and auditory privacy for social service interviews with patient and family.]

**(l) Social services:**

**1. Staff:**

i. The LTCF may elect to either provide social services directly or arrange with an appropriate social service agency, usually the county welfare agency, for the provision of social services.

ii. Social Services staff shall meet the qualifications for Social Work Designee and Social Worker as defined in the Health Department Manual of Standards for Licensure of Long Term Care Facilities (see NJAC 8:39-1.1, entitled Definitions and/or qualifications, and NJAC 8:39-12, entitled Social Services).

iii. The Division of Medical Assistance and Health Services hereby incorporates the definitions pertaining to "social worker" and "social work designee," and New Jersey Department of Health regulations (cited above) governing social services. A copy of these regulations may be obtained by writing to either one of the following:

**Administrative Practice Officer  
Division of Medical Assistance  
and Health Services**

**CN 712  
Trenton, NJ 08625**

**or  
New Jersey Department of Health  
Health Facilities Services**

**CN 367  
Trenton, NJ 08625**

**2. In addition to the Health Department regulations, LTCFs who are licensed as skilled nursing facilities must either employ a qualified social worker or have agreement with a qualified social worker or recognized social service agency for**

consultation and assistance on a regularly scheduled basis.

i. A qualified social worker is an individual who has, as a minimum, a Bachelor of Social Work degree from a school accredited by the Council on Social Work Education, and has one year of social work experience in a health care setting.

ii. The federal regulations which are the basis for this requirement are Medicare Regulations 20 CFR 405. 1101(s) and 20 CFR 405.1130.

10:63-1.5 Utilization control

(a) (No change.)

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

1. Certification of medical necessity: The Medicaid MET must determine necessity for long term care and the level of care in all cases of a Medicaid eligible patient except transfer from a general or special hospital to a LTCF (See Appendix - A, List of Special Hospitals).

2. Assessment - reassessment of care requirements:

i. The medical needs of all Medicaid eligible patients referred for long term care will be assessed and conferenced by the MET prior to authorization of long term care.

ii. Initial assessment of all patients admitted to LTCFs from a general or special hospital will be done within 30 days.

iii. Continuation of long term care will be dependent on authorization by the MET at intervals of not more than three months for Level III, not more than nine months for Level IV-A and not more than 12 months for Level IV-B.]

iii. Continuation of long term care will be dependent on authorization by the MET at intervals up to six months for Level III, and not more than 12 months for intermediate Levels IV-A and IV-B.

3. (No change.)

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

10:63-1.6 Authorization process

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

(e) Prior authorization rules are:

1.-2. (No change.)

3. The maximum durations for a single authorization for long term care are as follows:

i. Level III - 6 months;

ii. Level IV-A [9 months] **12 months**;

iii. Level IV-B - 12 months.

NOTE: Although an authorization may be given for a maximum period of time as indicated above the MET may give an authorization for a shorter period of time.

(f)-(g) (No change.)

(h) Reauthorization procedures are:

1. Within forty-five days before the expiration of an authorized period of LTCF services, a Regional Staff Nurse shall assess the needs of the patient to determine the patient's current health status, continuing need for long term care and/or other appropriate alternatives.

2. The MET will re-evaluate the available data to determine need of continued LTCF placement and the appropriateness of alternatives.

3. If the MET decision [is to approve long term care] **changes the patient's level of care**, the MCNH-7 (Exhibit No. 3) will serve as notification to County Welfare Agencies, Long Term Care Facilities, and the Bureau of Claims and Accounts.

(i)-(k) (No change.)

10:63-1.14 Records

(a) As a condition for participation in the New Jersey Medicaid Program it is required that LTCFs maintain medical, nursing, social, patient activities and billing records on all long term care

Medicaid patients in accordance with accepted professional standards and practices.

(b) (No change.)

(c) Required nursing records are:

1.-2. (No change.)

3. Nurses' notes:

i.-ii. (No change.)

iii. Nursing entries shall be made as often as necessary based on the Medicaid [recipient's] **patient's** condition. The minimal requirements by level of care are:

(1) Skilled Nursing Care (Level III) Medicaid patients shall have daily summaries for the first five days after admission written by staff of each shift and thereafter summaries written, at least once every 30 days, or more frequently as necessary.

(2) Intermediate Care (Level IV-A) Medicaid patients shall have daily summaries for the first five days after admission written by staff of each shift and thereafter summaries written at least once every [30] **60** days, or more frequently as necessary.

(3) Intermediate Care (Level IV-B) Medicaid patients shall have daily summaries for the first five days after admission written by staff of each shift and thereafter summaries written at least once every [60] **90** days, or more frequently as necessary.

4.-6. (No change.)

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

10:63-1.17 Non-covered services

(a) In addition to the general exclusions listed in Chapter I, non-covered services in LTCFs include but are not limited to the following:

1.-3. (No change.)

4. [Services and supplies not related to care of patient. Services and supplies not directly related to the care of the patient (e.g. guest meals, and accommodations, television, telephone, personal items, etc.)] **Services and supplies not related to the care of the patient, e.g., guest meals and accommodations, television, telephone, personal items, etc.**

5. (No change.)

(a)

**DIVISION OF PUBLIC WELFARE**

**Public Assistance Manual  
Definitions**

**Proposed Redoption with Amendments:  
N.J.A.C. 10:81-9**

Authorized By: George J. Albanese, Commissioner,  
Department of Human Services.

Authority: N.J.S.A. 44:7-6 and 44:10-3.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Audrey Harris, Acting Director  
Division of Public Welfare  
CN 716  
Trenton, NJ 08625

The Department of Human Services thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), this rule would otherwise expire on March 15, 1984. The redoption of existing rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of redoption. The concurrent amendments to the

existing rule become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-80.

The agency proposal follows:

**Summary**

In accordance with the sunset provisions of Executive Order No. 66(1978), the Department of Human Services proposes to readopt subchapter 9 of N.J.A.C. 10:81.

On March 14, 1979, Ann Klein, then Commissioner of the Department 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 amendments to N.J.A.C. 10:81-9 concerning the glossary of terms and acronyms as proposed in the Notice published November 9, 1978 at 10 N.J.R. 486(a) which deleted and clarified existing terminology. An order adopting these amendments was filed and became effective on March 15, 1979 as R.1979 d.110.

On October 18, 1979, subchapter 9 was amended by then Commissioner Klein, concerning the deletion and revision of certain forms used in the AFDC program, in conjunction with adopted amendments to N.J.A.C. 10:81-2.1 et. seq., as proposed in the Notice published July 5, 1979 at 11 N.J.R. 344(a). An order adopting these amendments was filed and became effective on October 18, 1979 as R.1979 d.428.

This subchapter is significant inasmuch as it provides definitions of terms and acronyms, in alphabetical order, which are contained as regulation in the text of the Public Assistance Manual. The definitions are provided for ease of reference to users of the manual.

The current amendments to this subchapter are directed at updating the definitions contained in the subchapter to be consistent with current regulations contained in the Public Assistance Manual, through the deletion of obsolete terminology, the clarification of existing terminology and the addition of new definitions.

**Social Impact**

No social impact is expected as the definitions in subchapter 9 define terms and acronyms contained in the Public Assistance Manual as adopted regulations and do not establish new regulations.

**Economic Impact**

As the subchapter establishes no new regulations, no economic impact is foreseen.

**Full text** of the proposed re-adoption can be found in the New Jersey Code at N.J.A.C. 10:81-9.

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

10:81-9.1 Definitions

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

["AFWP" means Assistance to Families of the Working Poor (State funded program in existence from 7/1/71 to 7/1/77).]

"Aid to Families with Dependent Children (AFDC-C, -F and -N)" means:

1. (No change.)
2. AFDC-F - families with eligible children when both parents are in the home, are not incapacitated and the father meets the [federal] **Federal** definition of unemployment.
3. AFDC-N - families with eligible children when both parents are in the home, are not incapacitated and there is insufficient income

or other resources for support of the family [(i.e., the old AFWP criteria)].

"Assistance payment" means the money amount authorized and issued by the [county welfare agency] **CWA**.

**"BARA" means the Bureau of Administrative Review and Appeal in the Division of Public Welfare.**

"BLO" means the Bureau of Local Operations in the Division of Public Welfare.

**"BMA" means the Bureau of Medical Affairs in the Division of Public Welfare.**

"Boarder, roomer, roomer-boarder" means a person, other than a member of an eligible unit, whose acceptance in the household is a business arrangement based upon payment in cash for board, room, or room and board.

"BQC" means the Bureau of Quality Control in the Division of Public Welfare.

**"BTS" means the Bureau of Transitional Services in the Division of Mental Health and Hospitals.**

"Capacity of a legally responsible relative (LRR) to support" means amount of contribution to be anticipated from an LRR.

"Categorical assistance" means Federal programs including Aid to Families with Dependent Children, [Cuban and Indochinese Refugee Assistance] **Refugee Resettlement Program and Cuban/Haitian Entrant Program.**

["CETA" means Comprehensive Employment and Training Act of 1973.]

**"CHEP" means Cuban/Haitian Entrant Program.**

"Child of eligible age" means a child [under the age of 18; or between the ages of 18 and 21 and regularly attending school, college or a vocational or technical training course] **up to the age of 18 and a child up to the age of 19 if a full-time student in a secondary school, or in the equivalent level of vocational or technical training and reasonably expected to complete the program before reaching age 19.**

["CRA" means Cuban Refugee Assistance.]

["Cuban Refugee Assistance Program (CRA)" means a federally-funded program for individuals who left Cuba on or after January 1, 1959 and who meet specified eligibility requirements.]

**"Cuban/Haitian Entrant Program (CHEP)" means a federally-funded program designed to aid Cuban and Haitian entrants.**

"Disregards" means the amount of earned income discounted in the AFDC programs according to [federal] **Federal** and/or State regulations.

"Division of Public Welfare" means the office within the State Department of Human Services responsible for supervision of the administration of local assistance agencies.

**"DMR" means the Division of Mental Retardation.**

"Essential person" means [when] a particular member of a household **who** is required to be in the home on a substantially continuous basis because of the (certified) mental or physical impairment of another member and no other appropriate individual of the household is available.

"ICS" means the Integrity Control Section of the Bureau of [Quality Control] **Local Operations.**

["Indochinese Refugee Program" means assistance provided to

needy individuals who left Vietnam, Cambodia or Laos and entered into the United States on or after April 8, 1975.]

"Inquiry" means any request for information about assistance programs which is not a request for application.

["IRP" means Indochinese Refugee Program.]

"ISS" means Institutional Services Section of the Bureau of Local Operations [(BLO)].

"LMAU" means Local Medical Assistance Unit in the Division of Medical Assistance and Health Services.

"MAAC" means Medical Assistance for the Aged Continuation.

"Medicaid" means a Federal/State program administered by the Division of Medical Assistance and Health Services providing for payment of claims for and evaluation of health services; eligibility is limited to persons who are receiving or who are eligible to receive AFDC-C, -F, [or] -N, [CRA, IRP] or SSI (medical needs of AFDC-N recipients are met solely from State funds).

"Medical Assistance for the Aged Continuation (MAAC)" means a State program for individuals 65 years of age or older who can normally maintain themselves, are not eligible for Medicaid, but who are in need of hospitalization, home health care or long-term care and are unable to meet such costs.

"Medical Review Team (MRT)" means a unit within the Bureau of Medical Affairs of the State Division, composed of a Medical Consultant and a Medical Social Worker, which is responsible for determinations of medical eligibility, based on information submitted by [county welfare agencies] CWAs.

"Monthly amount" means the amount of money required or provided for one month [(computed on the basis of 30 days or 4 1/3 weeks)].

"New application" means a written request for assistance under a specified program from an individual/family who has never previously requested assistance in any county in the State under that program.

"N.J.A.C." means New Jersey Administrative Code.

"NJSES" means the New Jersey State Employment Service, [N.J.] New Jersey Department of Labor and Industry.

"PEC" means presumption eligibility confirmed.

"Policy" means guidelines, limited by and consistent with law, which control CWA and [Division of Public Welfare] DPW staff in carrying out public assistance programs.

"Presumptive eligibility confirmed (PEC)" means verification by the welfare agency that the client(s) meets all eligibility requirements, either through official documentation or collateral sources, within a prescribed time period.

"Protective payee" means a person authorized by the CWA under certain conditions to receive and administer assistance payments on behalf of an eligible family.

["Recoupment" means a procedure through which the agency is reimbursed for an overpayment to a client.]

"Recovery" means the process whereby the CWA seeks the repayment of assistance improperly obtained.

"Referral" means a request from an agency, institution, or individual on behalf of another individual who is interested in applying for financial assistance; or a request from the CWA to another agency.

"Refugee Resettlement Program (RRP)" means a federally-funded program designed to help meet the needs of refugees as defined by the Immigration and Naturalization Service.

"Restricted payments" means checks drawn to the order of a specified person and subject to some condition or restriction which prevents immediate and unconditional negotiation and use by the payee upon delivery; checks drawn to the order of a third person (not a vendor) and intended for use on behalf of the client.

"Retirement, Survivors and Disability Insurance (RSDI)" means the Federal program administered by the Social Security Administration (SSA) which provides protection to workers and their families against loss or stoppage of earnings resulting from retirement at age 62 or older, death or disability.

["RSDI (Retirement, Survivors and Disability Insurance)" means federal program administered by the Social Security Administration (SSA) which provides protection to workers and their families against loss or stoppage of earnings resulting from retirement at age 62 or older, death or disability.]

"RRP" means the Refugee Resettlement Program.

"RSDI" means Retirement, Survivors and Disability Insurance.

"SSI" means Federal Supplemental Security Income Program, including State supplemental payments administered through this program for aged, blind or disabled of any age.

"State institution" means any institutional facility for the mentally ill or retarded, penal institution or veteran's hospital under the jurisdiction of the State of New Jersey.

"Undue hardship" means certain situations which, in the judgment of the [county welfare agency] CWA, will result in unreasonable financial stress upon recipient families.

"Vendor payment" means a check drawn to the order of a person or facility for providing goods or services to or for the client, representing payment for such goods or services.

"WIN" means Work Incentive Program.

"Withdrawn application" means an oral or written request by an applicant that the [county welfare agency] CWA terminate its activity on his/her application.

"Work Incentive Program (WIN)" means a program designed to place in employment, or train for employment, appropriate recipients of [the] AFDC-C [and] or -F [program].

"Worksheet and Authorization for Public Assistance", Form PA-3A, on which is recorded the computations relating to allowance, income, and monthly grant for an eligible unit and including the action recommended or approved by the [county welfare agency] CWA

## LAW AND PUBLIC SAFETY

(a)

### DIVISION OF ALCOHOLIC BEVERAGE CONTROL

#### Bureau of Amusement Games Control Application and Licensing Systems State and Municipal Licensing

#### Proposed Amendments: N.J.A.C. 13:3-1.10, 1.13, 1.15, 1.18, 2.1, 2.3, 3.1

Authorized By: John F. Vassallo, Jr., Director, Division of Alcoholic Beverage Control and Commissioner, Bureau of Amusement Games Control.

Authority: N.J.S.A. 5:8-79, 5:8-79.1, 5:8-102, and 5:8-105.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

John F. Vassallo, Jr., Director  
 Division of Alcoholic Beverage Control  
 and Commissioner, Bureau of Amusement  
 Games Control  
 Richard J. Hughes Justice Complex  
 CN 087  
 Trenton, NJ 08625

The Director, Division of Alcoholic Beverage Control, hereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-56.

The agency proposal follows:

**Summary**

Since the authorization of Amusement Games Licensing in 1959, the State and the authorized municipalities have had a constant duplication of efforts when it comes to licensing. There have always been two separate application forms, as well as two separate license certificates. The proposed regulatory amendments will end this duplication.

The changes will have the State and municipality use the same application form, upon which the municipality will endorse that it is granting a license. The amendments will also eliminate the duplication of the issuance of license certificates and the State will issue a single certificate. This certificate will contain all the information that is presently contained on the two separate license certificates.

**Social Impact**

The revision of the application system and licensure system will eliminate a duplication of paperwork by the applicant, municipal clerk's office and the State's employees. Achievement of this system will benefit the State, the concerned municipalities and the applicants.

**Economic Impact**

The proposed amendments will lead to a moderate savings to the concerned municipalities, in that they will no longer need to have license certificates printed. There is no economic impact on the State or the applicants.

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

13:3-1.10 Application form and license certificate

(a) Each application for license shall be submitted in duplicate in form prescribed by the Commissioner.

(b) The original shall be retained by the municipal governing body and, in the event the application is granted, the copy[, together with a true copy of the license certificate issued] shall be transmitted forthwith to the Commissioner.

13:3-1.13 Municipal resolution to authorize licenses

(a) (No change.)

(b) A certified copy of each such resolution [shall be transmitted], together with a copy of the application **endorsed to show the granting of a municipal license** [and license certificate issued] **shall be transmitted** to the Commissioner by the municipal governing body forthwith.

13:3-1.15 Disposition of [municipal] license **certificate**

(a) **After municipal approval and the Commissioner's approval**, [T] the license certificate shall be prepared in [triplicate] **quadruplicate**.

(b) (No change.)

(c) One of the copies shall be **delivered to** [retained by] the municipality [and] **to be made part of its licensing records**.

(d) [Simultaneously with delivery of the original license certificate to the licensee, the] **The remaining two copies** [copy] shall be **retained by** [transmitted to] the Commissioner. [as and for a certification of issuance of license, together with a true copy of the application for license upon which the license was granted.]

13:3-1.18 Reporting change in application facts

Whenever any change shall occur in the facts as set forth in any application for [municipal] a license, the licensee shall file with the Commissioner and the municipal governing body a notice in writing of such change within ten days after the occurrence thereof.

13:3-2.1 Need for municipal license

No municipal **approval of a** license shall become operative unless and until the licensee named therein shall have **been issued the** [procured a] State license **certificate** [from] by the State Commissioner of Amusement Games Control. [and shall have affixed the State license certificate to the municipal license certificate.]

13:3-2.3 Separate application and fee for specific games and separate premises

(a) A separate application shall be made, and separate fee paid [where required], for each specific kind of game to be authorized to be held, operated and conducted by the applicant pursuant to municipal and State license and for each place at which the applicant seeks authorization to hold, operate and conduct such game or games.

[(b) Where no fee is payable, the application shall so indicate, together with a statement of the reason therefor.]

13:3-3.1 Conspicuous display of license

No licensee shall hold, operate or conduct, or allow, permit or suffer the holding, operation or conduct of any amusement game on the licensed premises unless during the holding, operation and conduct of such game the currently effective and operative [municipal and State certificates] **license certificate** evidencing that a license has been issued to permit the holding, operation and conduct of such game [are] is conspicuously displayed upon the licensed premises, suitably weather-proofed if subject to exposure to the elements, and in such plain view and location as to be easily read by all persons visiting such premises.

(a)

**DIVISION OF MOTOR VEHICLES**

**Commercial Drivers' Schools  
 Licensing Regulations**

**Proposed Amendments: N.J.A.C. 13:23**

Authorized By: Clifford W. Snedeker, Director, Division of Motor Vehicles.

Authority: N.J.S.A. 39:12-1 et seq., specifically 39:12-4.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clifford W. Snedeker, Director  
Division of Motor Vehicles  
25 So. Montgomery Street  
Trenton, NJ 08666

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

This proposal is known as PRN 1984-51.

The agency proposal follows:

#### Summary

This proposal amends the Commercial Drivers' Schools Regulations so as to:

- (1) Bring the fees established therein into compliance with the applicable law;
- (2) Proscribe the alteration of the driver's school license;
- (3) Require that a driver's school contract specify all fees charged for services agreed to be furnished by the driver's school;
- (4) Require a driver's school to post with the Division a list of all fees charged by the school in the operation of its business;
- (5) Increase liability insurance limits for motor vehicles used by a driver's school;
- (6) Require motor vehicles used by driver schools be equipped with inside and outside rear view mirrors for both student and instructor;
- (7) Restrict advertisements to the trade name of the driver's school;
- (8) Provide for rescission of a contract by a student within 24 hours of the execution of the contract with refunds for lessons or services not provided;
- (9) Require all driver school instructors to complete the National Safety Defensive Driving Program;
- (10) Provide for the suspension of an instructor's license upon accumulation of nine or more points, and;
- (11) Require proof of compliance with all applicable State and local ordinances and codes.

#### Social Impact

The proposed amendments will promote safety in the operation of driver school vehicles by requiring that school vehicles be equipped with inside and outside mirrors for both the student and instructor, by requiring instructors to complete the National Defensive Driving Program and by providing for the suspension of an instructor's license upon accumulation of nine or more points under the Division's Point System Regulations. The proposed amendment will also promote fairness in dealings between a driver's school and prospective students by providing that a driver's school contract specify all fees to be charged for services rendered by the driver's school, by requiring a driver's school to post a list of all fees with the Division of Motor Vehicles and by providing for rescission of a contract by a student within 24 hours of the execution thereof with refund for lessons or services not provided.

#### Economic Impact

There is an economic impact on the Division of Motor Vehicles in that the Bureau of Certificate of Ownership, Title Transfers and Duplicates will be responsible for monitoring compliance of driver schools and instructors with the amendatory provisions. There is an economic impact on driver schools in complying with the higher liability insurance limits for motor vehicles used in the driver school business and in equipping their vehicles with the dual mirrors required in the proposed amendments.

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

## SUBCHAPTER 1. DEFINITIONS

### 13:23-1.1 Words and phrases defined

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

"Branch office" means an approved location where the business of the drivers' school is conducted, other than the principal place of business.

"Director" means the Director of Motor Vehicles in the Department of Law and Public Safety in the State of New Jersey.

"Drivers' school" means the business of giving instruction, for compensation, in the driving of motor vehicles and motorcycles. The words "instruction in the driving of motor vehicles and motorcycles" shall include classroom [as well as] **and/or** behind the wheel training. This definition shall not be taken to include instructions [given to matriculated students] **which are given** in public, private, parochial or secondary schools.

"Fraudulent practices" [means] **include**, but [is] **are** not limited to, any conduct or representation tending to give the impression that a license to operate a motor vehicle or motorcycle or any other [type] **class** of license, registration or service granted by the Director of Motor Vehicles, in the Department of Law and Public Safety, may be obtained by any means other than [the means] **those** prescribed by law [, or by] ; **the** furnishing or obtaining [the same] **a license of any class, registration or service** by illegal or improper means[.]; or the requesting, accepting, exacting or collecting money for [such purpose] **furnishing or obtaining a license of any class, registration or service by illegal or improper means**.

"Person" means an individual, corporation or partnership.

"Place of business" means a designated location at which the business of a drivers' school is being conducted.

"Principal place of business" means the location designated by the **applicant, and approved by the** Director, as the primary facility of the drivers' school.

["Reasonable business hours" mean the conducting of the drivers' school business at least six consecutive hours each regular working day including a lunch period not exceeding one hour.]

"Telephone answering service" means the location of a telephone: used only for the purpose of answering telephone inquiries pertaining to the drivers' school services. A telephone answering service is not to be considered a branch office, and the location and/or address, of a telephone answering service shall not be advertised if it differs from that of a licensed location.

## SUBCHAPTER 2. DRIVERS' SCHOOLS

### 13:23-2.1 Licenses

(a) Every person proposing to engage in the business of conducting a drivers' school shall be licensed by the Director, prior to engaging in such business.

(b) A license will not be issued until at least one instructor has secured an instructor's license, and at least one motor vehicle has been approved for drivers' school use.

(c) A license, either initial or renewal, will not be issued until compliance with the conditions in this [Subchapter] **subchapter** has been effected.

### 13:23-2.2 Applications; contents

(a) Application is to be made on a form prescribed by the Director. These forms may be obtained from [the office of the Chief Inspector] **Bureau of Certificate of Ownership, Title Transfers and Duplicates**, Division of Motor Vehicles, [25 South Montgomery] **137 East State Street**, Trenton, New Jersey [08608] **08666**. Renewal applications must be submitted for approval and issuance at least ten days prior to the expiration date of the current license.

(b) **A license fee of \$250.00 must accompany the original**

**application. In the event the application is withdrawn or denied, the \$225.00 will be returned to the applicant.**

(b) (c) When an application is made by an individual, it must be signed and sworn to by each individual. In the case of partnership, the application may be signed and sworn to by any one partner. In the case of a corporation, the application must be signed and sworn to by the president and attested to by the secretary.

(c) (d) [Individuals, officers, in the case of a corporation, and partners, in the case of a partnership,] **Individual applicants, partners and corporate officers** are required to submit a fingerprint record along with an application for an initial license. The Director, in his discretion, may require fingerprint records to be submitted by applicants for renewal licenses.

(d) (e) Every initial application must be accompanied by the following supplementary documents:

1. In the case of a corporation, a certified copy of a certificate of incorporation, and a copy of the corporation resolution authorizing the corporation to engage in the business of operating a driver school;

2. Samples of each and every [record of agreement] **contract form** to be used by the school;

3. Samples of all forms of receipts to be used by the school;

4. A schedule of all services to be performed by the school;

5. Copies of all forms used by the school, which are to be delivered to the students;

6. Three photographs of the applicant **or of the partners or principal officers where the applicant is a partnership or corporation** taken not more than 30 days prior to the date of the application;

7. A noncancelable surety bond in the amount of [\$5,000] **\$25,000.00; and**

8. **Proof of compliance with all State and local zoning ordinances, building codes, fire codes, health codes and any other applicable ordinances and codes, on a form prescribed by the Director.**

13:23-2.3 License fee; term

(a) The annual fee for the initial license [and renewal thereof is \$50.00] is **\$250.00; the fee for the renewal license is \$100.00.**

(b) The license is valid for the calendar year.

3:23-2.4 Display of license

(a) The original license is to be conspicuously displayed in the licensee's principal place of business.

(b) **The licensee shall not alter, delete from, add to, or in any manner cover any portion of the license.**

13:23-2.5 Nontransferability of license

(a) In the event of any change of ownership or interest in the business, application for a new license must be filed with the Director. This shall include any sale of more than 25 percent of capital stock of a corporation. In the event of a sale of less than 25 percent of the capital stock it shall not be necessary for the licensee to pay a new fee to the Director.

(b) The Director must be notified in writing immediately [in the event that arrangements are made for the disposal] **when agreement is entered into to transfer ownership** of the business [a change of] **any interest therein.** The Director may, in his discretion, permit continuance of the business by the licensee: pending processing of the application made by the person to whom the business, or interest therein, is to be transferred. **The licensee: shall request in writing the Director's permission to continue the business pending the processing of the application.**

(c) The existing license and copies thereof, [together with] all instructors' certificates issued thereunder, **and all other documents issued in connection with the driver school** must be surrendered before a license will be issued to the new owner.

13:23-2.6 Lost, mutilated or destroyed licenses

(a) In the event a license, **or duplicate thereof**, is lost, mutilated or destroyed, a duplicate will be issued upon proof of the facts, and upon payment of [\$1.00] **\$3.00** and, in the case of mutilation, upon surrender of such mutilated license. Such proof shall be submitted in the form of an affidavit indicating:

1. The date the license, **or duplicate thereof**, was lost, mutilated or destroyed; and,

2. The circumstances involving the loss, mutilation or destruction of the license, **or duplicate thereof.**

13:23-2.7 Surrender of license

(a) A license may be surrendered for cancellation, or deposit for safe-keeping, at the [Office of the Chief Inspector] **Bureau of Certificate of Ownership, Title Transfers and Duplicates** of the Division of Motor Vehicles.

(b) In all such cases the licensee is required to state, in writing, the reason for such surrender or deposit.

13:23-2.8 Location of business

(a) [A license will not be issued for a drivers' school if the place of business, or a branch office, is within 1,500 feet of a building in which motor vehicle registrations or driver licenses are issued to the public, or within 1,500 feet of a building where any part of the driver license examination is being conducted, or the location where driving tests are being conducted. Upon receipt of an initial drivers' school application on or after the effective date of these regulations, the location shall be a store, office or portion of a building devoted to nonresidential use.]

(a) **No licensee shall conduct his business at such location or in such manner as to give the appearance to the public that the business has some official connection with a Division of Motor Vehicle facility or the premises of an authorized motor vehicle agent. In making this determination the Director may consider the proximity of the place of business to any building in which motor vehicle registrations or driver licenses are issued to the public, the proximity of the place of business to the location where driving tests are conducted by the Division of Motor Vehicles, the trade name under which the licensee conducts business, the nature of any signs or advertisements used by the licensee and any other factor which tends to give the impression that the licensee has some official connection with any office or agent of the Division of Motor Vehicles.**

(b) [The provisions of subsection (a) of this Section shall not apply to compel the discontinuance of a drivers' school office which was already established and in use on January 1, 1962.] **The location shall be a building, office or portion of a building in an area zoned for commercial or business use and owned or leased for the use of the commercial driving school.**

13:23-2.9 Change of location

[(a)] A drivers' school may not change its [location] **principal place of business or branch office** without prior approval of the Director.

[(b)] Upon change of location of a currently licensed drivers' school, which has operated in a location other than a store, office or portion of a building devoted to nonresidential use, such newly approved premises must be located in a store, office or portion of a building devoted to nonresidential use.]

13:23-2.10 Locations prohibited; compliance with State and local ordinances and codes

[No license shall be issued for conducting a drivers' school where the place of business is conducted from a house trailer, tent, temporary stand, temporary address, a room or rooms in a hotel or through the exclusive facilities of a telephone answering service.]

(a) **No license shall be issued for a drivers' school where the place of business is conducted from a liquor store, a bar, tent, temporary stand, temporary address or through the exclusive facilities of a telephone answering service.**

**(b) Every applicant for an initial or a renewal driver school license shall submit proof satisfactory to the director that the principal place of business and each branch office complies with all State and local zoning ordinances, building codes, fire codes, health codes and any other applicable ordinances and codes.**

13:23-2.11 [Office space] **Reserved**

[A drivers' school principal place of business or branch office must have at least 150 square feet of office space.]

13:23-2.12 Sign requirements

The [location may] **principal place of business and branch offices must** be identified by a permanent sign, clearly readable from a distance of not less than 100 feet, with letters not less than five inches high, and the name of the drivers' school upon it.

13:23-2.13 Business hours

[(a) The principal place of business or branch office of a drivers' school must be open to the public for service for at least six consecutive hours each regular working day, except for a one-hour lunch period.

[(b)] **(a)** The hours during which [such facilities are] a drivers' school is open to the public for service, must be filed with, and approved by the Director and prominently displayed on the front door or front window of the licensed principal place of business and/or branch [office] **offices of the drivers' school.**

**(b) Every licensee shall maintain a telephone answering service for each regular working day or any portion of each regular working day during which the principal place of business or branch office is not open to the public.**

13:23-2.14 Office personnel

(a) The licensed principal place of business [or] **and branch [office] offices** of a drivers' school shall be [manned] **managed** by responsible personnel **having at least two years teaching experience with a commercial driving school.**

(b) The names and addresses of such personnel must be filed with the Director.

13:23-2.15 (No change in text.)

13:23-2.16 Branch office removal or discontinuance

(a) A branch office may not be [removed] **moved** to a new location without prior approval of the Director.

(b) (No change.)

13:23-2.17 Branch office requirements

(a) [The] **A** branch office must meet all of the requirements of the licensed principal place of business.

(b) [The] **A** branch office must be identified as a branch office by a permanent sign, which indicates the location of the licensed principal place of business and which is reasonably visible to the general public.

(c) [The] **A** branch office must be within 15 miles of the main classroom facility [or a branch classroom facility operated by the drivers' school] **operated by the drivers' school, or within 15 miles of a classroom facility approved for use of the branch office.**

13:23-2.18 (No change in text.)

13:23-2.19 Record types, entries and corrections

Every licensee shall maintain the records specified in this [Subchapter] **subchapter** in a business-like manner with all entries to be made in ink. Corrections shall be made by drawing a single line through the error and making a new entry. Only standard abbreviations are to be used.

13:23-2.20, 2.21 (No change in text.)

13:23-2.22 Contract file

(a) (No change.)

(b) All contracts shall be consecutively numbered so as to agree with the permanent book of registry, and shall contain the following:

1. The name and address of the school. If the school is conducted under [an assumed] **a trade name** or is operated by a corporation, partnership or association, the [agreement] **contract** must contain the name of the individual owner, or such of the names of the officers of the corporation, association, or members of the partnership as the Director may require.

2.-3. (No change.)

4. The type of car on which the instruction is to be given, showing clearly whether the student is to be taught in a car equipped with automatic transmission [, fluid drive] or standard manual gear shift.

5.-6. (No change.)

**7. All fees charged for every other service agreed to be provided by the drivers' school.**

13:23-2.23 Receipts file

(a) (No change.)

(b) The receipt form shall contain:

1.-4. (No change.)

5. The signature of the student or **other person making payment on behalf of the student;**

6. (No change.)

3:23-2.24 [Statement of availability of regulations] **Posting of fees with the Division**

[A statement indicating that the regulations of the Division of Motor Vehicles concerning drivers' schools are available on the school premises for examination by the student shall be maintained.]

**A drivers' school shall post with the Division of Motor Vehicles a list of all fees charged by the school in the operation of its business. Any proposed change in established fees shall not take effect until the Division is notified thereof in writing.**

13:23-2.25 Loss, mutilation or destruction of records

(a) The loss, mutilation or destruction of any records which a drivers' school is required to maintain, under this [Subchapter] **subchapter**, must be reported immediately to the Director by affidavit, stating:

1.-3. (No change.)

3:23-2.26 Retention of records

All records must be maintained **at the principal place of business** for a period of three years, during which period they shall be subject to the inspection of the Director or any [Inspector] **employee** of the Division of Motor Vehicles, at any time during reasonable business hours.

13:23-2.27 School vehicle identification certificate

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

**(c) The fee for each school identification certificate shall be \$5.00. The certificate shall be valid until suspended or revoked.**

13:23-2.28 Conditions for issuance of certificate

(a) A school vehicle identification certificate will not be issued unless and until:

1. (No change.)

2. The licensee has filed with the Director evidence of liability insurance, in a company authorized to do business in this State, in the amount of at least [\$100,000] **\$250,000** because of bodily injury to, or death of, any one person in any one accident and subject to said limit for any one person, to a limit of at least [\$300,000] **\$500,000** because of bodily injury to, death of, two or more persons in any one accident, and to a limit of \$50,000 because of damage to, or destruction of, property of others in any one accident. The

drivers' school shall furnish evidence of such insurance coverage on a form supplied by the Division of Motor Vehicles. This form shall stipulate that such insurance may not be cancelled or terminated, except upon [ten] **30** days prior written notice to the Director of Motor Vehicles at Trenton, New Jersey. In the event of cancellation or expiration of such insurance, such vehicle may not thereafter be used for drivers' school purposes, and the school vehicle identification certificate shall terminate automatically and must be surrendered to the Director.

3.-4. (No change.)

5. **Such vehicle is equipped with inside and outside or rear view mirrors for both student and instructor.**

13:23-2.29 Sign displayed on vehicles

(a) Vehicles, while being used for driving instructions, must have displayed conspicuously thereon a sign [, with background and letters of contrasting colors.] stating "Student Driver".

**(b) The sign shall have a background and letters of contrasting colors. The letters shall be not less than three inches in height and of a stroke of not less than 1/4 inch. Letters may be of a reflectorized material and shall be white, amber or yellow in color.**

[(b)] (c) The sign must be visible to both front and rear; in letters not less than three inches in height. Letters may be of a reflectorized material, basically white, amber or yellow in color.

13:23-2.30 Advertising

(a) Advertising by drivers' schools must conform to the following:

1. Schools must not publish, advertise or intimate that license is guaranteed or assured **upon completion of instructions.**

2. (No change.)

**3. Advertisement such as "no charge for road test failures" is prohibited.**

[3.] **4.** The letters and numerals of any sign, **advertisement** or combinations of two or more signs, used as part of the same message relating to drivers' school activities, shall be of such size so that the letters and numerals in the name of the drivers' school may not be smaller than the letters and numerals in the remainder of the text.

[4.] **5.** The drivers' school may use, on forms, contracts and similar documents, or in advertising, the phrase, "This school is licensed by the State of New Jersey".

[5.] **6.** The use of the word "State", in any sign or other medium of advertising, except as permitted in [the above paragraph] **(a)5 above, is prohibited.**

[6.] **7.** A drivers' school shall not advertise the address of any location other than the licensed principal place of business, or a licensed branch office.

**8. The drivers' school shall not advertise any name or combination of names, or abbreviation of name, other than the trade name by which the driver's school is licensed to do business by the Director of Motor Vehicles and which appears on the driver school wall license.**

[7.] **9.** A drivers' school shall not solicit business, or cause business to be solicited in its behalf, or display or distribute any advertising material [,within 1,500 feet of any building in which motor vehicle registrations or licenses to drive motor vehicle are issued to the public, or within 1,500 feet of a location where driving tests for drivers' licenses are started] **in such a manner as to give the impression that the business has some official connection with the Division of Motor Vehicles or an authorized motor vehicle agent.** This paragraph shall not be construed to prohibit drivers' schools from appearing at drivers' test locations with vehicles which contain the name, address and telephone number of the drivers' school, and any other sign(s) or identification which may be required by this [Chapter] **chapter** or N.J.S.A. 39:12.

(b) [The Director reserves the right to disapprove of any form of advertising used by a drivers' school. Written notice shall be given

to the licensee and, within ten days of the date of such notice, the advertising in question must be discontinued. **All advertisements and public representations sponsored, procured, utilized, published, endorsed, presented or otherwise disseminated by, at the direction or on behalf of a drivers' school shall be based on fact and shall not be false, deceptive or misleading in any manner whatsoever.**

**(c) Any advertisement through any media which cannot be changed, deleted or withdrawn within a period of one week or less, including classified telephone directory advertisement, shall require the approval of the Director or his designee prior to printing. The full copy of such advertisement must be submitted to the Director in writing.**

13:23-2.31 [Agreements] Contracts

(a) A person shall not be given lessons, lectures, tutoring or any other service relating to instructions in motor vehicle or motorcycle operation, unless and until a written contract, in a form approved by the Director and containing that information as outlined in [Section 2.22 (Contract file) of this Chapter] **N.J.A.C. 13:23-2.22** has been **signed and executed, both by the drivers' school and by the student contracting for lessons.**

(b) The carbon copy of such contract must be given to the student and the original thereof must be retained by the school in its duplicate contract file.

(c) (No change.)

(d) Each school must file and maintain with the Director a list of those persons authorized or empowered to execute contracts on behalf of the school. A completed signature record form must be filed with the Director, for each person authorized to sign contracts for the school. **The school must notify the Director in writing whenever any name is removed from the list of those persons empowered to execute contracts on behalf of the school.**

(e) A school shall not agree to give unlimited lessons, nor shall any school represent or agree [, orally or in writing, or as part of an inducement to sign any contract or to enroll for lessons] to give instruction until the license is obtained, or give free lessons, or a premium or discount, if a license is not obtained. **The student may rescind the contract within 24 hours of execution, and upon such rescission shall receive a refund or any lessons or services not provided.**

(f) The term "no refund" is not permitted in contracts. Schools may substitute the following: "This school will not refund any tuition or part of tuition if the school is ready, willing and able to fulfill its part of the agreement **prior to the student's being licensed to operate a motor vehicle in New Jersey**".

**1. Upon such licensure, refunds shall be granted for lessons paid for but not provided.**

13:23-2.32 Practice driving

Practice driving is prohibited **on the grounds or roadways used for State driving tests. Instructor [must enforce this Section where their students are concerned.] shall inform students of the prohibition contained in this section.**

13:23-2.33 Learner permits

A licensee is required to ascertain, prior to giving **behind the wheel instructions or presenting the student for a driving test, [instructions in driving,] that a student is in possession of a valid driver examination [learner's] permit properly validated for practice driving, or a valid driver's license.**

13:23-2.34 Requirements at driving test

(a) Applicants appearing for the driving test, with vehicles for which vehicle identification certificates have been issued, or vehicles required to have such certificates, shall be accompanied by:

1. A New Jersey licensed driver who has in his or her possession a valid New Jersey instructor's license or [an] **a New Jersey authorized agent identification.**

2. (No change.)

13:23-2.35 Employees of drivers' schools

A drivers' school shall not knowingly employ any person as an instructor, agent or in any other capacity whatever, who has been convicted of a [felony or any] crime.

13:23-2.36 Authorized agents; cards

(a) The school owner may appoint, with the approval of the Director, authorized agents for the sole purpose of acting as an accompanying driver for the school's students who are en route to a driver qualification center for the purpose of taking the driving test portion of the driver examination. The Director may issue an "Authorized Agent" identification card when the following procedures and requirements have been followed and met:

1.-3. (No change.)

4. Applicant must have a [satisfactory] driving record satisfactory to the Director;

5. (No change.)

(b) [The authorized agent certificate shall be issued without charge, upon approval of the application, and shall be valid until suspended or revoked. The Director may recall any authorized agent identification card for whatever he considers to be just cause.] The fee for the authorized agent certificate shall be \$5.00 and the certificate shall be valid for two calendar years. The Director may suspend any authorized agent identification card upon conviction of a crime, violation of this chapter or other good cause.

(c) Upon severance of employment, the school owner is to collect the authorized agent identification card and surrender it to the [Office of the Chief Inspector] Bureau of Certificate of Ownership, Title Transfers and Duplicates of the Division of Motor Vehicles, Trenton, New Jersey, [08608] 08666.

13:23-2.37 (No change in text.)

13:23-2.38 Revocation, suspension and refusal to renew license

The Director, or any employee of the Division of Motor Vehicles deputized by him, may suspend or revoke a drivers' school license, or refuse to issue a renewal of that license, for any reason or reasons as outlined in N.J.S.A. 39:12-1 et seq. or for failure to comply with any of the provisions of this [Subchapter] subchapter promulgated by the Director, after due notice in writing thereof, in accordance with the provisions of [the aforementioned] N.J.S.A. 39:12-1 et seq.

SUBCHAPTER 3. INSTRUCTORS OF DRIVERS' SCHOOLS

13:23-3.1 and 3.2 (No change in text.)

13:23-3.3 Standards for license issuance

Instructor's licenses will not be issued to any person unless that person is the possessor of a New Jersey driver's license, and has held a license permitting him to drive within this State for at least the last three consecutive years, and who has complied with the other requirements contained in this [Subchapter] subchapter.

13:23-3.4 (No change in text.)

13:23-3.5 Instructor's license fee

The instructor's license is valid for the calendar year and the [annual] fee for the initial license shall be \$75.00 and the fee for the annual renewal thereof [is \$15.00] shall be \$30.00.

13:23-3.6 Carrying instructor's license

The instructor's license must be carried by the instructor at all times while giving driving instructions, or when accompanying an

applicant for a driver's license to the driving test [line in a motor vehicle or motorcycle] portion of the license examination conducted by the Division of Motor Vehicles.

13:23-3.7 Lost, mutilated or destroyed licenses

(a) Should a license be lost, mutilated, or destroyed, a duplicate license will be issued upon proof of the facts and payment of a fee of [\$1.00] \$3.00 and, in the case of a mutilated license, the surrender of such license.

(b) (No change.)

13:23-3.8 Surrender of instructor's license

An instructor's license must be surrendered to the Division of Motor Vehicles immediately upon termination of an instructor's services with, or by, any drivers' school designated on such license. Where the services of an instructor are terminated by one or more of the schools designated on the instructor's license, the endorsement certificate for each school so terminating the services of the instructor must be returned to the Division of Motor Vehicles immediately. It shall be the responsibility of the drivers' school to return the instructor's license or certificate of endorsement to the Bureau of Certificate of Ownership, Title Transfers and Duplicates of the Division of Motor Vehicles upon termination of an instructor's services with the school.

13:23-3.9 Special tests

(a) An applicant for an instructor's license will be required to submit to special law-knowledge, driving tests and screening of visual acuity, and may be required to submit additional [or other] proof of his qualifications as an instructor.

(b) If application is made for an instructor's license by a person who was the holder of an instructor's license within a period of one year prior to the date of such application, the Director may waive the [usual] law-knowledge and driving tests and vision screening.

(c) All instructors shall be required to complete the National Safety Defensive Driving Program. Evidence of having completed such program shall be filed with the Bureau of Certificate of Ownership, Title Transfers and Duplicates of the Division of Motor Vehicles. Instructors licensed after July 1, 1983, shall submit such evidence within six months after being licensed as a commercial instructor. Instructors licensed prior to July 1, 1983, shall submit evidence by July 1, 1984.

13:23-3.10 (No change in text.)

13:23-3.11 Conduct of instructors

(a) (No change.)

(b) Instructors will conduct themselves in accordance with the provisions of [Section 2.37 (Conduct with employees of Division of Motor Vehicles) of this Chapter] N.J.A.C. 13:23-2.37.

13:23-3.12 Revocation, suspension and refusal to renew instructor's license

(a) The Director, or any employee of the Division of Motor Vehicles deputized by him, may suspend or revoke an instructor's license, or refuse to issue a renewal thereof, for any of the reasons outlined in N.J.S.A. 39:12-1 et seq. or for failure to comply with any of the provisions of this [Subchapter] subchapter promulgated by the Director, after due notice in writing thereof, in accordance with the provisions of [the aforementioned] N.J.S.A. 39:12-1 et seq.

(b) The Director may suspend or revoke an instructor's license or may refuse to issue an instructor's license or a renewal thereof, if such instructor or applicant for instructor's license shall have accumulated nine or more points by reason of conviction for violations of the Motor Vehicle Law.

SUBCHAPTER 4. DRIVERS' SCHOOL CLASSROOMS

13:23-4.1 Classroom facilities

- (a) (No change.)
- (b) A minimum of six hours of classroom instruction must be offered to each student enrolled in any commercial drivers' school. **This offer shall be made to each student at the time a contract is signed for instructions in the operation of motor vehicles or motorcycles.**
- (c) The **primary** classroom facility of each drivers' school may not be more than 15 miles from the principal place of business or branch office of the school. **A school may establish classrooms farther than 15 miles from the principal place of business branch office with prior written approval of the Division of Motor Vehicles.**
- (d) The facilities maintained for classroom instruction may be used by one or more drivers' schools. **Whenever the facilities maintained for classroom instruction are used by more than one school, a schedule shall be filed with the Director of Motor Vehicles setting forth the day and time each school will provide classroom instructions in the facility.**

13:23-4.2 Classroom accommodations

- (a) The classroom facility will be subject to inspection and approval by the Director and must have the following accommodations:
  1. (No change.)
  2. adequate lighting, heating, ventilation and [separate sanitary] toilet facilities for both men and women;
  - 3.-5. (No change.)

13:23-4.3 Classroom equipment

- (a) Each classroom must be equipped with a sound projector **and traffic safety films**, or slide projector and **traffic safety slides, and/or a video tape device.**
- (b)-(c) (No change.)

(a)

**BOARD OF EXAMINERS OF OPTHALMIC DISPENSERS AND OPTHALMIC TECHNICIANS**

**General Administrative Regulations**

**Proposed Readoption: N.J.A.C. 13:33-1**  
**Proposed Readoption with Amendments:**  
**N.J.A.C. 13:33-1.41**

Authorized By: State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, J. Leo Kymer, President.  
 Authority: N.J.S.A. 52:17B-41.13, 45:1-3.1 and 3.2.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:  
 J. Leo Kymer, President  
 Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians  
 Room 503  
 1100 Raymond Boulevard  
 Newark, NJ 07102  
 The Board of Examiners of Ophthalmic Dispensers and Ophthalmic

Technicians thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of re-adoption. Pursuant to Executive Order No. 66(1978), these rules expire February 14, 1984.

This proposal is known as PRN 1984-59.

The agency proposal follows:

**Summary**

Subchapter 1 of Chapter 33 of the regulations of the Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians has been in existence prior to September of 1969. The rules which compose it are vital to the entire concept of ophthalmic dispensing and technicianry. Many of the rules set out the definitions and detail the procedures necessary to the practice itself (see N.J.A.C. 13:33-1.1, 1.2, 1.11, 1.12, 1.13, 1.26, 1.27, 1.28, 1.29, 1.33, 1.39, 1.40 and 1.42).

Other rules within the subchapter specify the requirements and training necessary for apprentices in the field and outline the way in which they may be permitted to gain practical experience (N.J.A.C. 13:33-1.3, 1.31 and 1.32).

The more substantive rules deal with the minimum standards and tolerances which licensees will be held to meet within their practice (N.J.A.C. 13:33-1.30, 1.35 and 1.38).

The subchapter also contains the guidelines necessary for the smoothest possible daily administration of the field and the Board (N.J.A.C. 13:33-1.14, 1.20, 1.21, 1.22, 1.23, 1.24 and 1.25).

N.J.A.C. 13:33-1.41 sets the fee schedule and is being proposed for re-adoption with amendments. The change in the substance of the rule will serve to increase the fees charged to ophthalmic dispensers and technicians for examinations, re-examinations, licenses (individual and branch), and permits. The increase in fees will be used to cover the expenses of the Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians in administering and regulating all aspects of the field.

The Board has, as recently as November of 1983, proposed and adopted changes through amendment and repeal. Through the early fall of 1982, there were major changes made to the bulk of subchapter 1 because the Board recognized a need to purge from it any outdated, irrelevant, or unclear portions. This was accomplished finally in January of 1983. The Board had modified and reworked the subchapter to make it responsive to the realities and needs of the current occupation and the public, in a more understandable and reasonable manner.

The subchapter has continued to undergo scrutiny in pursuit of the most efficacious general administrative regulations. There were changes completed in March of 1983 which clarified and specified in more detail frame selection and eyeglass fit for the public benefit. (See N.J.A.C. 13:33-1.38(a)13 and (b) at 14 N.J.R. 1085). Moreover, changes in N.J.A.C. 13:33-1.3, 1.4, 1.29, and 1.36 regarding preceptorship and the standards of training were consolidated in a more clear and concise regulatory scheme adopted by the Board in January 1984. As a result of these internal reviews and the subsequent revamping of the majority of subchapter 1, the Board feels the rules in their present form are the most effective and reasonable in providing the basis from which ophthalmic dispensing and technicianry as a licensed occupation will best function.

Without the present format of subchapter 1, the underpinnings of control over ophthalmic dispensing and technicianry would be removed. The ocular health of the public would suffer, as there would no longer be the mechanisms available to enforce the standards which have been formulated with the public's best interest in mind.

**Social Impact**

The past social impact of this subchapter has been to provide licensees and potential licensees, as well as those responsible for

training them, a better understanding of their functions and responsibilities. The subchapter contains the means through which the Board maintains accountability and control over the field. Through these provisions, the Board has the ability to protect the consumer-purchasers of lenses and frames. The need to address these same concerns has not changed since the rules have emerged in their present form. (The exception to this is N.J.A.C. 13:33-1.41 which deals with fees and which is being submitted for amendment, the social impact of which is discussed below).

There is a large segment of the population (that is, those requiring any type of corrective lenses for the eyes) which is protected under this subchapter. Thus, the impact of its failure to be readopted would reach a wide range of people. The impact would be negative in that there would no longer be any method of preventing abuses in the type of service provided and the ocular products made for, and dispensed to the public.

The amendment of N.J.A.C. 13:33-1.41 will allow the Board to administer its tasks without a financial loss, thereby continuing to allow for the control by licensure of ophthalmic dispensers and technicians. The fee increases will affect all licensees at the same time. The public, as well as licensees is intended to benefit from the easing of administrative pressures currently attributed to inadequate revenue.

**Economic Impact**

Some of the provisions contained within subchapter 1 have a very specific and definite economic impact. For example, N.J.A.C. 13:33-1.20, 1.21, 1.22, 1.23 and 1.41 directly impact upon licensees by requiring them to remit a sum certain in order to achieve or continue their licensure. However, the rationale for such impact is obvious in its direct relation and necessity to cover actual administrative costs. The reasons for the economic impact have not changed.

However, the amounts as required in N.J.A.C. 13:33-1.41 are proposed with changes. This is due to the fact that despite rises in costs and overall inflation, the current fees have been in effect without change since 1975. Without the increases, the Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians would be facing anticipated deficits. The economic impact of the proposed amendment is intended to be positive upon the administrative and operating budget, in that the proposed fee structure will begin to cover actual expenses.

In considering the economic impact of the readoption of the entire subchapter, the Board has not found any indication of past economic impact upon the consumer. There is no evidence of unreasonable ramifications upon the public.

If this subchapter were to fail to be readopted, the Board would cease being a viable entity which gives an element of control and reasonableness to a product and service which the public must pay for. The public would continue to be forced to pay, but the Board would no longer have the means to grant licenses by effective administration and maintenance; nor would it be able to demand and enforce compliance with certain standards. The end result is anticipated to be a greater frequency of a product of lesser quality associated with the same or similar costs as now present.

Full text of the proposed readoption may be found at N.J.A.C. 13:33-1.1 through 1.42 as amended in the New Jersey Register at 14 N.J.R. 545, 14 N.J.R. 1085, and 15 N.J.R. 1833.

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

13:33-1.41 Fee schedule

(a) The following fees shall be charged by the Board effective [January 1, 1975:] **December 31, 1983:**

- 1. Examination
  - i Ophthalmic [dispensing] **Dispenser** ..... [\$ 40.00] **\$ 80.00**
  - ii Ophthalmic [technicianry] **Technician** . [\$ 25.00] **\$ 50.00**

iii. Qualifying Technical .....	[\$ 25.00]	<b>\$ 50.00</b>
2. Reexamination:		
i Ophthalmic [dispensing] <b>Dispenser</b> .....	[\$ 25.00]	<b>\$ 50.00</b>
ii. Ophthalmic [technicianry] <b>Technician</b> .....	[\$ 15.00]	<b>\$ 30.00</b>
iii. Qualifying Technical .....	[\$ 15.00]	<b>\$ 30.00</b>
3. License:		
i. Ophthalmic Dispenser .....	[\$ 25.00]	<b>\$ 50.00</b>
ii. Ophthalmic Technician .....	[\$ 15.00]	<b>\$ 30.00</b>
iii. Branch Office Ophthalmic Dispenser .	[\$ 25.00]	<b>\$ 50.00</b>
iv. Branch Office Ophthalmic Technician .	[\$ 15.00]	<b>\$ 30.00</b>
4. Biennial Renewal:		
i. Ophthalmic Dispenser .....	[\$ 50.00]	<b>\$140.00</b>
ii. Ophthalmic Technician .....	[\$ 30.00]	<b>\$100.00</b>
iii. Branch Office Ophthalmic Dispenser .	[\$ 50.00]	<b>\$120.00</b>
iv. Branch Office Ophthalmic Technician .	[\$ 30.00]	<b>\$ 80.00</b>
5. Permits:		
i Temporary .....	[\$ 25.00]	<b>\$ 50.00</b>
ii Apprentice Dispenser .....	[\$ 10.00]	<b>\$ 75.00</b>
iii Apprentice Technician .....	[\$ 10.00]	<b>\$ 25.00</b>
6. Biennial <b>Permit</b> renewal:		
i Apprentice Dispenser .....	[\$ 10.00]	<b>\$ 25.00</b>
ii Apprentice Technician .....	[\$ 10.00]	<b>\$ 25.00</b>
7. Late renewal of license or permit .....	[\$ 10.00]	<b>\$ 25.00</b>
8. Late application for licensure .....	[\$ 10.00]	<b>\$ 25.00</b>
9. Replacement certificate of registration:		
i. License .....	[\$ 10.00]	<b>\$ 25.00</b>
ii. Branch Office License .....	[\$ 10.00]	<b>\$ 25.00</b>
iii Permit .....	[\$ 5.00]	<b>\$ 15.00</b>

(a)

**BOARD OF MEDICAL EXAMINERS**

**Limited Privileges and Conditions of Practice Permitted for a Graduate Physician Pending Licensure**

**Proposed New Rule: N.J.A.C. 13:35-2.13**

Authorized By: State Board of Medical Examiners, Edwin H. Albano, M.D., President.  
Authority: N.J.S.A. 45:9-2.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Edwin H. Albano, M.D.  
President, Board of Medical Examiners  
28 West State Street  
Trenton, NJ 08608

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

This proposal is known as PRN 1984-57.

The agency proposal follows:

**Summary**

One provision of this rule would accommodate the needs of persons who graduate medical school in the middle of the standard school year, and would allow them to commence their post-graduate training immediately, even though the standard L.C.M.E. or A.O.A.- approved internship programs do not commence until July 1 of each year.

Another provision of this rule would aid in accommodating the needs of hospitals which are relying upon graduates of foreign medical schools to fill residency positions. Graduates of foreign schools are frequently at a marked disadvantage with respect to their training, when compared with graduates of United States-accredited medical schools. For that reason they typically experience delay in proving eligibility to take the FLEX licensing examination, which delay in turn reduces their employability in hospital residency programs. The proposed new rule would allow graduates of medical schools approved by the Board, who have completed one year of approved postgraduate training, to take the FLEX examination at that point even though they do not yet qualify for full licensure. Proof of passing that examination may induce their employing hospitals to retain them for the duration of the training required of them by the Board.

**Social Impact**

The proposed new rule would permit graduates of medical schools approved by the Board to commence their postgraduate training immediately, rather than imposing the delay of up to six months that presently occurs, for example, while a January graduate awaits the July 1 start of the standard internship program. As the medical work done by this graduate will take place solely in a supervised hospital setting, the risk to the public is believed to be minimal and, in fact, no different from that presented by the typical June graduate. If anything, the medical school instruction will be continued directly, rather than requiring the pre-intern to remain professionally idle for the former arbitrary gap in time between graduation and new internship.

The other rule provision is also believed to have a beneficial social impact. Physicians can be licensed for practice in this State upon satisfaction of all requirements of N.J.S.A. 45:9-8 including completion of at least one year of approved postgraduate training and passage of one of the examinations approved by N.J.S.A. 45:9-13 or -15 and N.J.A.C. 13:35-3.1 or 3.3. Although N.J.S.A. 45:9-21(d) allows an unlicensed physician up to five years of postgraduate training, some hospitals in this State impose their own stricter requirement and do not permit a physician to continue on into a third year residency program unless the physician has demonstrated at least that minimum level of knowledge and skill proven by licensure—or at least by passage of a pertinent examination such as FLEX or the National Boards. This requirement is generally easily met by graduates of American medical schools. Only the FLEX, however, is available to physicians trained in foreign medical schools. Yet most of these physicians are found by the Medical Board to require three years of postgraduate training in order to be eligible for licensure. Since taking the FLEX has traditionally been deemed a privilege available only to those proving eligibility in all other respects, these graduates were hitherto not permitted to take it until after the three years of supervised training. The proposed new rule would allow them to take the FLEX after the minimum one year of approved postgraduate training, even though they could not yet be fully licensed. A certificate attesting to passage of that examination will give hospitals employing these persons the assurance that they are benefiting from the training received and can render services to the public, thus giving the hospital the opportunity to retain these physicians while they complete the three years of approved postgraduate training required of them before they can receive their licenses. Those who cannot pass the basic test would presumably be discharged.

**Economic Impact**

One provision of this rule would permit graduates of medical schools approved by the Board to commence earnings in a supervised setting, rather than requiring them to lose up to six months' salary while awaiting the formal internship contract commencement. As they will be rendering services to the hospital population in exchange for their salaries, there should be a positive economic impact both on the physicians and on the public.

With respect to the other rule provision, the Board has been advised that many graduates of foreign medical schools are being discharged from residency programs by hospitals which require their residents to be licensed in order to commence the third post-graduate year of training. Such persons must then presumably seek out-of-State hospital positions, thus imposing inconvenience on them and their families, and potentially reducing the present and future availability of their professional training to New Jersey patients. The proposed rule would give teaching hospitals an additional option in selecting qualified medical residents. No adverse economic impact is anticipated. However, competition for hospital residency positions will be increased for graduates of American medical schools, who will have to vie with graduates of foreign medical schools who will now find it easier to enter the professional job market at an earlier time than the extent of their full medical training might otherwise warrant.

Full text of the proposed new rule follows.

13:35-2.13 Limited privileges and conditions of practice permitted for a graduate physician pending licensure

(a) Persons who are graduates of medical schools approved by the Board may commence a period of supervised postgraduate training in a licensed hospital in this State immediately upon graduation. A training period commencing prior to the formal start of an L.C.M.E. or A.O.A.-approved postgraduate year term shall not exceed six months and shall be documented in the hospital records.

(b) Persons who are graduates of foreign medical schools approved by the Board but who are not yet deemed eligible for licensure in this State because of the requirements of N.J.S.A. 45:9-8 and N.J.A.C. 13:35-3.11 may sit for the FLEX upon completion of one year of approved postgraduate training and satisfaction of all other requirements of N.J.S.A. 45:9-1 et seq., including payment of the application fee for licensure.

1. The Board shall issue to a person passing the FLEX in this circumstance a Certificate which shall state that the person named on the Certificate has applied for licensure in this State, has received a passing grade on the FLEX, and may engage in the practice of medicine and surgery in a formal, supervised training program approved by the Board.

2. The holder of said Certificate may issue medical orders for treatment and for medication only under supervision and only for patients in the licensed hospital in which the physician is receiving postgraduate training.

3. The Certificate shall expire four years from the date of issuance or upon receipt of full licensure, whichever is earlier.

(a)

**BOARD OF PHARMACY**

**Prescriptions; Computers in Pharmacies**

**Proposed New Rules: N.J.A.C. 13:39-6**

Authorized By: New Jersey State Board of Pharmacy,  
Elaine N. Dunn, R.P., President.  
Authority: N.J.S.A. 45:14-15 and 45:14-17.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Elaine N. Dunn, R.P., President  
New Jersey State Board of Pharmacy  
1100 Raymond Boulevard, Room 325  
Newark, NJ 07102

The Board of Pharmacy thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules expire on February 14, 1984. The re-adoption of these rules becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-58.

The agency proposal follows:

#### Summary

On February 7, 1983 the Board of Pharmacy amended rules concerning computerized recordkeeping became effective (see 14 N.J.R. 1343(a), 15 N.J.R. 157(b)). Those regulations made clear for the first time, the recordkeeping requirements in a pharmacy when a computer system is employed and the requirements which obtain regarding retrieval of information from a computer system at the time of inspection of a pharmacy. Formerly, only the requirements for manual recordkeeping were specified by regulation.

As to the continuing need for N.J.A.C. 13:39-6, an internal review by the Board found the subchapter to be adequate, necessary and reasonable. As to the review of each section of the subchapter, the Board found that the prohibition on prescription blanks bearing the name of any pharmacy serves to prevent "steering" of patients to any one pharmacy by a prescribing practitioner; the requirements for original handwriting of a practitioner licensed to write prescriptions in an institution or hospital serve to prevent the fraudulent use of preprinted prescriptions; the rule that pharmacists may add directions to a prescription where necessary serves to protect consumers from incorrectly taking medication; the requirements that refills must appear on the prescription or in the computer system helps to prevent improper overuse of medication and provides a record for the pharmacist to monitor possible drug interactions with new prescriptions; the prohibition on renewal of prescriptions more than one year after the date of the original issue or greater than the renewals authorized on the original prescription protects the consumer by requiring consultation with an authorized prescriber regarding the continuing need for medication; authorized prescriber regarding the continuing need for medication; the prohibition on the sale of drugs in New Jersey without the approval of the FDA protects consumers from drugs which have not been properly tested; the requirements regarding copies of prescriptions and transferring prescriptions prevent consumers from improperly filling the same prescription more than once at different pharmacies; and the requirements that a signature or initials of the dispensing pharmacist or intern appear on the prescription or in the computer system; that the pharmacist in charge verifies that the information entered into a computer system is accurate; and that the computer systems be capable of producing sight-readable documents including immediately retrievable documents for the most recent year of records which protects the consumer by allowing oversight by authorized government agencies of the procedures and recordkeeping of a pharmacy whether employing a manual or computer system.

#### Social Impact

The proposed re-adoption will continue the current computer and manual recordkeeping requirements consistent with current technology. The regulations will protect the public against improper use of patient records and will ensure that required pharmacy procedures designed to protect against improper or unsafe use of drugs will be verifiable. N.J.A.C. 13:39-6 affects registered pharmacists and pharmacies in that they must keep adequate books to comply with the recordkeeping requirements. This subchapter ensures that basic requirements of safe pharmacy practice are met to deter fraud and protect the public health.

#### Economic Impact

The costs incurred due to required recordkeeping are necessary when viewed in light of the protection afforded to a patient by virtue of the requirements and should not be substantial in any event. Any costs incurred in software programming to comply are at the discretion of the pharmacist who chooses to replace a manual system with a computer system. These costs should be nominal, one-time costs, readily amortized by eventual labor cost savings. The re-adoption of these regulations does not add new costs which have not already been anticipated or accounted for by the pharmacy community. The cost to the Board in administering and enforcing these regulations will be minimal as they require only a small addition to the full pharmacy inspectors already performed pursuant to other regulatory subchapters.

Full text of the proposed re-adoption without changes follows.

#### SUBCHAPTER 6. PRESCRIPTIONS

##### 13:39-6.1 Imprinted prescription blanks

No prescription blank shall bear the imprint of the name of any pharmacy or drug store or other licensed premises or bear the name or address of any person registered under this Act.

##### 13:39-6.2 Original handwriting necessary

No pharmacy or registered pharmacist shall compound, dispense, fill or sell a prescription in an institution or a hospital unless it is in the original handwriting of the duly licensed physician, dentist, veterinarian or other medical practitioner licensed to write prescriptions in the State of New Jersey or he is furnished with a carbon copy of the same.

##### 13:39-6.3 Lack of directions on original prescriptions

(a) If the prescriber fails to include directions to a patient for use of the medication on the original prescription, the registered pharmacist shall indicate on the label the words "use as directed" or "as ordered by the physician" or similar words to the same effect.

(b) When in the judgment of the pharmacist, directions to the patient and/or cautionary messages are necessary, either for clarification or to insure proper administration of the medication, the pharmacist may add such directions or cautionary messages to those indicated by the prescriber on the original prescription.

##### 13:39-6.4 Record of prescription refills

If a prescription is refilled, a record of the date upon which the prescription is refilled must appear on the prescription, in a permanent prescription record book, or in use of an electronic data processing system entered into such system.

##### 13:39-6.5 Authorization for renewal of prescriptions

(a) A prescription written for medication which pursuant to State or Federal law may be sold, dispensed or furnished only upon prescription shall not be renewed without specific authorization of the prescriber but not after one year of the date of the original prescription unless otherwise indicated by the prescriber (for example six Refills - two Years).

(b) Prescriptions marked "prn" or with letters or words of similar import may not be renewed after one year of the date of the original prescription.

(c) When the renewals listed on the original prescription have been depleted, no additional renewals may be added to this prescription. A new prescription must be authorized as provided in N.J.S.A. 45:14-14 by the prescribing physician and reduced to writing by the pharmacist for additional dispensing and entered into the electronic data processing system as a new prescription.

##### 13:39-6.6 Approval of FDA necessary

No drug or medicine shall be sold or dispensed in any pharmacy within the State of New Jersey until such drug or medicine has received approval from the Federal Food and Drug Administration for a "new drug clearance order".

13:39-6.7 Copies of prescriptions

(a) Copies of prescriptions issued directly to the patient by the pharmacy where the medication was dispensed, pursuant to the receipt of said prescriptions, shall bear on the face thereof, in letters red in color and equal in size to those describing the medication dispensed, the statement: "COPY FOR INFORMATION ONLY".

(b) Prescriptions may be transferred by pharmacists between pharmacies for the purpose of refill dispensing provided that:

1. The transferor pharmacist invalidates the prescription on file as of the date the copy is given by writing "VOID" on its face, and records on the back of the invalidated prescription order that a copy has been issued, to whom, the date of issuance of such copy and the initials of the pharmacist issuing the transferred prescription order.

2. The transferee pharmacist, upon receiving such prescription directly from another pharmacist, records the following:

- i. The name, address and original prescription number of the pharmacy from which the prescription was transferred;
- ii. The name of the transferor pharmacist;
- iii. All information constituting a prescription order, including the following:

- (1) Date of issuance of original prescription;
- (2) Original number of refills authorized on original prescription;
- (3) Complete refill record from original prescription;
- (4) Date of original dispensing;
- (5) Number of valid refills remaining.

3. The transferee pharmacist informs the patient that the original prescription has been cancelled at the pharmacy from which it was obtained.

(c) Computerized systems must satisfy all information requirements of a manual mode, including invalidation of the original prescription when transferred between pharmacies accessing the same prescription records or between pharmacies of the same ownership.

(d) Presentation of an informational written prescription copy or prescription label shall be for information purposes only and have no legal status as a valid prescription order. The recipient pharmacist of such copy or prescription label shall contact the prescribing practitioner or transferor pharmacy and obtain all information required under (b)2 above for authorization to dispense the prescription, which is the same as obtaining an original prescription order.

13:39-6.8 Record of pharmacist filling prescription

(a) A registered pharmacist who fills or compounds a prescription or who supervises the filling or compounding of a prescription by an intern shall place his/her signature or readily identifiable initials on the face of the original prescription. In use of an electronic data processing system, the initials of the pharmacist responsible for the filled prescription shall also be recorded in this system.

(b) A registered pharmacist who refills a prescription shall place his/her signature or readily identifiable initials on the reverse side of the original prescription next to the date of the refill and the amount dispensed in refilling the prescription, if it is different from the original amount prescribed. In use of an electronic data processing system the information shall be entered into the electronic data processing system for refills.

(c) An intern who fills or compounds a prescription under the supervision of a registered pharmacist, shall place his/her signature or readily identifiable initials on the face of the original prescription. In use of an electronic data processing system, the initials of the intern responsible for the filling of the prescription shall also be recorded in this system.

(d) An intern who refills a prescription under the supervision of a registered pharmacist shall place his/her signature or readily identifiable initials on the reverse side of the original prescription next to the date of the refill and the amount dispensed in refilling the prescription if different from the original amount prescribed. In use of an electronic data processing system, this information shall be entered into the electronic data processing system for all refills.

(e) When a prescription is filled or refilled by an intern under the supervision of a registered pharmacist, the intern filling or refilling the prescription shall place his/her signature or readily identifiable initials on the prescription as required in (c) and (d) above, prior to submitting the prescription to the registered pharmacist who shall place his/her signature or readily identifiable initials on the prescription, in accordance with (a) and (b) above, directly below the signature or readily identifiable initials of the intern who filled or refilled the prescription under his/her supervision. A record identifying such initials with the signature and the address of the pharmacist or intern shall be maintained for a period of five years after the termination of employment of said pharmacist or intern.

(f) If an electronic data processing system is being utilized in connection with the required recording of prescription information, a means acceptable to the Board may be utilized to identify the pharmacist or intern dispensing the medication.

(g) In use of an electronic data processing system, a pharmacist in charge shall maintain a document log in which each pharmacist shall sign a statement at the end of the pharmacist's working day attesting to the fact that the prescription information entered in the electronic data processing system that day is accurate and complete and identifying designations are correct. The document log shall be maintained at the pharmacy for a period of five years after the date of the last entry therein. The five years of record information may be kept in such a manner so as to be sight-readable within two weeks. The most recent one year of record information must be immediately retrievable.

(h) In the use of an electronic data processing system, the system shall have the capability of producing sight-readable documents of all original and refilled prescription data, as required by N.J.A.C. 13:39-13 and, in addition, the number of refills authorized by the prescribing physician for a period of not less than five years. Five years of record information must be maintained in such a manner so as to be sight-readable within two weeks. The most recent one year of record information must be immediately retrievable. The term sight-readable, as it appears in all regulations of the Board of Pharmacy, means that the Board or Attorney General shall be able to examine the record of information and read the information. During the course of an on-site inspection, the record may be read from the cathode ray tube (CRT), microfiche, microfilm, hard copy printout or other acceptable method. For the purpose of administrative proceedings before the Board, records must be provided in a paper printout form.

(i) Initials of the dispensing pharmacist and intern if applicable must be entered into the system each time a prescription is filled or refilled. Initials which are system generated without direct entry at the time of dispensing are prohibited.

13:39-6.9 Availability of records

(a) Where a pharmacy is terminated by suspension, retirement or death of owner, sale or other cause including insolvency, the licensee, or the one responsible for supervising the disposition of the practice shall make efforts to notify customers of the right to retrieve their prescriptions which are currently valid and the location thereof for a six months' period following notice, using all of the following methods:

- 1. Notification in writing to the State Board of Pharmacy;
- 2. Notification in writing to the professional licensee society, such as the pharmaceutical society of the county, region or state in which the licensee formerly practiced;
- 3. Publication once weekly for two successive weeks in a newspaper whose circulation encompasses the major area of the licensee's former practice of a notice advising customers of the right to retrieve the prescriptions and the location thereof for a six months' period following publication; and
- 4. A sign placed in the pharmacy location informing the customers of the right to retrieve the prescriptions and the location thereof.

(a)

**DIVISION OF CONSUMER AFFAIRS****Representations Concerning and Requirements for the Sale of Kosher Food****Proposed New Rule: N.J.A.C. 13:45A-21**

Authorized By: Irwin I. Kimmelman, Attorney General  
of New Jersey.

Authority: N.J.S.A. 56:8-4.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

James J. Barry, Jr., Director  
Division of Consumer Affairs  
Room 504  
1100 Raymond Boulevard  
Newark, NJ 07102

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

This proposal is known as PRN 1984-74.

The agency proposal follows:

**Summary**

The proposed new rules make it unlawful for any establishment engaged in the sale of food or food products to sell, offer for sale, serve or possess with intent to sell, any food which is falsely represented as Kosher. The rules require that any establishment which advertises, represents or holds itself out as selling and/or serving both Kosher and Non-Kosher foods shall post a sign or notice that such foods are sold or served within. The rules further set forth certain requirements regarding the methods by which Kosher food or food products must be kept, prepared for sale, displayed, and sold.

The proposed new rules were originally published in the New Jersey Register of October 8, 1981 at 13 N.J.R. 666, repropoed on November 21, 1983, at 15 N.J.R. 1924, and are now published in revised form as a result of comments received thereafter.

**Social Impact**

The preparation of Kosher foods involves certain slaughtering and sanitary procedures and often results in a more expensive food product. These rules make it illegal to falsely represent foods as Kosher or Kosher for Passover and thus protect the consumer who, for reasons of religion, conscience, quality or health, intends to purchase Kosher foods. In addition, whenever an establishment advertises, represents or holds itself out as selling and/or serving both Kosher and Non-Kosher foods a notice to that effect is required, thereby providing the consumer with full disclosure of the type of foods offered within.

**Economic Impact**

The proposed new rules create a limited economic impact on those establishments that advertise, represent or hold themselves out as selling and/or serving both Kosher and Non-Kosher foods. Those establishments will be required to post signs, separate Kosher and Non-Kosher meats and provide separate slicing utensils for Kosher food or food products. This impact is minimal when contrasted with the benefits of full disclosure and the ensured integrity of Kosher food or food products.

**Full text** of the proposed new rules follow.

**SUBCHAPTER 21. REPRESENTATIONS CONCERNING AND REQUIREMENTS FOR THE SALE OF KOSHER FOOD****13:45A-21.1 Definitions**

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

"Kosher" means a Kosher food or food product which is prepared and maintained in strict compliance with the laws and customs of the Orthodox Jewish religion.

"Kosher for Passover" means a Kosher food or food product which is prepared and maintained in strict compliance with the laws and customs of the Orthodox Jewish religion relating to the Jewish holiday of Passover.

"Properly sealed meat" shall mean a meat or meat product contained in a hermetically sealed package.

"Properly sealed food or food products" shall mean a Kosher food or food product contained in any of the following types of materials: jar, can, bottle, cardboard box, plastic bag, cellophane or plastic container or any other such material.

"Non-packaged Kosher food or food product" shall mean a Kosher food or food product which shall be kept in a separate display cabinet and sliced with a separate knife or on a separate slicing machine used solely for Kosher food or food products.

"Kosher-Style," "Kosher-Type," "Jewish," "Hebrew" or other similar words shall mean a Non-Kosher food or food product which has not been prepared or maintained in strict compliance with the laws and customs which are generally recognized as being among the Orthodox Jewish religious requirements, but rather has either been prepared in such a way as to simulate the taste, appearance and/or consistency of a Kosher food or food product or has originally been prepared in accordance with the above religious requirements but has not been maintained in the proper manner.

**13:45A-21.2 Unlawful practices**

(a) It shall be an unlawful consumer practice for any person to sell, offer for sale, expose for sale, serve or have in his possession with intent to sell, by any of the following means, in any restaurant, hotel, store, catering facility or other place, any food or food product which is falsely represented to be Kosher, Kosher for Passover or as having been prepared under and/or with a product or products sanctioned by Orthodox Jewish religious requirements:

1. By direct statements, orally or in writing; or
2. By display of the word "Kosher" in English or Hebrew letters, or by display of any sign, emblem, insignia, six-pointed star, symbol or mark in simulation of the word Kosher; or
3. By inscription on any food or food product, or its package, container or contents, the word "Kosher" in English or Hebrew letters, or by display of any sign, emblem, insignia, six-pointed star, symbol or mark in simulation of the word Kosher or
4. By display on any interior or exterior sign or menu or otherwise, the words "Kosher-Style," "Kosher-Type," "Jewish," "Hebrew" or other similar words, either alone or in conjunction with the word "Type," "Style" or other similar expression, unless there is clearly and conspicuously stated a disclaimer in some prominent place or location that these terms refer to a Non-Kosher food or food product or food handling facility that does not observe Orthodox Jewish dietary laws. This paragraph shall not apply to labels on consumer commodities that have been affixed by the manufacturer or packer.

**13:45A-21.3 Display and handling requirements**

(a) A Kosher food or food product sold by a restaurant, hotel, store, catering facility or other place which advertises, represents or holds itself out as selling, serving or offering for sale both Kosher and Non-Kosher food or food products may be falsely represented to be Kosher within the meaning of N.J.A.C. 13:45A-21.2 unless the following display and handling requirements are observed.

1. Interior display and handling requirements:

i. Kosher meats which are contained in properly sealed meat packages may not be commingled with Non-Kosher meats but shall be kept in a separate display cabinet or shall be separated from Non-Kosher meats by a clearly visible divider. There shall be a sign in block letters at least four inches in height affixed to said display cabinet or section indicating that only KOSHER FOOD is contained therein;

ii. Kosher and Non-Kosher food or food products which are contained in properly sealed packages may be commingled;

iii. 3. Kosher meats and Kosher food or food products which are not contained in properly sealed packages shall be kept in a separate display cabinet which shall not contain any Non-Kosher meat or Non-Kosher food or food products. There shall be a sign in block letters at least four inches in height affixed to said cabinet indicating that only KOSHER FOOD is contained therein. Such Kosher meat and food or food products shall be sliced with a separate knife or on a separate slicing machine used solely for Kosher meat and food or food products;

iv. No articles of food or food products, including meats, shall be sold as Kosher or Kosher for Passover unless a Kosher or Kosher for Passover identification is securely affixed thereto by the manufacturer or packer at his premises. No person other than such manufacturer or packer shall possess or affix such marks of identification.

**2. Exterior sign requirements:**

i. Any restaurant, hotel, store, catering facility or other place as is described in (a) above shall display in a prominent place in its front window the following sign which shall be printed in block letters at least four inches in height:

**KOSHER AND NON-KOSHER FOOD  
PRODUCTS SOLD HERE.**

**13:45A-21.4 Filing requirements**

Any restaurant, hotel, store, catering facility or other place which advertises, represents or holds itself out as selling, serving or offering for sale exclusively Kosher food or food products shall file with the Director of the Division of Consumer Affairs a document in writing from the supervising rabbi or rabbinical organization having geographical jurisdiction over such restaurant, hotel, store, catering facility or other place that said establishment meets Orthodox Jewish dietary laws.

**13:45A-21.5 Presumptions**

Possession of any Non-Kosher food or food product in any restaurant, hotel, store, catering facility or other place where food or food products are sold and/or served which advertises, represents or hold itself out as only selling Kosher food or food products, is presumptive evidence that the person is in possession of such food or food products with the intent to sell the same.

**13:45A-21.6 Exculpatory section**

A restaurant, hotel, store, catering facility or other place where food or food products are sold and/or served shall not be deemed to have committed an unlawful practice under N.J.A.C. 13:45A-21.2 if it can be shown by a preponderance of the evidence that it relied in good faith upon the representations of a slaughterhouse, manufacturer, processor, packer or distributor of any food or food product represented to be Kosher, Kosher for Passover or as having been prepared under or sanctioned by Orthodox Jewish religious requirements.

**(a)**

**NEW JERSEY RACING COMMISSION**

**Thoroughbred Racing: Licensing  
Standardbred Racing: Licensing; Officials;  
Starting**

**Proposed Readoption: N.J.A.C. 13:70-4;  
13:71-7; 13:71-8; and 13:71-17**

Authorized By: New Jersey Racing Commission, Harold G. Handel, Executive Director.

Authority: N.J.S.A. 5:5-30.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Bruce H. Garland, Deputy Director  
New Jersey Racing Commission  
Justice Complex  
CN 088  
Trenton, NJ 08625

The New Jersey Racing Commission thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The readoption of these rules becomes effective upon acceptance for filing by the Office of Administrative Law of a notice of readoption.

This proposal is known as PRN 1984-73.

The agency proposal follows:

**Summary**

The rules of the New Jersey Racing Commission govern all aspects of pari-mutuel wagering and the conduct of thoroughbred racing (N.J.A.C. 13:70), as well as the conduct of harness racing (N.J.A.C. 13:71). Individual subchapters delineate specific areas of regulation such as responsibilities of individual racing association licensing requirements, duties and responsibilities of racing officials; regulation of pari-mutuel wagering, conduct of racing as well as standards for medication of competing animals. Subchapters will hereinafter be described by utilization of the individual subchapter headings mentioned above.

N.J.A.C. 13:70-4 "Licensing" deals with specific rules governing persons required to have a license, items requiring registration, corporations, fees, registration of agreements, examination of applicants, qualifications, burden of proving qualifications, refusal to issue or renew license, age requirements, false or misleading statements, financial responsibility, disqualification of spouses, temporary application, specifications; farms or licensed tracks, certificate of compliance, fingerprinting, badges, terms of licenses, fingerprinting and photographs of licensees and employees and licenses required. Amendments to this subchapter since the issuance of Executive Order 66(1978) have resulted in increased license fees and annual licenses for all categories. The subchapter expires on April 9, 1984.

N.J.A.C. 13:71-7 "Licensing" pertains to the subchapter in the harness rules analagous to "licensing" described above for thoroughbreds (N.J.A.C. 13:70-4). Enumerated within this subchapter, among others, are persons required to have a license, fees, name requirements, filing procedures, specific license requirements for drivers, trainers, grooms and owners, suspension and/or revocation of licenses. Revisions to this subchapter since the issuance of Executive Order 66(1978) have resulted in increased license fees and a change in items requiring registration. The subchapter expires on April 9, 1984.

N.J.A.C. 13:71-8 "Officials" relates to the Racing Commission's jurisdiction over all harness horse racing. This subchapter covers the officials: judges, patrol judges, starters, timer, paddock judge, program director and clerk, of course, who shall be present at each race meeting, the licensing powers and duties of each official. The subchapter also contains rules on photo-finishes, post-time and State Police communications. It expires on April 19, 1984.

The agency has undertaken an internal review of the foregoing rules prior to notice for readoption. This agency expects public comment to be received stimulating further review as a result of the readoption procedures being instituted. The agency has determined that the foregoing rules are necessary to protect the public interest with respect to pari-mutuel horse racing and constitute reasonable and effective vehicles to effectuate such goal. Licensing individuals involved in racing has proven to be an effective vehicle in assuring the qualifications of the participants. The requirements are both necessary and reasonable since the racing industry is founded upon public confidence in the integrity of racing. Without that public confidence, there would be no racing industry. The subchapter dealing with officials is also intended to foster public confidence by having qualified individuals represent the Commission during race meetings. Similarly, by having rules dealing with the start of a harness race, the public can feel confident that the integrity of the race will not be effected by an unfair start. Numerous amendments and deletions have occurred in most subchapters effected by Executive Order 66(1978) prior to the requirement for readoption.

N.J.A.C. 13:71-17 "Starting" deals with specific rules concerning the starting of the harness race, the equipment used, unmanageable horses, scratches and refunds. Portions of this subchapter were amended in April 1979. The subchapter expires on April 19, 1984.

#### Social Impact

The rules represent several subchapters of the New Jersey Racing Commission's regulatory framework for thoroughbred and harness racing. Specific subchapters concerning licensing, officials and starting serve as the core of the Commission's regulatory efforts to insure and promote the integrity of racing in New Jersey by requiring that certain persons be licensed, prescribing qualifications and standards for officials and prescribing specific starting procedures. The Commission could not sanction horse race meetings without the foregoing pattern of regulation. These rules are an integral part of the regulatory scheme directed at preserving the integrity of racing. To this extent, the social impact of these rules is a positive one. All of the rules have been tested in actual practice and have proven to adequately assist the Racing Commission in regulating the conduct of racing.

#### Economic Impact

The economic impact of these subchapters is also positive. At present, the State of New Jersey derives approximately 10 million dollars in direct revenue from pari-mutuel taxation which would surely decline if the public confidence in the integrity of racing was undermined. The loss of this revenue would have an adverse economic impact upon the citizens of New Jersey. In addition, license fees received in 1983 amounted to \$404,000, a portion of which is intended to fund a computerized licensing program.

**Full text** of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 13:70-4, 13:71-7, 13:71-8 and 13:71-17, as amended in the New Jersey Register.

(a)

## NEW JERSEY RACING COMMISSION

### Thoroughbred Rules Equine Fatality Report

#### Proposed New Rule: N.J.A.C. 13:70-14.16

Authorized By: New Jersey Racing Commission, Harold G. Handel, Executive Director.

Authority: N.J.S.A. 5:5-30.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Bruce H. Garland, Deputy Director  
c/o New Jersey Racing Commission  
CN 088 Justice Complex  
Trenton, New Jersey 08625

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

This proposal is known as PRN 1984-76.

The agency proposal follows:

#### Summary

Proposed new rule N.J.A.C. 13:70-14.16 would require equine fatality reports to be submitted to the New Jersey Racing Commission for any equine death occurring on the grounds of any licensed racetrack or approved off-track stabling facility in the State of New Jersey. The proposed new rule details the information to be contained in the report and would require the attending veterinarian to certify the cause of death and describe the medication and drugs administered to the equine within the preceding 96 hours.

#### Social Impact

The proposed new rule would require the filing of information which would assist the New Jersey Racing Commission in the investigation of equine fatalities. This requirement would have a positive social impact by helping to prevent the killing of horses for insurance profits.

#### Economic Impact

The proposed new rule would have a positive economic impact by helping to identify and eliminate false insurance claims, which should result in a reduction of insurance premiums.

**Full text** of the proposed new rule follows.

#### 13:70-14.16 Equine fatality report

(a) An equine fatality report shall be submitted to the New Jersey Racing Commission regarding any equine death occurring on the grounds of any licensed racetrack or approved off-track stabling facility. It shall be the responsibility of the trainer or custodian of the deceased animal to file said report which shall be complete in all particulars.

(b) Said report shall be on forms prescribed by the Commission and shall include the following information and any other information deemed necessary by the Commission:

1. Name and tattoo number of deceased equine;
2. Trainer of record;
3. Owner of record and particulars regarding purchase of equine;
4. Particulars as to time, date and place of death;

- 5. Disclosure of any post-mortem examination;
- 6. Attending veterinarian;
- 7. Cause of death;
- 8. Particulars as to removal of carcass; and
- 9. Pertinent information regarding existing insurance coverage.

(c) The attending veterinarian shall certify the cause of death and shall submit a report describing all administration of medication or drugs to said animal within the 96-hour period preceding the time of death.

(d) Failure to file the foregoing in a timely fashion or filing in an incomplete fashion may subject the trainer, custodian or veterinarian to disciplinary action.

1. Any falsification or misstatement submitted in connection with an equine fatality report may also subject the trainer, custodian and/or veterinarian to disciplinary action as provided in N.J.A.C. 13:71-2.3.

(e) An equine fatality report shall not be required in connection with any pony or mascot.

**(a)**

**NEW JERSEY RACING COMMISSION**

**Harness Rules**

**Testing of Drivers; Urine Test**

**Proposed New Rule: N.J.A.C. 13:71-18.2**

Authorized By: New Jersey Racing Commission, Harold G. Handel, Executive Director.  
 Authority: N.J.S.A. 5:5-30.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Bruce H. Garland, Deputy Director  
 New Jersey Racing Commission  
 Justice Complex  
 CN 088  
 Trenton, NJ 08625

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

This proposal is known as PRN 1984-75.

The agency proposal follows:

**Summary**

Proposed new rule N.J.A.C. 13:71-18.2 would directly prohibit the use of controlled dangerous substances by harness drivers and require urine tests for harness drivers at the discretion of the State Steward or Presiding Judge. The proposed new rule outlines procedures for the administration of the test and insures the confidentiality of the results. In addition, the proposed new rule proscribes the action to be taken by the Racing Commission for the first and subsequent violations. The proposed new rule is directed toward assisting the individual harness-racing driver who may have a problem with controlled dangerous substances.

**Social Impact**

The proposed new rule would have a positive social impact since it is aimed at helping harness-racing drivers who may have a problem with controlled dangerous substances. The new rule would also make the races safer by identifying drivers who may be impaired due to use of controlled dangerous substances.

**Economic Impact**

To the extent the proposed new rule provides for safer racing and fosters increased public confidence, the economic impact would be positive. Safer racing will reduce medical expenses for drivers and horses. With increased public confidence it is expected that the attendance and handle will not decrease, thereby economically benefiting the racing industry and the public through State tax revenue.

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

**SUBCHAPTER 18. [BREATHALYZER TEST] TESTING OF DRIVERS**

**13:71-18.2 Urine test**

(a) **No driver shall use any controlled dangerous substance as defined in the "New Jersey Controlled Dangerous Substance Act", N.J.S.A. 24:21-1, et seq., unless such substance was obtained directly, or pursuant to a valid prescription or order from a licensed physician, while acting in the course of his professional practice. It shall be the responsibility of the driver to give prior notice to the State Steward or Presiding Judge that he is using a controlled dangerous substance pursuant to a valid prescription or order from a licensed practitioner.**

(b) Every driver for any race, qualifier or fair event at any licensed racetrack or fair site, may be subjected to a pre-race and/or post-race urine test or tests at the direction of the State Steward and/or Presiding Judge, in a manner prescribed by the New Jersey Racing Commission. Any driver who fails to submit to a urine test when requested to do so by the State Steward and/or Presiding Judge, shall be liable to the penalties provided in N.J.A.C. 13:71-2.

(c) Any driver who is requested to submit to a post-race urine test shall provide the urine sample, without undue delay, to a Chemical Inspector of the Commission. The sample so taken shall be immediately sealed and tagged on the form provided by the Commission, and the evidence of such sealing shall be indicated by the signature of the tested driver. The portion of the form which is provided to the laboratory for analysis shall not identify the individual driver by name. It shall be the obligation of the driver to cooperate fully with the Chemical Inspector in obtaining any samples which may be required and to witness the securing of such sample.

(d) A "positive" controlled dangerous substance result shall be reported, in writing, to the Executive Director or his designee. On receiving written notice from the official chemist that a specimen has been found "positive" for controlled dangerous substance, the Executive Director or his designee shall proceed as follows:

- 1. He shall, as quickly as possible, notify the driver involved in writing;
- 2. For a driver's first violation, he shall issue a written reprimand and warning;
- 3. For a driver's second violation, he shall require the driver to enroll in a supervisory treatment program approved by the New Jersey Racing Commission upon such reasonable terms and conditions as he may require. It shall be the driver's responsibility to provide the Commission with written notice of his enrollment, weekly status reports, and written notice that he has successfully completed the program and has been discharged. If a driver fails to comply with these requirements, he shall be liable to the penalties provided in N.J.A.C. 13:71-2.
- 4. For a driver's third or subsequent violation he shall be liable to the penalties provided in N.J.A.C. 13:71-2 and may only enroll into a supervisory treatment program in lieu of said penalties, with the approval of the New Jersey Racing Commission.

(e) The results of any urine test shall be treated as confidential.

Access to the reports of any "positive" results shall be limited to the Commissioners of the New Jersey Racing Commission, the Executive Director and/or his designee and the subject driver.

(a)

## NEW JERSEY RACING COMMISSION

### Harness Rules; Equine Fatality Report

#### Proposed New Rule: N.J.A.C. 13:71-20.24

Authorized By: New Jersey Racing Commission, Harold G. Handel, Executive Director.  
Authority: N.J.S.A. 5:5-30.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Bruce H. Garland, Deputy Director  
c/o New Jersey Racing Commission  
Justice Complex  
CN 088  
Trenton, NJ 08625

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

This proposal is known as PRN 1984-77.

The agency proposal follows:

#### Summary

Proposed new rule N.J.A.C. 13:71-20.24 would require equine fatality reports to be submitted to the New Jersey Racing Commission for any equine death occurring on the grounds of any licensed racetrack or approved off-track stabling facility in the State of New Jersey. The proposed new rule details the information to be contained in the report and would require the attending veterinarian to certify the cause of death and describe the medication and drugs administered to the equine within the preceding 96 hours.

#### Social Impact

The proposed new rule would require the filing of information which would assist the New Jersey Racing Commission in the investigation of equine fatalities. This requirement would have a positive social impact by helping to prevent the killing of horses for insurance profits.

#### Economic Impact

The proposed new rule would have a positive economic impact by helping to identify and eliminate false insurance claims, which should result in a reduction of insurance premiums.

Full text of the proposal follows.

#### 13:71-20.24 Equine fatality report

(a) An equine fatality report shall be submitted to the New Jersey Racing Commission regarding any equine death occurring on the grounds of any licensed racetrack or approved off-track stabling facility. It shall be the responsibility of the trainer or custodian of the deceased animal to file said report which shall be complete in all particulars.

(b) Said report shall be on forms prescribed by the Commission and shall include the following information and any other information deemed necessary by the Commission:

1. Name and tattoo number of deceased equine;
2. Trainer of record;
3. Owner of record and particulars regarding purchase of equine;
4. Particulars as to time, date and place of death;
5. Disclosure of any post-mortem examination;
6. Attending veterinarian;
7. Cause of death;
8. Particulars as to removal of carcass; and
9. Pertinent information regarding existing insurance coverage.

(c) The attending veterinarian shall certify the cause of death and shall submit a report describing all administration of medication or drugs to said animal within the 96 hour period preceding the time of death.

(d) Failure to file the foregoing in a timely fashion or filing in an incomplete fashion may subject the trainer, custodian or veterinarian to disciplinary action.

1. Any falsification or misstatement submitted in connection with an equine fatality report may also subject the trainer, custodian and/or veterinarian to disciplinary action as provided in N.J. A.C. 13:71-2.3.

(e) An equine fatality report shall not be required in connection with any pony or mascot.

## ENERGY

(b)

### THE COMMISSIONER

#### Reporting Energy Information Suppliers of Motor Gasoline

#### Proposed Readoption with Amendments:

14A:11-1

Proposed Recodification: N.J.A.C. 14A:11-1 as 14A:2-6

Authorized By: Leonard S. Coleman, Jr., Commissioner,  
Department of Energy.  
Authority: N.J.S.A. 52:27F-11b, c.  
DOE Docket No: DOE 004-84-02

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Linda M. Scuzo, Esq.  
Office of Regulatory Affairs  
Department of Energy  
101 Commerce Street  
Newark, NJ 07079

At the close of the period for comments, the Department of Energy may adopt this proposal with minor changes not in violation of the rulemaking procedure at N.J.A.C. 1:30-3.5. Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on April 19, 1984. The readoption of these rules becomes effective upon acceptance for filing by the Office of Administrative Law of a notice of their readoption. The proposed amendments become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-45.

The agency proposal follows:

**Summary**

The existing regulations, N.J.A.C. 14A:11-1, contain three sections. N.J.A.C. 14A:11-1.1 specifies the scope of the regulations, which is to require certain suppliers of motor gasoline to report energy information. N.J.A.C. 14A:11-1.2 contains definitions, notably, that of supplier of motor gasoline. N.J.A.C. 14A:11-1.3 contains the substantive part of the regulations. This section requires suppliers to submit the tankwagon prices of motor gasoline to the Department as of certain dates and to submit changes in the tankwagon price within 24 hours of the change.

These regulations were intended to enable the Department to monitor motor gasoline price at the supplier level and were formulated in response to the energy crises of the past.

The Department proposes to readopt these regulations, but to be operational only in emergencies. The Department has found that in periods of relatively stable supplies and prices, it is not necessary to require frequent reporting by suppliers because the Department is capable of obtaining the necessary data without resort to a mandatory reporting requirement.

For this reason, the Department proposes to recodify N.J.A.C. 14A:11-1 in Chapter 2 which deals with emergency planning. As a result, the readopted regulations will be implemented only when an emergency is declared.

A minor technical change is also proposed that would change the name of the Office to which the data should be submitted (that is, to "Data Center").

**Social Impact**

In the past the reporting requirement has ensured that the Department would have access to price and price change information at the supplier level with respect to motor gasoline. This information is essential in an emergency if the Department is to carry out its statutory mandate to engage in emergency planning.

In the event that an energy emergency should occur in the future the Department will find it necessary to collect supplier-level information again.

The readoption of these regulations to be operational in emergencies makes this possible.

**Economic Impact**

The existing regulations require suppliers of motor gasoline to report certain prices to the Department and thereafter to report all price changes to the Department. While this data is necessary to the Department in emergency and non-emergency situations alike, the Department has found that it is usually capable of monitoring price and price changes under normal conditions. Thus, the Department does not consider it necessary to impose the burden of mandatory reporting on suppliers under circumstances where the Department's resources are sufficient to enable it to obtain the data on its own. The regulations as readopted will minimize the economic impact of the reporting requirement by mandating submissions of information only during emergencies—when the data is essential and the Department may not have sufficient resources to obtain the information from other sources.

In the past the regulations placed a small but continued burden on suppliers to ensure that certain data is submitted to the Department. As repropoed, the regulations will have no economic effect under most circumstances. In an emergency, however, the regulations will have a minor adverse economic effect on suppliers of motor gasoline. However, the burden is outweighed by the essential nature of such information to the Department for emergency planning.

**Full text** of the proposed readoption and recodification may be found at N.J.A.C. 14A:11-1.

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

**Recodify** N.J.A.C. 14A:11-1.1 through 1.3 as N.J.A.C. 14A:2-6.1 through 6.3.

**SUBCHAPTER 6. SUPPLIERS OF MOTOR GASOLINE**

14A:2-6.1 Scope

[Unless otherwise provided by statute or rule, this] **This** subchapter shall govern the periodic reporting of energy information by persons who supply motor gasoline to retail dealers **when the Governor, based on a finding by the Commissioner, proclaims that an emergency exists.**

14A:2-6.3 Reporting

(a)–(d) (No change in text.)

(e) The above information [should] **shall** be sent to:

New Jersey Department of Energy  
101 Commerce Street  
Newark, New Jersey 07102  
Attention: [Gene Owen  
Supervising Energy Analyst]  
**Data Center**

**TRANSPORTATION**

**(a)**

**CONSTRUCTION AND MAINTENANCE UNIT**

**Newspaper Dispensers on State Highway Right-of-Way**

**Proposed New Rule: N.J.A.C. 16:41B**

Authorized By: John P. Sheridan, Jr., Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:1A-52, 27:7-21 and 27:7-44.1.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
CN 600  
Trenton, NJ 08625

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

This proposal is known as PRN 1984-41.

The agency proposal follows:

**Summary**

The proposed new rules will establish the guidelines regarding the placement of newspaper dispensers on State highways right-of-way.

There has been a proliferation of newspaper dispensers being placed on State highways, creating potential safety problems. In 1981, the Department sought to have several newspaper companies

remove their boxes entirely from State-owned property. This resulted in a court action against the State in which the Court held that the State could not totally prohibit the placement of newspaper dispensers on the State highway right-of-way, but rather could promulgate reasonable regulations dealing with the placement and manner of installation of the dispensers. In view of the Court's decision, a task force was created within the Department to develop reasonable regulations regarding this matter. The task force comprised of representatives from the Division of Design, Bureau of Traffic Engineering; Outdoor Advertising and Permits; Engineering and Operations and the Legal Services Section. Additional information was solicited from the various newspaper boxes manufacturers through correspondence. There were a considerable number of meetings held before the development of these rules.

The Department's task force feels that these regulations are reasonable and suitable for the purpose for which they are being promulgated.

The Department therefore proposes to establish new rule N.J.A.C. 16:41B-1, in compliance with the Court's Order and the recommendations and studies of the task force.

The subchapters are defined as follows:

N.J.A.C. 16:41B-1.1, defines the meaning of the words and terms as used in the rules.

N.J.A.C. 16:41B-2.1, "Permit Provisions", outlines the general provisions for obtaining a permit, the application process, the application fee and permit validation period.

N.J.A.C. 16:41B-3.1, "Indemnification", prescribes as a condition of the permit process, the permittee shall agree to defend, protect and save harmless the State.

N.J.A.C. 16:41B-4.1 "Location", prescribes the areas where newspaper dispensers may be placed and restrictions.

N.J.A.C. 16:41B-5.1 "Installation", specifies the manner in which newspaper dispensers are to be installed.

N.J.A.C. 16:41B-6.1 "Maintenance Standards", provides the general maintenance requirements for newspaper dispensers.

N.J.A.C. 16:41B-7.1 "Revocation of Permits", prescribes the conditions under which permits shall be revoked.

N.J.A.C. 16:41B-8.1 "Appeals", outlines the manner in which a person may appeal a revocation of permit and the time element required.

N.J.A.C. 16:41B-9 "Removal" depicts the manner and circumstances under which a newspaper dispenser shall be removed.

**Social Impact**

The proposed new rules will establish and prescribe standard guidelines and procedures for the placement of newspaper dispensers along the State highways right-of-way. The rules will also add to the enhancement of traffic flow and safety along the highway system in that newspaper dispensers will not be placed in areas which would restrict the movement of traffic. Additionally, the rules lend to the improvement of the aesthetic value and environs of the State.

**Economic Impact**

The proposed new rules will cause the Department to incur direct and indirect costs for personnel, for mileage and equipment requirements in the initial implementation and continued enforcement of the rules. They will also affect local distributors who maintain newspaper dispensers along the State right-of-way. This may involve relocation of dispensers, the payment of permit fees and the cost charged for the removal of dispensers by the Department personnel. Local businesses engaged in the sale of newspapers on premises would not be affected by these rules.

Full text of the proposed new rule follows.

CHAPTER 41B  
NEWSPAPER BOXES ON  
STATE HIGHWAY RIGHT-OF-WAY

SUBCHAPTER 1. DEFINITIONS

16:41B-1.1 Definitions

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

"Clear zone" means that roadside border area, starting at the edge of travelled way, available for safe use by errant vehicles. For the purpose of this chapter, the clear zone shall be as follows:

Posted Speed Limit .....	Clear Zone
35 mph or less .....	10 ft.
40 mph .....	15 ft.
45 mph .....	17.5 ft.
50 mph .....	20 ft.
55 mph .....	25 ft.

"Gutterline" means line of demarcation delineated by the presence of a physical curb, a raised berm or a change in surface such as pavement to grass.

"News dispenser" means any self-service or coin-operated box, storage unit, or other dispenser installed, used or maintained for the display and sale of newspapers or other news periodicals.

"Right of way" means the entire width of State highway property. This includes the travelled way and all land on both sides of the travelled way extending to the abutting owners' property lines.

"Travelled way" means that portion of the highway provided for the movement of vehicles, exclusive of shoulders, acceleration or deceleration lanes.

SUBCHAPTER 2. PERMIT PROVISIONS

16:41B-2.1 General provisions

(a) It shall be unlawful for any person to operate, erect, place or maintain, on any State highway right-of-way, any news dispenser without obtaining a permit from the Department of Transportation.

(b) Applications for permits may be obtained from the regional maintenance offices or from the Department's principal office, Bureau of Maintenance, Construction and Maintenance Unit, 1035 Parkway Avenue, Trenton, New Jersey 08625. Completed applications along with the required fee are to be forwarded to the regional office having jurisdiction over the area in which the news dispenser is to be located. The regional offices and their jurisdiction are set forth in N.J.A.C. 16:41-1.1(b).

(c) Applications for the placement of news dispensers shall include the following information:

1. Name of applicant;
2. Address of applicant;
3. Detailed sketch showing the location of the news dispenser, distances from shoulder, curb lines, property lines, and structures shall be clearly set forth on the sketch;
4. Detailed description of news dispensers, including height, width, depth, color, material of which it is constructed, and construction design; and
5. Detailed description of method of installation, including proposed attachment to any other structure.

(d) The applicant shall include with the application an application fee in the amount of \$25.00 per news dispenser. Fees must be in the form of a check or money order made payable to the New Jersey Department of Transportation. Cash will not be accepted.

(e) Within 30 days after receipt of a completed application and application fee, a permit shall be issued if the applicant has complied with all of the conditions of this chapter, and if the location, installation, design and condition of the news dispenser meets with the specifications set forth in this chapter.

(f) Prior to issuance of a permit, the permittee shall remit a permit fee in the amount of \$25.00 in the form of a check or money order payable to the Department of Transportation.

(g) Permits shall be valid for a period of one year. If all of the conditions of this chapter have been observed, the permit shall be renewed annually upon payment of a \$25.00 annual renewal fee. If there is a change in conditions such that the location, design, installation or condition of the news dispenser does not comply with the specifications set forth in this chapter, the permit shall not be renewed.

**SUBCHAPTER 3. INDEMNIFICATION**

**16:41B-3.1 General requirements**

The permittee, as an express condition of the permit, shall agree to defend, indemnify, protect, and save harmless the State, its agents, servants and employees from and against any and all claims, suits, demands and damages, including but not limited to expenditures for any costs of investigation, hiring of expert witnesses, court costs, counsel fees and judgments, arising out of or claimed to arise out of the installation, use or maintenance of any news dispensers located on State highway right-of-way.

**SUBCHAPTER 4. LOCATION OF NEWS DISPENSERS**

**16:41B-4.1 General requirements**

(a) Placement of news dispensers within State highway right-of-way is prohibited in the following locations:

1. Within two feet from the edge of gutterline or within the clear zone area as defined in N.J.A.C. 16:41B-1 whichever distance is greater;
2. Adjacent to areas where parking is prohibited by statute or regulation;
3. Adjacent to areas where stopping or standing is prohibited by regulation;
4. Within medians, jughandles, channelizing islands, and ramps;
5. In any area where the news dispenser interferes with or impedes the flow of pedestrian traffic, motor vehicles, bicycles, or wheelchairs, ingress or egress to or from any place of business, or interferes with the use of poles, posts, traffic signals, hydrants, mail boxes or other objects permitted within the right-of-way;
6. In any area where the placement of the news dispenser is prohibited by local zoning ordinance;
7. In any area where the adjacent property owner objects to the placement of the news dispenser; and
8. In any other area where the placement of the news dispenser is determined by the Department to be unsafe.

(b) News dispensers otherwise prohibited by (a)1, 2, or 3 above may be permitted if they are placed flush against a building and the owner of the building has given written permission for the placement of the news dispenser in that location.

**SUBCHAPTER 5. INSTALLATION**

**16:41B-5.1 General requirements**

(a) No news dispenser shall be chained, bolted or otherwise attached to any public fixture located within the State highway right-of-way, including but not limited to official signs, sign supports, guide rails, traffic signal supports, highway lighting supports, controller boxes, mail boxes and fire hydrants.

(b) News dispensers shall be securely installed so as to prevent personal injury or property damage from tilting, tipping or overturning.

(c) News dispensers shall not exceed five feet in height, three feet in width or 30 inches in depth unless approved by the Department.

(d) No permit shall be issued unless the applicant has received written permission from the owner of the structure to which the dispenser is to be affixed. If the dispenser is to be bolted to the sidewalk, permission must be received from the municipality in

which the news dispenser is located and from the adjacent property owner.

**SUBCHAPTER 6. MAINTENANCE STANDARDS**

**16:41B-6.1 Requirements**

(a) No news dispenser shall be used for advertising signs or publicity purposes other than the display of information dealing with the sale or distribution of the newspaper contained therein.

(b) Every news dispenser shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each news dispenser shall be serviced and maintained so that:

1. It is free of dirt and grease;
2. It is free of chipped, faded, peeling and cracked paint;
3. It is free of rust and corrosion; and
4. The structural parts thereof are intact.

**SUBCHAPTER 7. REVOCATION OF PERMITS**

**16:41B-7.1 Conditions**

(a) The continued installation, use and maintenance of news dispensers is conditioned upon compliance with all of the provisions of this chapter. If any of the provisions of this chapter are violated or if the location, installation, design, or condition of the news dispenser no longer meets with the specifications of this chapter and any amendments thereto, the permittee shall be notified of the non-compliance by registered mail.

(b) If, within 30 days after mailing the notice of non-compliance, the permittee has failed to remove the news dispenser or otherwise correct the violation or reason for non-compliance, the permit shall be revoked and the permittee shall be notified by registered mail that the permit has been revoked.

**SUBCHAPTER 8. APPEALS**

**16:41B-8.1 General requirements**

A person may appeal from a decision to revoke a permit, or decision not to grant or renew a permit. Within 15 days of the date of mailing of such a decision, the permittee or applicant shall file an appeal from the decision and request a hearing in accordance with Department procedures (See Operations Bulletin No. 1732). Failure to appeal within the 15-day period shall bar the appeal.

**SUBCHAPTER 9. REMOVAL**

**16:41B-9.1 No valid permit**

Any news dispenser located on State highway right-of-way without the benefit of a permit is an illegal use and shall be promptly removed. If a news dispenser is located on State right-of-way without the benefit of a permit, the Department of Transportation shall notify, by registered mail, the person or company whose name is displayed on the news dispenser that the news dispenser is maintained in violation of this chapter. If the news dispenser is not removed within 15 days from the date of the mailing of the letter, the news dispenser shall be removed by the Department of Transportation maintenance forces and stored at a Department of Transportation maintenance yard. The person or company shall be notified by registered mail of the location of the news dispenser and the hours when it may be obtained. The Department of Transportation shall not be liable for any damage to the news dispenser, to any materials or equipment appurtenance to the news dispenser, or to any material contained therein, or for any lost sales caused by the removal, transportation or storage of the news dispenser. A charge of \$50.00 or double the cost of removal whichever is greater, shall be levied by the Department.

**16:41B-9.2 Revocation and non-renewal**

If the permittee fails to appeal from the revocation or non-renewal

of a permit within the 15 day period set forth in N.J.A.C. 16:41B-7.1, the news dispenser shall be removed by the Department of Transportation in accordance with the procedures set forth in N.J.A.C. 16:41B-9.1.

16:41B-9.3 Appeals

If a permittee is unsuccessful on appeal from a revocation or non-renewal of a permit, the permittee shall have 15 days within which to remove the news dispenser. If the news dispenser is not removed within 15 days, the Department of Transportation shall remove it in accordance with the procedure set forth in N.J.A.C. 16:41B-9.1.

16:41B-9.4 Stays

Unless an emergency exists, as determined by the Department, an appeal from a decision to revoke or not renew a permit shall stay the requirement for removal of the news dispenser. Otherwise, there shall be no stay of the removal of any news dispenser which is maintained, operated, placed or erected in violation of this chapter.

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

Cigarette Tax

Proposed Readoption: N.J.A.C. 18:5

Authorized By: John R. Baldwin, Director, Division of Taxation. Authority: N.J.S.A. 54:40A-20.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
50 Barrack Street
Trenton, NJ 08646

The Division of Taxation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules expire on March 7, 1984. The readoption of these rules becomes effective upon publication in the Register of a notice of their readoption.

This proposal is known as PRN 1984-63.

The agency proposal follows:

Summary

On July 1, 1948, cigarette taxation commenced in New Jersey under the provisions of the Act (P.L. 1948, c. 65, N.J.S.A. 54:40A-1 et seq.), which imposed a tax of \$0.03 per standard package of 20 cigarettes, with a discount of five percent allowed to defray the cost of affixing the stamps on the cigarettes by licensed distributors. The law provided for the licensing of all distributors, wholesale and retail dealers and vending machines operating in New Jersey. By amendment to the original Act, all manufacturers and manufacturer's representatives are required to be licensed (P.L. 1968 c.351). The present State tax on cigarettes is \$0.25 per standard package of 20 cigarettes. Subchapter 1 contains definitions. Imposition of the tax is set forth in Subchapter 2.

Subchapter 3 deals with revenue tax stamps. Refunds and redemption of stamps are covered in Subchapter 4. Rules regarding required reports are found in Subchapter 5. Subchapter 6 deals with the various licenses. Records to be kept are treated in Subchapter 7. Subchapter 8 covers the subject of assessments. When the cigarette tax becomes a lien and its release is treated in Subchapter 9. Treatment of cigarettes sold through vending machines is covered in Subchapter 10. Subchapter 11 deals with transportation of unstamped cigarettes. Penalties are covered in Subchapter 12.

These rules implement the Tax Act, its legislative purpose and its amendments, and pursuant to Executive Order 66 of 1978, are adequate, reasonable and necessary. The social and economic impact, in general, remain the same.

Social Impact

The cigarette tax, and the rules, have a substantial impact on most people, smokers and non-smokers. The tax is primarily a revenue-raising measure for the State of New Jersey, providing 3.6 percent of the State's revenue for the Fiscal Year 1982. It applies only to cigarettes, not cigars or pipe tobacco.

This tax is very widely used in most states and by the Federal Government. It tends to discourage smoking, and it is a tax which people can avoid by not smoking.

Economic Impact

The tax is imposed on the licensed distributor who is liable for the tax, whether the cigarettes are sold or not. It has produced the following revenue in recent years:

Table with 2 columns: Fiscal Year and Revenue. Rows from 1973 to 1983 with corresponding revenue values.

Full text of the readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:5, as amended in the New Jersey Register.

(b)

DIVISION OF TAXATION

Unfair Cigarette Sales Act

Proposed Readoption: N.J.A.C. 18:6

Authorized By: John R. Baldwin, Director, Division of Taxation. Authority: N.J.S.A. 56:7-31.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein  
 Chief Tax Counselor  
 Division of Taxation  
 50 Barrack Street  
 Trenton, NJ 08646

The Division of Taxation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), N.J.A.C., 18:6 expires on March 7, 1984. The readoption of these rules becomes effective upon publication in the Register of the notice of their re adoption.

This proposal is known as PRN 1984-60.

The agency proposal follows:

**Summary**

The wholesale and retail cigarette industry in New Jersey prior to the enactment of the New Jersey Cigarette Tax Act in 1948 was characterized by severe and intense price competition, and many unfair, dishonest, deceptive, destructive and fraudulent business practices demoralized and disorganized the cigarette trade. Cigarettes were advertised, offered for sale or sold below cost with the intent of injuring competitors or destroying or substantially lessening competition.

The New Jersey Unfair Cigarette Sales Act (N.J.S.A. 56:7-18 et seq.) was enacted as a companion law to the New Jersey Cigarette Tax Act (N.J.S.A. 54:40A-1 et seq.). Its purpose was to prevent unfair competition and unfair trade practices in the sale of cigarettes in New Jersey which would adversely affect the prompt and efficient collection of taxes on the sale of cigarettes and the revenues and fees from licensing manufacturers, distributors, wholesalers, retailers, and other persons engaged in the sale of cigarettes in New Jersey.

The New Jersey Unfair Cigarette Sales Act declares it to be the policy of the State of New Jersey to promote the public welfare by prohibiting sales of cigarettes below cost and to provide a minimum percentage mark-up, and a minimum sales price for all cigarettes sold both at wholesale and retail in New Jersey.

The original New Jersey Unfair Cigarette Sales Act (P.L. 1948, Chapter 188) was found to be unconstitutional by the Supreme Court of New Jersey in 1951 (**Lane Distributors v. Tilton**, 7 N.J. 349, 81 A.2d 786). The revised New Jersey Unfair Cigarette Sales Act (P.L. 1952, Chapter 247) reenacted the law to correct deficiencies in the original Act specified by the Supreme Court. The present law was not found unreasonable or unconstitutional by the Superior Court of New Jersey in upholding a license suspension of a wholesaler for giving a prohibited rebate in the sale of cigarettes (**In re Sanders**, 40 N.J.R. Super. 477, 123 A.2d, 582).

Subchapter 1 contains general provisions. Prohibition of actions which lessen competition are found in Subchapter 2. Subchapter 3 deals with price lists. Rules relating to manufacturers' promotional sales plans are found in Subchapter 4. Subchapter 5 deals with what reports are required. Remedies and penalties are contained in Subchapter 6. Subchapter 7 contains miscellaneous provisions. The rules implement the statutes to achieve the legislative purpose and are adequate, reasonable and necessary. Pursuant to Executive Order 66(1978) they have been reviewed and are being proposed for re adoption.

**Social Impact**

The regulated cigarette industry has had severe and intense competition and had many unfair, dishonest, deceptive, destructive and fraudulent business practices among wholesalers and retailers. The cigarette business, generally, and the public benefit socially from the Unfair Cigarette Sales Act and the implementing rules which corrected prior faults. The forbidden practices would have permitted large dealers to drive out small competitors by selling below cost. The surviving dealers could then have established a monopoly, and raised prices exorbitantly. In a broad sense, public welfare is involved and has been improved, by requiring fair competition, and fair prices to the public.

**Economic Impact**

The Act and the implementing rules provided for fairer business practices, a fair price for the product, a fair profit for the business and better trade and competition overall, by no unfair competition and regulation by the State. Another economic gain was a more prompt and efficient collection of taxes and fees due to stable prices. The forbidden practices would have permitted large dealers to drive out small competitors by selling below cost. The surviving dealers could then have established a monopoly and raised prices exorbitantly; thus, an added cost to the public.

Full text of the proposed re adoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:6.

(a)

**DIVISION OF TAXATION**

**Corporation Business Tax**

**Proposed Re adoption: N.J.A.C. 18:7**

Authorized By: John R. Baldwin, Director, Division of Taxation.

Authority: N.J.S.A. 54:10A-27.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein  
 Chief Tax Counselor  
 Division of Taxation  
 50 Barrack Street  
 Trenton, NJ 08646

The Division of Taxation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), N.J.A.C. 18:7 expires on February 6, 1984. The re adoption of these rules becomes effective upon publication in the Register of the notice of their re adoption.

This proposal is known as PRN 1984-66.

The agency proposal follows:

**Summary**

In New Jersey, franchise taxation of miscellaneous business corporations dates back to 1884. In that year (P.L. 1884, p.232), a tax was imposed on all corporations organized under the laws of New Jersey, for the privilege of doing business in the corporate form. Then, as now, the mere possession of the privilege gave rise to the liability for the tax, it being immaterial to what extent such privilege was exercised or whether such privilege was exercised at all. Under the 1884 law and down to January 1, 1946, the franchise tax was based upon the par value of the number of shares of capital stock issued by the taxpayer and outstanding as of January 1 in each year.

From 1884 to 1936 there was no franchise tax on foreign corporations qualified to do business or actually doing business in New Jersey. Chapter 264, Laws of 1936 provided for an annual franchise tax on foreign corporations. This law was repealed and superseded by Chapter 25, Laws of 1937, which imposed a tax on foreign corporations measured by the total capital stock issued and outstanding as of January 1 in each year. A corporation engaged in multi-state activities was permitted to allocate its total capital stock only on the basis of the ratio of the gross income from the business done in the State to the total gross income from its entire business.

Chapter 162, Laws of 1945, effective January 1, 1946, repealed the then existing corporation franchise taxes and enacted a new franchise tax law to be known as the Corporation Business Tax Act (1945) (N.J.S.A. 54:10A-1, et seq.). This is the basic corporation franchise tax law presently in effect. It is applicable to both domestic and foreign corporations and, as originally enacted, was measured by allocable net worth.

Chapter 88, Laws of 1954, effective January 1, 1955, increased the basic tax rate from 8/10 of a mill per dollar to two mills per dollar.

Chapter 63, Laws of 1958, added to the tax based upon allocated net worth a tax based upon allocable net income at the rate of 1.75 percent.

The 1958 amendment also changed the privilege period of the tax from a fixed calendar year period for all corporations alike, to a privilege period which, for each taxpayer, coincided with its accounting period.

Chapter 162, Laws of 1959, effective September 17, 1959, reduced the net income tax base, for companies entitled and electing to file as regulated investment companies, from 15 percent to 4 percent of entire net income.

Chapter 190, Laws of 1959, beginning in 1959, provided for a tax on the net worth base according to a short tax table based on total assets only, for companies having less than \$150,000.00 of total assets and electing to file under said table in lieu of the portion of the tax based on net worth. Chapter 134, Laws of 1966, effective June 17, 1966, revised the Act as follows:

FIRST: Increased tax rate based on net income from 1-3/4 percent to 3-1/4 percent, effective January 1, 1967.

SECOND: For tax determined by the assets allocation factor the change eliminated, with respect to domestic corporations, the statutory allocation to New Jersey of 40 percent of intangible assets having a business situs outside this State.

THIRD: For domestic corporations only, the amendment added an alternative minimum to the portion of the tax based on net worth, which is based on the number of authorized shares of capital stock.

FOURTH: For purposes of computing the business allocation factor, the Act changed the allocation of all receipts from sales of tangible personal property to New Jersey on a destination basis (receipts being allocable to New Jersey if shipment is made from taxpayer to its customer in New Jersey).

FIFTH: Changed the due date of all returns and payments to the fifteenth day of the fourth month following the close of the taxpayer's accounting period.

Chapter 112 and 250, Laws of 1968, effected several changes in the law, the most significant of which were: (1) an increase in the tax rate based on net income from 3-1/4 percent to 4-1/4 percent effective January 1, 1968; (2) a partial reduction from net worth by reason of subsidiary investment and a deduction from net worth for subsidiaries subject to the Act; (3) an exclusion of dividends received from subsidiaries in computing the net income tax base; (4) elimination of the asset allocation factor; (5) the elimination of intangible personal property in computing the minimum tax based on assets located in New Jersey; and (6) provisions for prepayment of the tax.

Chapter 93, Laws of 1970, added another alternative minimum net worth tax for domestic corporations only, based on 11/100 of a mill per dollar of total assets. It also provides for a subsidiary deduction (in addition to that already allowed) for subsidiaries which are taxed in New Jersey under laws other than the Corporation Business Tax Act.

Chapter 91, Laws of 1971, effective April 8, 1971, increased the fee for issuance of a tax lien certificate from \$1.00 to \$5.00.

Chapter 25, Laws of 1972, increased portion of the tax measured by net income to 5-1/2 percent for periods ending after December 31, 1971.

Chapter 89, Laws of 1972, exempted real estate investment trusts from the financial business tax and brought them under the corporation business tax, and extended to a real estate investment

trust the option to elect to apportion four percent of its entire net income and fifteen percent of its entire net worth all on and after December 31, 1971.

Chapter 211, Laws of 1972, limited the liability of corporations which operate authorized regular route autobus service within this State to the portion of the tax measured by net income effective December 31, 1972.

Chapter 95, Laws of 1973, effective April 25, 1973, provides that shares of bank stock held by a corporation are not exempt from the bank stock tax where the bank has revoked an election to pay the tax for its shareholders. The bank stock tax was repealed by Chapter 170, Laws of 1975, effective August 4, 1975.

Chapter 275, Laws of 1973, effective November 29, 1973, exempts from the corporation business tax nonprofit domestic corporations where the primary purpose is to provide housing for its shareholders or members in a retirement community as defined in the Retirement Community Full Disclosure Act.

Chapter 367, Laws of 1973, effective January 7, 1974, removed sections dealing with liquidations, mergers, withdrawals and similar actions from the Corporation Business Tax Act and placed them in the State Tax Uniform Procedure Law and Title 14A to provide comparable requirements to all state taxes. In addition, the law no longer requires a tax clearance certificate in certain cases where domestic corporations, or foreign corporations authorized to do business in New Jersey, are the survivors in mergers or undertake the payment of taxes of dissolved or liquidated corporations. In addition, the liability of corporate officers and directors for unpaid taxes is extended when general provisions are violated or when a false certification is made in connection with an undertaking to pay taxes. See N.J.S.A. 54:50-18, 14A:6-12 and 14A:12-19.

Chapter 21, Laws of 1975, increased the percentage of tax prepayment from 50 percent to 60 percent, effective February 28, 1975.

Chapter 28, Laws of 1975, for accounting periods ending after June 30, 1976, revised the definition of "subsidiary" to provide that the parent company must own 80 percent of the subsidiary's voting stock and 80 percent of the total number of shares of all classes of non-voting stock, except that stock which is limited and preferred as to dividends. Previously, the parent was required to own 80 percent of the subsidiary's voting stock and 80 percent of the total number of shares of all classes of stock.

Chapter 162, Laws of 1975, increased the rate applicable to net income from 5-1/2 percent to 7-1/2 percent for privilege periods or parts thereof ending after December 31, 1974.

Chapter 170, Laws of 1975, beginning with the calendar year 1976 the Bank Stock Tax Act was repealed and banks were placed under the Corporation Business Tax Act. To prevent a reduction in State revenue, a "save harmless" provision was adopted requiring a bank to pay the larger of its liability under the corporation business tax and business personal property tax or the bank stock tax actually paid in 1975. This was a three year "save harmless" provision applying to the years 1976, 1977 and 1978. Chapter 40, Laws of 1978 extended this "save harmless" provision through 1979. Banks also became subject to the business personal property tax with respect to property owned on October 1, 1975.

Chapter 171, Laws of 1975, excludes incorporated financial businesses from the financial business tax and subjects them to the corporation business tax. The law provides that each financial business corporation must pay the greater of the amount it paid under the financial business tax in 1975 or the total tax payable under the Corporation Business Tax Act for each of the years 1976 through 1978, which special tax provision was extended to 1979 by Chapter 40, Laws of 1978. This act further provides that an "investment company" does not include a banking corporation or a financial business corporation and subjects incorporated financial businesses to the business personal property tax relating to property owned on October 1, 1975.

Chapter 177, Laws of 1975, amended the Corporation Business

Tax Act and fifteen other tax laws to delete all specific penalty and interest provisions. The State Tax Uniform Procedure Law provides for the imposition of penalties and interest for the failure to file and pay state taxes and specifies penalties on deficiency assessments. Interest rates are increased applicable to returns and taxes due on and after October 1, 1975.

Chapter 142, Laws of 1977, changed from June 10 to July 10 the date on which the state must distribute revenue collected from the corporation business tax.

Chapter 76, Laws of 1979 revised the definitions of "net worth" and "entire net income" as they apply to financial business corporations which are funded through debt from affiliated corporations to exclude from the definition of "net worth" the debt owed to the affiliated corporation and to permit deduction of interest on that debt in arriving at "entire net income" provided the interest rate does not exceed the prime rate by more than two percent. This statute is applicable to taxpayers whose accounting period ends on or after December 31, 1978.

Chapter 280, Laws of 1979 increased the rate applicable to net income from 7-1/2 percent to 9 percent for privilege periods or parts thereof ending after December 31, 1979.

Chapter 86, Laws of 1979 made a technical amendment to the definition of "entire net income." Chapter 388, Laws of 1979 restored provisions which were inadvertently omitted by that law.

Chapter 184, Laws of 1981, for years beginning after 1980, provides that a corporation shall make estimated tax payments in lieu of the mandatory 60 percent prepayment on account of its subsequent year's tax. Said statute provides for a schedule of payments during a transition period and then for any accounting period beginning after December 31, 1984 it provides for four equal payments of estimated tax on the fifteenth day of the fourth, sixth, ninth and twelfth months of the current tax year. A taxpayer with a tax liability of less than \$500.00 may elect to pay 50 percent (60 percent for tax years ending before December 31, 1981) of that tax on account of its subsequent year's tax in lieu of making installment payments. There are certain relief provisions relating to the amount of installment payments for (1) taxpayers in bankruptcy or receivership, (2) taxpayers who have realized a nonrecurring extraordinary gain which would distort the amount of its installment payment, or (3) where a taxpayer estimates that it will conduct its business at a loss for the current year. Subject to certain exceptions, there is imposed interest as an addition to the tax in the case of underpayments of estimated tax and interest and penalties are provided where any portion of the tax is unpaid during an extension of time to file a final return. These interest and penalty provisions are not governed by the State Tax Uniform Procedure Law and all are mandatory.

Chapter 259, Laws of 1981, for accounting periods commencing on or after January 1, 1981, redefines "net worth" to exclude indebtedness of bona fide financing of motor vehicle inventories held for sale to customers when the financing is provided by a taxpayer who customarily and routinely provides this type of financing. "Entire net income" is redefined to permit deduction of all interest relating to such indebtedness.

Chapter 467, Laws of 1981, for accounting periods ending on or after December 31, 1981, redefines "net worth" to exclude indebtedness of a banking corporation which is an affiliate of a bank holding company which is funded through debt from such affiliated bank holding company. "Entire net income" is redefined to permit the deduction of interest on such indebtedness owing to a bank holding company where the banking corporation is a subsidiary of that bank holding company.

Chapter 50, Laws of 1982, for years ending after 1981 and for property placed in service after 1981, enacted certain provisions disallowing as a deduction in arriving at entire net income the excess of depreciation claimed on the federal return over depreciation allowable under the Internal Revenue Code at December 31, 1980.

Chapter 55, Laws of 1982, eliminates the alternatives to the

portion of the tax measured by net worth, redefines net worth to exclude any reference to indebtedness, and phases out the portion of the tax measured by net worth.

Where the tax years begin after March 31, 1983:

1. The alternatives to the portion of the franchise tax measured by net worth are deleted from the act. A domestic corporation is subject to a minimum tax of \$25.00, a foreign corporation \$50.00, and an investment, regulated investment company or real estate investment trust \$250.00.

2. Taxpayers only pay 75 percent of the tax measured by net worth.

Where tax years begin after June 30, 1984:

1. Net worth is redefined to exclude any reference to indebtedness, and

2. Taxpayers only pay 50 percent of the tax measured by net worth.

Where tax years begin after June 30, 1985:

1. Taxpayers only pay 25 percent of the tax measured by net worth.

Where tax years begin after June 30, 1986, no part of the tax is measured by net worth.

Chapter 39, Laws of 1982 amended the act to exclude from the numerator of the receipts fraction certain receipts from sales of gas and electricity which were made to New Jersey public utilities for resale by them to their ratepayers after June 15, 1982.

Chapter 75, Laws of 1983 amended the act to provide that for qualifying regulated investment companies the franchise tax would be \$250.00.

The rules hereinafter set forth are promulgated under authority of N.J.S.A. 54:10A- 27. The Corporation Business Tax Act (1945), as amended and supplemented, (N.J.S.A. 54:10A-1, et seq.) is referred to as "the law," "the Act," or the "Tax Act."

The Corporation Business Tax Act is administered by the Director of the Division of Taxation, hereinafter referred to as the Director, through the Division of Taxation, in the Department of the Treasury.

These rules, insofar as they are identical in substance to existing rules relating to the same subject matter, shall be construed as restatements and continuations and not new rules.

Rule reference numbers have been designated according to the rules issued by the Director, Office of Administrative Law, pursuant to P.L. 1968, c.410, as amended and supplemented; for example, Rule 18:7-1 refers to the section of the New Jersey Administrative Code and should be cited as N.J.A.C. 18:7-1.1.

These rules implement the tax act, its amendments, legislative purpose and court decisions. Pursuant to Executive Order 66 of 1978 these rules have been determined to be adequate, reasonable and necessary and are therefore being proposed for re adoption. The rules remain the same, the latest amendments were promulgated November 7, 1983.

#### Social Impact

These rules are being readopted to provide taxpayers and their attorneys and accountants guidance and assistance in the administration of the Corporation Business Tax Act, N.J.S.A. 54:10A-1, et seq. These rules are intended as guidelines to assist taxpayers in preparing the Corporation Business Tax Return Form, CBT-100, other forms, reports, etc. We are setting forth some highlights affecting the taxpayer, its professional representatives and the general public. These rules clarify for the taxpayer and the Division of Taxation the preparation and review of the Corporation Business Tax Returns.

The uniformity of most general interest and penalty impositions was progress in computation of the total tax amount to be remitted.

The introduction of rules regarding installment payments into the Act will be beneficial to all but the transitional installment payment provisions, to aid cash flow in the interim, created some confusion. P.L. 1982, Chapter 184 and amendments.

P.L. 1982, Chapter 50 and the implementing rules dealing with

Accelerated Cost Recovery "Uncoupling" created difficult problems, most of which have been solved. By most persons the adopted rules were more receptive economically, as well as lessening problems among those regulated, than the proposed rules in this area.

P.L. 1982, Chapter 55 and the implementing rules phasing out the tax on the net worth base over a four year period is believed to be helpful to the business world and job markets as well as to corporate taxpayers themselves. There were other technical amendments regarding the portion of the minimum tax based upon net worth which will make the tax on the net worth base easier to compute. Some of these provisions take effect gradually but for accounting periods beginning on or after July 1, 1986, there will be no tax based upon net worth but there will always be at least a non-prorated tax of \$25.00 for domestic corporations and \$50.00 for foreign corporations.

The implementing rules pursue the statutory progression in these later years to reduce the tax paid by non-minimum taxpayers and reflect an inducement to businesses to come into New Jersey, improve the economy and provide jobs.

#### **Economic Impact**

Due to the increasing interest rates generally, the State of New Jersey had to increase interest rates on delinquent taxes in the recent past. By July 1, 1987, the phasing out of the net worth base will lessen corporation business tax revenue by \$150,000,000.00 more than if P.L. 1982, Chapter 55 had not been enacted. Tax moneys collected for the most part go into the State's general fund.

**Full text** of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:7, as amended in the New Jersey Register.

(a)

## **DIVISION OF TAXATION**

### **Financial Business Tax**

#### **Proposed Readoption: N.J.A.C. 18:8**

Authorized By: John R. Baldwin, Director, Division of Taxation.

Authority: N.J.S.A. 54:10B-22.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
50 Barrack Street  
Trenton, NJ 08646

The Division of Taxation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), N.J.A.C. 18:8 expires on February 6, 1984. The readoption of these rules becomes effective upon publication in the Register of the notice of their readoption.

This proposal is known as PRN 1984-61.

The agency proposal follows:

#### **Summary**

Taxation of financial businesses in New Jersey commenced in 1946. The Financial Business Tax Law, N.J.S.A. 54:10B-1, et seq.

(P.L. 1946, c.174) was enacted following the recommendations of the First Report of the Commission on State Tax Policy. This legislation was enacted because New Jersey was taxing national banks under N.J.S.A. 54:9-1, et seq. but no other entities or persons conducting a financial business in New Jersey, thereby creating a problem under the United States Constitution as well as Federal law, R.S. 5219 (12 U.S.C.A. 548). That section provided that national banks must be taxed by the states in the same way as the banks of the state in question.

By 1975 legislation, corporations engaged in financial business became subject to the Corporation Business Tax Act, N.J.S.A. 54:10A-1, et seq. This includes all banks, loan companies, etc. Individuals, partnerships, etc., other than corporations, doing a financial business continue to be taxed by the Financial Business Tax Law. Savings banks, savings and loan and building and loan associations are taxed under the Savings Institution Tax Act (N.J.S.A. 54:10D-1 et seq.).

The Financial Business Tax Law is administered by the Director of the Division of Taxation, Department of Treasury, State of New Jersey. The Division prepares and audits the returns of individuals and partnerships and collects the tax. Revenue from the tax collected from each taxpayer is distributed one-half to the State, one-quarter to the county and one-quarter to the municipality in which taxpayer does a financial business.

The rate of tax is 1 1/2 percent (.015) upon a financial business's net worth less deductions. There is a minimum tax of \$25.00.

Subchapter 1 delineates the taxpayers subject to tax, Subchapter 2 the computation of tax, and Subchapter 3 deals with allocation of net worth. Returns: Payments and penalties are provided in Subchapter 4. Protests and Appeals comprise Subchapter 5. Subchapter 6 covers Refunds, Lien of Tax and Injunction. Subchapter 7 was reserved for future rules. Criminal penalties are set forth in Subchapter 8. Dissolution of business is covered in Subchapter 9.

These rules implement the Tax Act and its amendments and the legislative purpose pursuant to Executive Order No. 66(1978). The rules have been determined adequate, reasonable and necessary and are therefore proposed for readoption.

#### **Social Impact**

These rules are imposed only on individuals and partnerships conducting a financial business. Banks, building and savings and loan associations, and all other financial corporations are excluded from this tax, because they are taxed under other statutes. In order to tax national banks, the State must tax State banks, and all other entities, including individuals, who are conducting a financial business. For constitutional reasons, including equal protection under the laws, all must be taxed in a basically similar manner. The financial business tax in question is a new worth tax at 1 1/2 percent (.015) upon taxable net worth. There is no tax on their net income.

#### **Economic Impact**

During the fiscal year ended June 30, 1983, all financial businesses paid a total tax of approximately \$55,000.00. One-half of this revenue is distributed to counties and municipalities and one-half to the State.

**Full text** of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:8.

(a)

## DIVISION OF TAXATION

## Public Utility Taxes

## Proposed Readoption: N.J.A.C. 18:22

Authorized By: John R. Baldwin, Director, Division of Taxation.

Authority: N.J.S.A. 54:30A-16 through 29 and N.J.S.A. 54:30A-49 through 67 and N.J.S.A. 54:50-1.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Samuel Temkin  
Superintendent  
Local Property and Public Utility  
Tax Branch  
Division of Taxation  
50 Barrack Street  
Trenton, NJ 08646

The Division of Taxation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules expire on February 6, 1984. The readoption of these rules becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-62.

The agency proposal follows:

**Summary**

The first general tax act specifically taxing public utilities was enacted on April 18, 1884. Since that time, the tax rate and classification of property have been the subject of many statutory amendments. In 1940 chapters 4 and 5, P.L. 1940 the basic structure for the present tax law was adopted and the previous statutes repealed. The new law provided for both a Franchise Tax for the use of the public streets, highways, roads or other public places, and a Gross Receipts Tax in lieu of a local tax on personal property. The Franchise Tax is measured by such portion of the taxpayer's Gross Receipts as the length of the lines or mains that are along, in or over any public street, highway, road or other public place bears to the whole length of its lines. The Gross Receipts tax on certain corporations is in lieu of a local personal property tax; land and buildings are assessed and taxed locally. Chapters 4 and 5 of the Laws of 1940 substituted a uniform tax on public utilities which is administered by the State but all of the revenue, except the expenses of the State incurred in administering the taxes, is apportioned and paid directly to the municipalities.

The sharing of State-administered taxes with local government jurisdictions is a significant feature of State and local fiscal relations. Sharing reduces what would be significantly larger local real property taxation to meet municipal revenue needs.

The Act for which these rules and regulations are promulgated is known as the Taxation of Certain Public Utilities Laws of 1940, chapters 4 and 5.

These rules implement the tax acts, amendments, legislative purpose with more specific information, definitions, and procedures. Pursuant to Executive Order No. 66(1978), the rules have been reviewed and found to be adequate, reasonable and necessary. They are, therefore, being proposed for readoption.

Subchapter 1 deals with definitions and general provisions. Returns by telephone, telegraph, messenger systems and certain interstate transmission systems are dealt with in Subchapter 2. In

Subchapter 3 are rules governing the excise tax payable to the State by telephone, telegraph and messenger systems. The rules relating to Franchise Tax payable to municipalities by telephone, telegraph and messenger systems are set forth under Subchapter 4. Rules relating to apportionment of tax revenues from telephone, telegraph and messenger systems to municipalities are found in Subchapter 5. Subchapter 6 deals with payment and collection of taxes payable to municipalities by telephone, telegraph and messenger systems. Subchapter 7 deals with gross receipts taxes imposed on sewerage, water, gas and electric light, heat and power corporations. Returns, reports and statements and audit of returns of sewerage, water, gas and electric light, heat and power corporations are contained in Subchapter 8. Excise tax payable to the State by sewerage, water, gas and electric light heat and power corporations are covered in Subchapter 9. Computation of taxes payable to municipalities by street railway, traction, sewerage, water, gas and electric light heat and power corporations is covered in Subchapter 10. Subchapter 11 deals with apportionment to municipalities of tax revenues from street railway, traction, sewerage, water, gas and electric light, heat and power corporations. Subchapter 12 deals with payment and collection of taxes payable to municipalities by street railway, traction sewerage, water, gas and electric light, heat and power corporations. Subchapter 13 deals with water corporations and matters related to them. Appendix I deals with unit value to be applied against scheduled property and Appendix II contains Calendar of tax events.

**Social Impact**

Public utilities have been taxed since 1884. The present tax structure is intended to reimburse the State's 567 municipalities for their share of the total tax imposed on the public utilities, based upon the value of utility personal property located in each municipality. The municipalities cannot tax this personal property under the present plan, and the State does it, and distributes the proceeds. Utility taxation is administered by the Miscellaneous Tax Branch, Division of Taxation.

**Economic Impact**

The State does not impose Corporation Tax on public utilities, but instead imposes taxes at the State level, based on gross receipts. About 87 percent of the taxes collected go to the municipalities, and the balance is retained by the State.

The Public Utility Franchise Tax (For Municipal Use) collected for fiscal year 1982 was \$235,002,765 and for fiscal year 1983 was \$272,578,409. The Public Utility Gross Receipts Tax (For Municipal Use) collected for fiscal year 1982 was \$384,329,603 and for fiscal year 1983 was \$450,467,989. The Public Utility Excise Tax (For State Use) collected for fiscal year 1982 was \$95,279,980 and for fiscal year 1983 was \$104,879,035.

Full text of the readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:22.

(b)

## DIVISION OF TAXATION

## Railroad Taxes

## Proposed Readoption: N.J.A.C. 18:23

Authorized By: John R. Baldwin, Director, Division of Taxation.

Authority: N.J.S.A. 54:29A-6.

**Interested persons** may submit in writing, data, views or

arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Samuel Temkin  
 Superintendent  
 Local Property and Public Utility  
 Tax Branch  
 Division of Taxation  
 50 Barrack Street  
 Trenton, NJ 08646

The Division of Taxation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules expire on February 6, 1984. The readoption of these rules becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-67.

The agency proposal follows:

**Summary**

The first general New Jersey Railroad Tax Law dates back to 1884 when railroad property was assessed both by the State and local governments. Since that time, the tax rate and classification of property have been the subject of many statutory amendments. In 1941 the basic structure for the present tax law was adopted and the previous statutes repealed. The new law provided for both a property tax and a franchise tax, based on net railway operating income allocated to New Jersey on the basis of a trackage formula. The Franchise Tax is not a tax on earnings but a franchise tax measured by net operating income allocated to New Jersey. In 1948 the tax was extensively amended so as to adopt the present system of classifying railroad property and the current franchise rate of 10 percent of net railway operating income. Again, in 1964 and 1966, the law was amended so as to exclude main stem and facility used in passenger service. Furthermore, the 1966 amendment eliminated local rates of taxation of property used for railroad purposes and substituted a uniform tax, collected by the State of New Jersey. The revenues collected are appropriated for payment to municipalities, in lieu of railroad property tax, plus additional sums appropriated as are required for replacement revenues to certain municipalities in which railroad property is located, in accordance with a formula, known as State Aid, established by the New Jersey Legislature.

The Act for which these rules and regulations are promulgated is the Railroad Tax Law of 1948. These rules and regulations are issued pursuant to N.J.S.A. 54:29A-6.

Subchapter 1 deals with definitions. In Subchapter 2 are rules indicating what property is not subject to New Jersey Railroad Property Tax. Property subject to New Jersey Railroad Property Tax is found in Subchapter 3. Subchapter 4 deals with, in general the Railroad Franchise Tax. Assessment and disposition of the Railroad and Franchise Taxes are dealt with in Subchapter 5. Subchapter 6 deals with reassessment and omitted property. Rules for appeal and review are found in Subchapter 7. Returns, payments and refunds are covered in Subchapter 8. Subchapter 9 contains provisions regarding penalties and interest. Collection of delinquent taxes is covered in Subchapter 10. Subchapter 11 deals with administration and procedures. Appendix I contains the calendar of tax events.

These rules implement the tax act and its amendments, and the legislative purpose. Pursuant to Executive Order 66 of 1978, they are adequate, reasonable and necessary. The social impact and economic impact, in general, remain the same.

The rules have been reviewed and are therefore being proposed for readoption.

**Social Impact**

Railroad property first became subject to railroad taxes in 1884. For many years, this tax made up a substantial part of all taxes collected at the State level. In 1938, it was 24 percent, and in 1947,

20 percent of State-collected taxes. As railroads became less profitable, and much passenger and freight service came under public ownership, this tax declined to less than 1/10 of 1 percent of State tax collections. The abandonment of rights of way, and terminals in Jersey City and elsewhere on the Hudson River, hastened this decline.

The railroad tax continues in effect, and a rule is still required to assist taxpayers and Taxation Division personnel in preparing and auditing tax returns.

The public benefits since they can use the railroads for transportation of people and property. The State's roads are less crowded since trains carry persons and property that would be on roads and highways without railroads.

**Economic Impact**

For fiscal year 1982 railroad property tax collection was \$205,220 and in fiscal year 1983, \$84,098. The railroad franchise tax resulted in collections of \$101,204 in fiscal year 1982 and \$70,331 in fiscal year 1983. The State of New Jersey subsidizes transportation, including railroads.

Full text of the readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:23.

(a)

**DIVISION OF TAXATION**

**Tax Maps**

**Proposed Readoption: N.J.A.C. 18:23A**

Authorized By: John R. Baldwin, Director, Division of Taxation.

Authority: N.J.S.A. 54:1-15 and 54:50-1.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Samuel Temkin  
 Superintendent  
 Local Property and Public Utility  
 Tax Branch  
 Division of Taxation  
 50 Barrack Street  
 Trenton, NJ 08646

The Division of Taxation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), N.J.A.C. 18:23A expires on February 6, 1984. The readoption of these rules becomes effective upon publication in the Register of a notice of their readoption.

This proposal is known as PRN 1984-65.

The agency proposal follows:

**Summary**

A tax map may be defined as a map or maps drawn to scale, indicating every lot of land identified by a block and lot number except those areas allocated to roads, streets, highways, and tidal waters outside of riparian grants. In addition to the names of the roads, streets, highways and tidal waters listed above, the names of the adjoining counties, adjoining municipalities, rivers, streams, brooks, railroads, rights-of-way and easements shall be indicated in their proper location on the tax map. Rule provisions cover map approval, aerial photographs and surveys, scale and size of map,

sheet, street and block numbers, block and property lines, boundary lines of municipalities, streets, roads and highways, rights-of-way and easements, railroads, rivers, riparian rights, timberlands, mines, exempt lands, titles, names of property owners, condominiums, flood hazard areas and maintenance of tax maps.

The primary purpose and use of tax maps is to inform assessors and individual taxpayers, who are not engineers or surveyors; therefore, tax maps should be easy to read and understand. They are needed for proper taxation of definite lots, aid in transfer of title to real property and title searching, local planning and zoning.

The Director, Division of Taxation, Department of Treasury is charged with "... full control over the preparation, maintenance and revision of all tax maps ..." which he administers through the Local Property and Public Utility Branch. The Local Property and Public Utility Branch inspects and approves all tax maps made in New Jersey which must be made by a New Jersey Licensed Land Surveyor in accordance with the specifications set forth in these regulations. These rules implement the Act, the legislative purpose and pursuant to Executive Order 66 are adequate, reasonable and necessary. The rules are therefore proposed for readoption.

**Social Impact**

Tax maps are valuable to inform individual taxpayers, tax assessors, tax collectors, title searchers, and county and state tax officials regarding the location of a particular piece of property. Tax maps are routinely used by sellers, buyers, lawyers and brokers in connection with real estate transactions. Municipalities and developers use them in connection with planning, zoning, and new developments.

The rule sets up standards for all tax maps, so that interested persons do not have to learn local procedures in different municipalities.

**Economic Impact**

The standardized tax maps required by the rules greatly simplify the purchase, development and sale of real estate. This reduces the costs of real estate transfers, including title searching, municipal planning, costs, and legal costs.

Chapter 424, P.L. 1971, requires the use of an up-to-date tax map for any municipal realty tax revaluation. Revaluation can affect many property owners. The rules require that the tax map be kept up-to-date.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:23A.

**(a)**

**DIVISION OF TAXATION**

**Sales and Use Tax  
Motor Vehicles; Taxable and Exempt  
Services**

**Proposed Amendments: N.J.A.C. 18:24-7.12**

Authorized By: John R. Baldwin, Director, Division of Taxation.  
Authority: N.J.S.A. 54:32B-24.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
50 Barrack Street  
Trenton, NJ 08646

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

This proposal is known as PRN 1984-50.

The agency proposal follows:

**Summary**

The proposed amendment will clarify sales tax responsibilities under P.L. 1983, c.236, which permits the director of the Division of Motor Vehicles to designate licensed reinspection centers as official inspection stations. The amendment specifies that a charge for an inspection will not be subject to a tax, whereas a tax will be imposed on repairs or adjustments necessary to obtain an approval sticker.

**Social Impact**

The general public is affected by the motor vehicle inspection system utilizing reinspection centers, pursuant to P.L. 1983, c.236. Therefore, the public is concerned as to whether sales tax will be imposed upon obtaining an approval sticker from other than a State operated inspection station.

**Economic Impact**

The proposed amendment provides that sales tax is not to be imposed upon a separately stated and identified charge for obtaining an approval sticker when a motor vehicle passes inspection at a reinspection center. This rule is consistent with the exemption from sales tax where a motor vehicle passes inspection at a State operated inspection station.

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

18:24-7.12 [Services taxable] **Taxable and exempt services**

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

**(e) A separately stated and identified charge for a motor vehicle inspection by an official inspection station to obtain an approval sticker as provided under N.J.S.A. 39:8-1, et seq. is exempt from tax. The charge for any repairs or adjustments required to obtain an approval sticker for a motor vehicle as a result of an inspection rejection is subject to tax as provided in (a) above.**

**(b)**

**DIVISION OF TAXATION**

**Capital Gains and Other Unearned Income  
Tax**

**Proposed Readoption: N.J.A.C. 18:30**

Authorized By: John R. Baldwin, Director, Division of Taxation.  
Authority: N.J.S.A. 54A:1-1 et seq., specifically 54A:10-9.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
50 Barrack Street  
Trenton, NJ 08646

The Division of Taxation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), N.J.A.C. 18:30 expires on February 6, 1984. The readoption of these rules becomes effective upon publication in the Register of the notice of their readoption.

This proposal is known as PRN 1984-64.

The agency proposal follows:

#### Summary

The tax on capital gains and other unearned income referred to as the "Act" or the "law" was enacted into law on August 4, 1975 (P.L. 1975, c.172), and amended on March 3, 1976 (P.L. 1975, c.378), and rendered thereby six specific categories of income subject to tax. Those are interests, dividends, capital gains, royalties, income from an interest in an estate or trust, and certain compensation from a partnership or corporation.

The Act imposes the tax at graduated rates from 11/2 percent on the first \$1,000.00 of unearned income to 8 percent on amounts in excess of \$25,000.00. The tax is made retroactive to items of unearned income earned, received or constructively accrued or credited to the taxpayer on and after January 1, 1975.

A New Jersey resident is subject to tax upon all of his unearned income irrespective of where it is earned. A nonresident is subject to tax only upon his capital gains derived from sales or exchanges of real or tangible personal property located in New Jersey.

These regulations are designed to implement the Act. They indicate what income is taxable and what is exempt and set forth procedures for administration and collection. In particular, they are intended to carry out the legislative intent which appears on numerous occasions in the Act in such phrases as "by regulation of the Director, which shall be consistent with definitions prescribed for Federal income tax purposes." Section 19 of the Act provides for general regulatory powers.

These regulations will be amended from time to time as deemed necessary.

The Capital Gains and Other Unearned Income Tax Law was repealed by P.L. 1976, c.47 and no longer affects taxable income occurring on and after July 1, 1976, but affects income earned prior to July 1, 1976.

Subchapter 1 denotes persons subject to tax and tax rates. In Subchapter 2 are general definitions. Unearned income is described in Subchapter 3. Subchapter 4 deals with interest income. Subchapter 5 contains provisions relating to dividend income. Gains from the sale or exchange of capital assets are dealt with in Subchapter 6. Subchapter 7 contains provisions regarding income from royalties. Income from an interest in an estate or trust is dealt with in Subchapter 8. Subchapter 9 relates to certain compensation derived from a partnership or corporation. Personal exemptions are covered in Subchapter 10. Computation of the tax is covered in Subchapter 11. Subchapter 12 contains provisions regarding accounting periods and methods. Interests in partnerships are the subject of Subchapter 13. Subchapter 14 deals with estates and trusts. Returns and liabilities are covered in Subchapter 15. Subchapter 16 deals with time and place for filing returns and payment of tax. The subject matter of Subchapter 17 is residence-domicile and change of resident status during the year. Extensions of time are treated in Subchapter 18. Requirements concerning returns, notices, records and statements are contained in Subchapter 19. Subchapter 20 deals with report of change in federal taxable income. Penalties are covered in Subchapter 21. These rules implement the Tax Act with more specific information, definition and procedures and are needed by the Tax Court, the Division's auditors, taxpayers and their representatives. Pursuant to Executive

Order No. 66 of 1978 the rules have been found to be adequate, reasonable and necessary. They are therefore proposed for readoption.

#### Social Impact

At this time the only social impact would be felt by taxpayers who failed to file returns, who are under audit or who have appealed to the Tax Court. This Capital Gains and Other Income Tax Act has been repealed. Rules are still needed for another five years to aid the Tax Court with its cases, the auditors in their auditing returns and to govern taxpayers who are preparing late returns.

#### Economic Impact

There may be some small state tax revenue from late filing taxpayers, from deficiency assessments, penalty or interest or from final payment due to disposition of a tax appeal. The Capital Gains and Other Unearned Income Tax Act has been repealed due to the enactment of the Gross Income Tax Act whose collections in fiscal year 1983 exceeded \$1,300,000,000.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:30.

## OTHER AGENCIES

(a)

### ELECTION LAW ENFORCEMENT COMMISSION

#### Reporting of Expenditures; Testimonial Affairs Public Financing of Primary Election for Governor

#### Proposed Readoption: N.J.A.C. 19:25-12 and 16

Authorized By: Election Law Enforcement Commission  
at its Public Meeting of December 5, 1983, Scott A. Weiner, Executive Director.

Authority: N.J.S.A. 19:44A-1 et seq., specifically N.J.S.A. 19:44A-6 and 19:44A-38.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gregory E. Nagy, Esq.  
Staff Counsel  
Election Law Enforcement Commission  
National State Bank Building  
Suite 1215  
28 West State Street  
Trenton, NJ 08608

The Election Law Enforcement Commission after expiration of the public comment period on March 8, 1984 may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978) these rules would otherwise expire on March 15, 1984. The readoption of these rules becomes effective upon acceptance for filing by the Office of Administrative Law of a notice of their readoption.

This proposal is known as PRN 1984-53.

The agency proposal follows:

### Summary

In accordance with the Sunset provisions of Executive Order 66(1978), the ELEC proposes to readopt N.J.A.C. 19:25-12.1 through 19:25-12.5, which include provisions for the reporting of campaign expenditures and testimonial affairs, and N.J.A.C. 19:25-16.1 through 19:25-16.34, which include provisions governing public financing in gubernatorial primary elections. The expenditure rules became effective on September 25, 1974, and were periodically amended. After the implementation of Executive Order 66 in 1978, the expenditure rules were amended on March 22, 1979, and the scheduled expiration date of March 15, 1984 was established. The primary election public financing rules became effective on November 6, 1980, and the scheduled expiration date is March 15, 1984. The Sunset provisions of Executive Order 66 require the agency to review periodically the present regulations to determine their continuing usefulness.

Title 19, Chapter 25, Subchapter 12 of the ELEC regulations contain the general requirements for reporting election-related expenditures and reporting testimonial affairs. The Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq. (hereafter, the Act), requires candidates and their campaign treasurers to disclose in election reports filed with the ELEC all expenditures paid out of the campaign fund of the candidate (N.J.S.A. 19:44A-16(a)), or a campaign fund of the political committee. (N.J.S.A. 19:44A-8). N.J.A.C. 19:25-12.1 sets forth the record keeping and reporting of expenditure requirements for candidates and committees and includes a subsection specifically for "street money" expenditures, that is payments on or close to election day for campaign workers. N.J.A.C. 19:25-12.2 sets forth reporting requirements for testimonial affairs, and N.J.A.C. 19:25-12.3 establishes a threshold of expenditures of more than \$2,500 for public questions before reporting requirements are imposed. N.J.A.C. 19:25-12.4 and 12.5 concern reporting of expenditures made independently of any candidate or political committee acting on behalf of a candidate.

Subchapter 16 implements the statutory provisions for public financing of gubernatorial primary elections, as established by Chapter 74 of the Laws of 1980 (N.J.S.A. 19:44A-27 et seq.). These regulations were adopted for the June 1981 primary, and every gubernatorial primary thereafter for which the Legislature makes an appropriation for public funding (see: N.J.A.C. 19:25-16.1). The next gubernatorial primary election will be conducted in June 1985, and, to date, no appropriation has been made to provide public financing. Furthermore, the Commission has submitted to the Legislature a report containing recommendations for statutory amendments for the 1985 primary election. New Jersey Public Financing, 1981 Gubernatorial Elections, Conclusions and Recommendations, June 1982. If any of these recommendations are enacted or other substantial amendments made, this subchapter will have to be amended to reflect those developments. However, in the absence of legislative activity to date, the Commission proposes that the subchapter be readopted without change.

These rules generally govern the procedure by which a candidate in a gubernatorial primary election qualifies for and receives public funding for his or her candidacy. All candidates are restricted to contributions not exceeding \$800.00 from any single source. Candidates electing to receive public funding are further restricted in the amount of their own money they may use, in the amount they may borrow and in the total amount they may expend on behalf of their candidacy. Candidates must raise a threshold amount in contributions before qualifying. Once eligible, contributions of up to \$800.00 each are matched at a ratio of two dollars for one contributed dollar until the ceiling amount of public funds is reached. Contributions eligible for match must be deposited in special accounts, and public funds received by a candidate may be used only for limited purposes. Record keeping and audit procedures are set forth.

### Social Impact

The expenditure and testimonial affair rules of Subchapter 12 have and will continue to affect all candidates, political committees and other persons interested in the conduct of election campaigns. The rules require reporting of all campaign expenditures but relieve treasurers of identifying the ultimate recipients of "street money" if the payment is less than \$25.00. Also, independent political committees are relieved of filing reports if they do not spend more than \$1,000 to support or defeat a candidate or more than \$2,500 to aid the passage or defeat of a public question. These thresholds represent an accommodation between the competing interests of providing significant campaign information for the public while not overburdening small organizations with filing requirements that could discourage them from participating in elections.

The primary election public financing regulations of Subchapter 16 chiefly affect those gubernatorial primary election candidates who accept public funds and their campaign committees and treasurers by virtue of the requirements for greater detail of reporting of contributions and expenditures in a format different from that required of candidates for other public office. Gubernatorial primary election candidates who do not accept public funds are affected to a lesser degree because the only additional reporting burden is to submit information for contributions of \$100.00 or less.

### Economic Impact

The expenditure and testimonial affair rules of Subchapter 12 have had a minimal economic impact on reporting candidates and political committees. Treasurers generally are held accountable by their candidates or committees to maintain records of payments. The additional cost of putting this information on forms suitable for public access and consumption is only a small fraction of the total expenditures.

The economic impact of the Subchapter 16 regulations chiefly falls on the campaign committees of the gubernatorial primary election candidates who accept public funds. There are additional record keeping, report filing and compliance costs for a candidacy partly supported with public funds. The public benefit acquired by these disclosure and accountability requirements far exceeds the economic impact. In the 1981 gubernatorial primary there were 16 candidates who were aided with public funds and six who were not. For all 22 candidates, there were reported total compliance costs of \$140,184 representing one percent of total expenditures. The cost of complying with the Subchapter 16 regulations is only a portion of this reported cost because gubernatorial candidates have the same basic reporting requirements as other candidates for public office.

**Full text** of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 19:25-12 and 19:25-16, as amended in the New Jersey Register.

# RULE ADOPTIONS

## ADMINISTRATIVE LAW

(a)

### OFFICE OF ADMINISTRATIVE LAW

#### Special Education Program Hearing Rules Maintenance and Confidentiality of Records

##### Adopted Amendment: N.J.A.C. 1:6A-5.2

Proposed: September 6, 1983 at 15 N.J.R. 1402(a).  
Adopted: January 3, 1984 by Howard H. Kestin, Director,  
Office of Administrative Law.  
Filed: January 6, 1984 as R.1984 d.9, **without change**.

Authority: N.J.S.A. 52:14F-5e, f, g, h, n, o, and p.

Effective Date: February 6, 1984.  
Expiration Date pursuant to Executive Order No. 66(1978):  
January 1, 1988.

##### Summary of Public Comments and Agency Responses:

Comments were received from the Teaneck Parent Information Center and the Public Advocate. The comment received from the Teaneck Parent Information Center raised two concerns about the records retention rule. The first concern was that the rule was not specific enough and did not specifically contain the wording of the Federal regulations on the subject. In response, the OAL feels that repeating all of the Federal regulations within the OAL rules is unnecessary and cumbersome. The records rule specifically cites the Federal regulations and declares that the Federal regulations will be followed. Copies of the Federal regulations should automatically be made available to parents by the local school board, and are available upon request from the State Department of Education or the Office of Administrative Law, whenever a parent has a question or dispute involving records.

The second concern raised by the Teaneck Parent Information Center was that the rule did not explain how confidentiality of records will be maintained when a case is appealed to a Federal Court of State superior court. In response, the OAL feels that this is an area over which neither the OAL, the Department of Education nor any other State agency has any rulemaking authority. The OAL cannot make rules for the Federal courts or State superior courts. For its part, the OAL will maintain the Federally required confidentiality on records it sends to the courts, but the courts will have to determine for themselves as to whether and how the Federal regulations govern their activities.

The Department of the Public Advocate was concerned that the rule would shield "governmental activities from public view." It suggested that the public have access to the records after all personally identifiable information is deleted.

In response, the OAL notes that it considered the Public Advocate's suggested procedure before writing this rule. Unfortunately, it was decided that the cost of automatically deleting personally identifiable information from all of these records would be prohibitive. The rule, however, will not shield governmental activities from the public view. If the records are required to

evaluate governmental actions or for any other legitimate reasons, any personally identifiable information will be removed and the records will be made available in accordance with the Federal law.

## BANKING

(b)

### DIVISION OF BANKING

#### Approved Depositaries for Investments Comprising Security Funds

##### Readoption: N.J.A.C. 3:6-2.1

Proposed: December 5, 1983 at 15 N.J.R. 1974(a).  
Adopted: January 13, 1984 by Michael M. Horn,  
Commissioner, Department of Banking.  
Filed: January 13, 1984 as R.1984 d.14, **without change**.

Authority: N.J.S.A. 17:9A-31.

Effective Date: January 13, 1984.  
Expiration Date pursuant to Executive Order No. 66(1978):  
January 13, 1989.

Summary of Public Comments and Agency Responses:  
**No comments received.**

## COMMUNITY AFFAIRS

(c)

### DIVISION OF HOUSING AND DEVELOPMENT

#### Uniform Construction Code Solar Facilities Tax Exemption; Responsibilities; Revocation

##### Adopted Amendments: N.J.A.C. 5:23-6.2, 6.3 and 6.5

Proposed: December 5, 1983 at 15 N.J.R. 1977(a).  
Adopted: January 17, 1984 by John P. Renna,  
Commissioner, Department of Community Affairs.  
Filed: January 23, 1984 as R.1984 d.25, **without change**.

Authority: N.J.S.A. 54:4-3.116.

Effective Date: February 6, 1984.

Expiration Date pursuant to Executive Order No. 66(1978):  
April 1 1988.

Summary of Public Comments and Agency Responses:  
No comments received.

## HEALTH

(a)

### HEALTH ECONOMICS SERVICES

#### Standard Hospital Accounting and Rate Evaluation (SHARE) Rate Review Guidelines

Readoption: N.J.A.C. 8:31A-7

Proposed: September 19, 1983 at 15 N.J.R. 1542(a).  
Adopted: January 17, 1984 by J. Richard Goldstein,  
M.D. State Commissioner of Health (with the approval  
of the Health Care Administration Board).  
Filed: January 23, 1984 as R.1984 d.24, **without  
change.**

Authority: N.J.S.A. 26:2H-1 et seq.

Effective Date: February 6, 1984.  
Expiration Date pursuant to Executive Order No. 66(1978):  
February 6, 1989.

Summary of Public Comments and Department  
Responses:  
No comments received.

(b)

### HEALTH ECONOMICS SERVICES

#### Hospital Reporting Patient Case-Mix

Readoption: N.J.A.C. 8:31A-8.1

Proposed: October 17, 1983 at 15 N.J.R. 1708(a).  
Adopted: January 17, 1984 by J. Richard Goldstein,  
M.D., State Commissioner of Health (with the approval  
of the Health Care Administration Board).  
Filed: January 23, 1984 as R.1984 d.23, **without  
change.**

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

Effective Date: February 6, 1984.  
Expiration Date pursuant to Executive Order No. 66(1978):  
February 6, 1989.

Summary of Public Comments and Department  
Responses:  
No comments received.

## HUMAN SERVICES

(c)

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Administration Manual, Home Health Services Manual, and Independent Clinic Manual Personal Care Services

Adopted Amendments: N.J.A.C. 10:49-1.3,  
1.4; 10:60-1.1, 1.2, 1.3, 2.1, and 2.4; 10:66-  
1.5, 1.6 and 3.3

Proposed: October 17, 1983 at 15 N.J.R. 1726(a).  
Adopted: January 23, 1984 by George J. Albanese,  
Commissioner, Department of Human Services.  
Filed: January 23, 1984 as R.1984 d.21, **with substantive  
and technical changes** not requiring additional public  
notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 30:4D-6b(16), 7 and 7b and 42 CFR  
440.170(f).

Effective Date: February 6, 1984.  
Expiration Date pursuant to Executive Order 66(1978):  
Administration Manual (10:49) April 30, 1985; Home  
Health Services (10:60-1; 10:60-2) June 22, 1987; July  
10, 1986; Independent Clinic Manual (10:66-1; 10:66-3)  
December 15, 1988; May 8, 1986.

Summary of Public Comments and Agency Responses:

There were several comments submitted on this proposal.  
Although the individual commentators are listed separately, the  
issues they raised, and the agency response thereto, will be  
summarized collectively.

The commentators included the Visiting Homemaker Services of  
both Warren and Ocean County; Moorestown, Somerset Valley and  
Camden Visiting Nursing Association; Community Health and  
Nursing Services of Greater Camden County; Sussex County  
Family Services; Christ Hospital; Overlook Hospital; the Home  
Health Assembly of New Jersey, Inc.; Home Care Council of New  
Jersey; Home Health Services and Staffing Association of both  
New Jersey and Washington, D.C.; Staff Builders Health Care  
Services; and Personnel Pool of America. Commentators also  
included agencies such as the Ocean County Board of Social  
Services, New Jersey Department of Health, SERV Centers of New  
Jersey, Department of Community Affairs, Division of Mental  
Health and Hospitals, and the Division of Mental Retardation.

The commentators were concerned that the rate of up to \$7.00  
per hour was not sufficient to provide personal care services, and  
requested an increase. In response to these comments, the rates for  
personal care assistants have been increased up to \$7.40 per hour  
for persons who have undergone 40 hours of training, and up to  
\$8.00 per hour for persons who have received 60 hours of training  
and who have been certified by the New Jersey Department of  
Health. This adjustment in fees will result in an increase of \$0.6  
million dollars in State monies for the remainder of FY 1984.

A group rate of up to \$6.00 per hour has been developed for  
situations involving two to eight persons receiving care in the same

residential setting at the same time. Since this in effect is a one dollar reduction, (\$7.00 to \$6.00), there will be a loss of approximately \$0.1 million dollars in federal matching funds for the remainder FY 1984.

There was considerable discussion about the training and duties of personal care assistants. Some commentators favored the 40 hour training standard, whereas other commentators, especially the private sector, want to limit personal care assistants only to those persons who had undergone 60 hours of training and been certified by the New Jersey Department of Health. In response to these comments, both standards were retained. Forty hours of training is the minimum Federal requirement for personal care assistants. Those personal care assistants employed by State agencies, or by independent clinics under contract to a State agency, will be subject to this standard. Certification by the New Jersey Department of Health will be required for personal care assistants utilized by certified licensed home health agencies, voluntary non-profit homemaker/home health aide agencies, and county welfare agencies employing homemaker staff.

There were several suggestions to consolidate the duties listed in groups A, B, and C into one group. However, the three groups, and their corresponding duties, are being retained, because they relate to the qualifications of the personal care assistants. Only those personal care assistants who have been certified can perform the duties listed in group C. These groups were also recodified.

All commentators agreed that nursing supervision, a Federal requirement, was necessary. However, some commentators thought that nursing visits should be more frequent than once every 60 days, and some commentators thought nursing visits should be less frequent. The present standard of a visit by a registered professional nurse at least once every 60 days is being retained. The purpose is to insure that the patient's health care needs are being met.

Proprietary homemaker agencies requested inclusion as providers of personal care services, because the proposal limited participation to voluntary non-profit homemaker/home health aide agencies. The limitation is being retained on adoption. However, proprietary agencies may be considered for participation in the future if they can meet specific participation standards currently being developed.

Commentators also requested the inclusion of other groups, such as persons in boarding homes with a Class C license, community residences for the developmentally disabled, and hospital based providers. However, the existing exclusions will be retained on adoption.

#### Summary of changes between proposal and adoption:

In addition to the changes in reimbursement rates noted above there are several changes upon adoption that are mainly concerned with codification.

N.J.A.C. 10:49-1.3 was amended to replace the phrase "specific services" with "personal care assistant services." Section 1.3 was recodified to clearly specify which settings would qualify for personal care assistant services, and those which would not. There was no change in the substantive text.

The Home Health Services Manual (N.J.A.C. 10:60) was revised in the following manner. N.J.A.C. 10:60-1.1(d), entitled "Scope," indicates that voluntary non-profit homemaker/health aide agencies will be approved to provide personal care assistant services and the initial nursing assessment visit, and that each provider must be individually approved by the Division of Medical Assistance and Health Services.

This concept is the same as contained in the original proposal at 10:60-2.1(a)2 (see 15 N.J.R. 1726(a) at 1729). N.J.A.C. 10:60-1.2 entitled "Definitions" now contains a definition of personal care assistant. Section 1.3, entitled "Covered Home Health Services," now allows for personal care services provided by a Voluntary Non-Profit Homemaker/Home Health Agency. The duties that appeared in this section have been deleted and placed in section 1.5, entitled

Personal Care Assistant Services. The reference to assisting the patient with paying bills has been deleted. In addition, section 1.5 now contains the basic requirements for personal care assistant services, including appropriate settings, duties of the personal care assistants, and reimbursement. Subchapter 2, entitled "Voluntary Non-Profit Homemaker/ Home Health Aide" in the proposal has been deleted upon adoption. (NOTE: The current text of Subchapter 2, "Authorizations and Billing Procedures," is retained in its entirety.) The requirements mentioned in Subchapter 2 were inserted in appropriate sections of the Home Health Services Manual as previously indicated. N.J.A.C. 10:60-3.4 was renumbered to 10:60-2.7.

The Independent Clinic Services Manual (N.J.A.C. 10:66) was revised in the following manner.

N.J.A.C. 10:66-1.2 contains a definition of personal care assistants for individuals employed by State agencies, or by an independent clinic under contract with a State agency.

N.J.A.C. 10:66-1.6, entitled "Scope of Services," specifies the duties of the registered professional nurse. This is in furtherance of the Federal regulations requiring supervision by a registered professional nurse. The requirement for a minimum of one visit every 60 days is included. This requirement appeared in the original proposal in the Home Health Manual and several commentators inquired whether the same standard would be applicable to Independent Clinics. The agency response is that the nursing supervision standard is the same for all providers.

N.J.A.C. 10:66-3.3, entitled "Procedure Code Listing," identifies the rate of reimbursement and corresponding duties in N.J.A.C. 10:66-3.3(n). The reference to assisting the patient with paying bills has been deleted.

**Full text** of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks \*thus\*; deletions from proposal shown in brackets with asterisks \*[thus]\*).

#### 10:49-1.3 Eligible providers

(a) (No change.)

(b) Providers eligible to participate in the New Jersey Medicaid Program are:

1.-20. (No change.)

**21. Voluntary nonprofit homemaker/home health aide agencies.**

**22. State and county agencies which have agreed to provide \*[specific services]\* \*personal care assistant services\*.**

(c) (No change.)

#### 10:49-1.4 Authorized services for covered persons

(a) The items and services provided to covered persons will not normally be limited in duration or amount. Any limitation imposed will be consistent with the medical necessity of the patient's condition, as determined by the attending physician or other practitioner, in accordance with standards generally recognized by health professionals and promulgated through the New Jersey Medicaid Program. The following items and services, more specifically defined in subsequent sections of the provider manual, are authorized under the program:

1.-18. (No change.)

**19. Personal care assistant services are health related tasks performed by a qualified individual in a recipient's home, under the supervision of a registered professional nurse, as certified by a physician in accordance with a written plan of care and prior authorized by the State Agency.**

**\*i.\* The purpose of personal care is to accommodate long-term chronic or maintenance health care, as opposed to short-term skilled care required for some acute illnesses.**

**\*ii.\* Personal care assistant services will receive Medicaid reimbursement when provided to Medicaid eligible recipients in their places of residence, such as a:**

**\*(1)\* Private home;**

**\*(2)\* Rooming house; and**

**\*(3)\* Boarding house.**

**\* iii. Medicaid Reimbursement will not be made for personal care assistant services provided to Medicaid eligible recipients in a:**

**\*(1)\* \*[\*r]\*\*R\*esidential health care facility;**

**\*(2)\* Class C boarding home;**

**\*(3)\* \*[\*h]\*\*H\*ospital;**

**\*(4)\* \*[\*s]\*\*S\*killed nursing facility;**

**\*(5)\* \*[\*i]\*\*I\*ntermediate care facility;**

**\*(6)\* Division of Mental Retardation \*[\*family]\* \*adult foster\* care homes; and**

**\*(7)\* Division of Youth and Family Services foster care homes.**

**\*iv.\* Personal Care Assistant Services provided by a family member are not covered services.**

**\*[\*i]\* \*v.\* In order to provide a statewide Personal Care Assistant Program, the New Jersey Medicaid Program will recognize, upon approval, the following agencies as personal care providers:**

**(1) Certified licensed home health agencies;**

**(2) Voluntary nonprofit homemaker/home health aide agencies;**

**(3) County welfare agencies employing homemaker staff;**

**(4) Independent clinics under contract to the Department of Human Services Division of Mental Health and Hospitals;**

**(5) Other State agencies providing personal care services, such as the Division of Mental Retardation and the Division of Youth and Family Services.**

## 10:60-1.1 Scope

(a) Home Health agencies must provide nursing services and homemaker-home health aide services. Certain medical supplies must be provided by the agency. Medical equipment and appliances must be arranged for by the agency. Additional services may include physical therapy, occupational therapy, speech-language pathology, medical social services, **personal care assistant services** and other health care related services.

1. (No Change.)

i. (No change.)

**\*[2. Medicaid reimbursement is available for personal care assistant services when provided to Medicaid eligible recipients in their places of residence, such as a private home, rooming house, boarding house, but not in a residential health care facility, Class C boarding home, hospital, skilled nursing facility or intermediate care facility. Also excluded from this service are Division of Mental Retardation family care homes and Division of Youth and Family Services foster care homes.]\***

(b) (No change.)

(c) The provision of home health services can range from a complex concentrated professional program (for acute care cases) which could require the services of a public health nurse, registered professional nurse, a licensed practical nurse, physical therapist, occupational therapist, speech-language pathologist, social worker, and homemaker-home health aide to a less complicated program (as in chronic care cases) involving a homemaker-home health aide, **personal care assistant** and/or therapist and minimal visits by a registered nurse. The mixture of services provided and the duration of these services are determined by the needs of each patient.

**\*[d) Voluntary nonprofit homemaker/health aide agencies will be approved by the New Jersey Medicaid Program to provide personal care assistant services and the Initial Nursing Assessment Visit only.**

1. Each voluntary nonprofit homemaker/home health aide provider must be individually approved by the Department of Human Services, Division of Medical Assistance and Health Services before it will be reimbursed for services rendered to Medicaid eligible recipients.\*

## 10:60-1.2 Definitions

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

“Participating home health agency” means a public or private agency or organization, either proprietary or non-profit, or a subdivision of such an agency or organization, which qualifies as follows:

1.-3. (No change.)

\*[“Personal care assistant” means a person who has successfully completed a minimum 40 hour training program in personal care services approved by the New Jersey Medicaid Program. The individual is assigned and supervised by a registered professional nurse of a Medicaid approved personal care provider agency. An individual who has successfully completed an additional 20 hour training program and has received certification by the State Department of Health may perform additional duties as outlined in the service definition, section 10:60-1.3(d)3i.]\*

\*“Personal care assistant” means a person who:

1. Successfully completed the 60 hour training and certification requirements of the New Jersey Department of Health.

2. Is primarily involved in the treatment and care of elderly and disabled individuals living in their own homes in the community.

3. Is assigned and supervised by a registered professional nurse of a Medicaid approved personal care assistant provider agency.\*

## 10:60-1.3 Covered Home Health Services

(a) Home health **\*[agency]\*** services covered by the New Jersey Medicaid Program are **\*[limited to]\*\*:**

**\*1.\* \*[\*t]\*\*T\*hose services provided directly by a home health agency approved to participate in the New Jersey Medicaid Program or**

**\*2.\* \*[\*t]\*\*T\*hose written contractual arrangements by that agency with other individuals or agencies ~~for~~**

**3. By a voluntary non profit Homemaker/Home Health Aide Agency providing Personal Care Assistant Services and the Initial Nursing Assessment Visit only.\***

(b) (No change.)

(c) **\*[The type of home health agency services covered] \* [Covered home health agency services]\* \*The type of home health agency services covered\*** include professional nursing by a public health nurse, registered professional nurse, or licensed practical nurse; homemaker-home health aide services[;], **personal care assistant services**; physical therapy, occupational therapy, speech-language pathology, nutritional services, and medical social services; and certain medical supplies.

(d) The service must be directed toward rehabilitation and/or restoration of the patient to the optimal level of physical and/or mental functioning, self-care and independence, or directed toward maintaining the present level of functioning and preventing further deterioration, or directed toward providing supportive care in declining health situations.

1.-2. (No change.)

Editor's Note: The following material which was proposed as new material at 15 N.J.R. 1728, October 17, 1983, is being deleted upon adoption and the current text of 3. through 6. are to remain with no change in text.

**\*[3. Personal care assistant services are performed by qualified individuals under the supervision of a registered professional nurse as certified by a physician in accordance with a written plan of care and prior authorized by the Medicaid Program. Prior authorization will be based on strict measures of functional impairment and disability. The purpose of personal care assistant services is to accommodate long-term**

chronic or maintenance health care, as opposed to short-term skilled care required for some acute illnesses. Personal care assistant services provided by family members are not covered services. Personal Care Assistant services shall be authorized only in instances where a family support system or other informal giver care is unavailable, inaccessible or inappropriate.

**i. Description of Performances**

**DUTIES - GROUP A**

Personal care assistant services include but are not limited to performance of household duties that are essential to the patient's health and comfort;

Care of the patient's room and areas used by the patient;  
Sweeping, vacuuming, dusting;

Care of kitchen; maintaining general cleanliness of refrigerator, stove, sink and floor, dishwashing;

Care of bathroom; maintaining cleanliness of toilet, tub, shower and floor;

Care of patient's personal laundry and bed linen (this may include necessary ironing and mending);

Necessary bed-making and changing of bed linens;

Re-arranging of furniture to enable the patient to move about more easily in his/her home;

Listing food and household supplies needed for the health and maintenance of the patient;

Shopping for above supplies, conveniently storing and arranging supplies, and doing other essential errands;

Planning, preparing and serving meals;

Reading and writing for the patient, paying bills.

**DUTIES - GROUP B**

Personal care assistant services include but are not limited to assistance with activities of daily living:

Care of the teeth and mouth;

Grooming-Care of hair, including shampooing, shaving, and the ordinary care of nails;

Bathing in bed, in the tub or shower;

Using the toilet or bed pan;

Changing bed linens with patient in bed;

Ambulation indoors and outdoors, when appropriate;

Helping patients in moving from bed to chair or wheelchair, in and out of tub and shower;

Eating; preparing meals, including special therapeutic diets for the patient;

Dressing;

Relearning household skills;

Accompanying the patient to clinics, physician office visits, or other trips which are made for the purpose of obtaining medical diagnosis, treatment or otherwise serve a therapeutic purpose;

**ADDITIONAL DUTIES - GROUP C** may be performed by a personal care assistant who has successfully completed a 60 hour certification training course approved by the Department of Health.

Helping and monitoring patient with prescribed exercises which the patient and personal care assistant have been taught by appropriate personnel;

Rubbing patient's back if not contra-indicated by physician;

Assisting with medications that can be self-administered;

Assisting patient with use of special equipment such as walker, braces, crutches, wheelchair, etc. after thorough demonstration by a registered professional nurse or physical therapist, with return demonstration until registered professional nurse or physical therapist is satisfied that patient can use equipment safely;

Assisting patient with simple procedures as an extension of physical, speech, or occupational therapy;

Taking oral and rectal temperature, radial pulse and respiration.

ii. The registered professional nurse, in accordance with the physician's plan of care prepares written instructions for the personal care assistant to include the amount and kind of supervision needed, the specific needs of the patient and the resources of the patient, the family and other interested persons. Supervision of the personal care assistant shall be provided by a registered nurse at a minimum of one visit every 60 days to assess the patient's health condition, as well as the quality of personal care assistant services received.

iii. Personal care assistant services are limited to a maximum of 20 hours per week at a reimbursement rate up to \$7.00 per hour.

iv. Up to \$25.00 may be billed for an initial nursing assessment visit. The above rates are all-inclusive rates for personal care assistant services and the initial nursing visit. Therefore, no direct or indirect cost over and above these established rates will be considered for reimbursement. The costs related to personal care assistant services must be excluded from Medicaid cost reporting.]\*

10:60-1.4 Policies and requirements for authorization of covered services \*(except for personal care assistant services.\*

(a)-(g) (No change in text.)

**\*10:60-1.5 Personal care assistant services**

(a) Personal care assistant services are health related tasks performed by a qualified individual in a recipient's home, under the supervision of a registered professional nurse, as certified by a physician in accordance with a written plan of care and prior authorized by the State Agency.

1. The purpose of personal care is to accommodate long-term chronic or maintenance health care, as opposed to short-term skilled care required for some acute illnesses.

2. Personal care assistant services will receive Medicaid reimbursement when provided to Medicaid eligible recipients in:

i. Their places of residence, such as a:

(1) Private home;

(2) Rooming house;

(3) Boarding house.

3. Medicaid Reimbursement will not be made for personal care assistant services provided to Medicaid eligible recipients in:

i. Residential health care facility;

ii. Class C boarding home;

iii. Hospital;

iv. Skilled nursing facility;

v. Intermediate care facility;

vi. Division of Mental Retardation \*[family]\* \*adults foster\* care homes; and

vii. Division of Youth and Family Services foster care homes.

4. Personal care assistant services provided by a family member are not covered services.

(b) Description of performance:

1. Household duties that are essential to the patient's health and comfort - group A - performed by a personal care assistant include but are not limited to:

i. Care of the patient's room and areas used by the patient; sweeping, vacuuming, dusting;

ii. Care of kitchen; maintaining general cleanliness of refrigerator, stove, sink and floor, dishwashing;

iii. Care of bathroom; maintaining cleanliness of toilet, tub, shower and floor;

iv. Care of patient's personal laundry and bed linen (this may include necessary ironing and mending);

v. Necessary bed-making and changing of bed linens;

vi. Re-arranging of furniture to enable the patient to move about more easily in his/her home;

- vii. Listing food and household supplies needed for the health and maintenance of the patient;
- viii. Shopping for above supplies, conveniently storing and arranging supplies, and doing other essential errands;
- ix. Planning, preparing and serving meals.

2. Activities of daily living - group B - performed by a personal care assistant include but are not limited to:

- i. Care of the teeth and mouth;
- ii. Grooming-Care of hair, including shampooing, shaving, and the ordinary care of nails;
- iii. Bathing in bed, in the tub or shower;
- iv. Using the toilet or bed pan;
- v. Changing bed linens with patient in bed;
- vi. Ambulation indoors and outdoors; when appropriate;
- vii. Helping patients in moving from bed to chair or wheelchair, in and out of tub and shower;
- viii. Eating; preparing meals, including special therapeutic diets for the patient;
- ix. Dressing;
- x. Relearning household skills;
- xi. Accompanying the patient to clinics, physician office visits, or other trips which are made for the purpose of obtaining medical diagnosis, treatment or otherwise serve a therapeutic purpose;

3. Health related activities - group C - performed by a certified Personal Care Assistant are limited to:

- i. Helping and monitoring patient with prescribed exercises which the patient and personal care assistant have been taught by appropriate personnel;
- ii. Rubbing patient's back if not contraindicated by physician;
- iii. Assisting with medications that can be self-administered;
- iv. Assisting patient with use of special equipment such as walker, braces, crutches, wheelchair, etc. after thorough demonstration by a registered professional nurse or physical therapist, with return demonstration until registered professional nurse or physical therapist is satisfied that patient can use equipment safely;
- v. Assisting patient with simple procedures as an extension of physical, speech, or occupational therapy;
- vii. Taking oral and rectal temperature, radial pulse and respiration.

(c) Reimbursement:

1. The following are all inclusive rates for personal care assistant services and the initial nursing assessment visit. No direct or indirect cost over and above these established rates will be considered for reimbursement.

- i. Personal care assistant services are limited to a maximum of 20 hours per week at a reimbursement rate up to - \$8.00 per hour for individual patient . - code No.; and
- ii. Up to \$6.00 per hour for a group rate (two or more patients, with a maximum of eight patients in the same residential setting at the same time). - code No.;
- iii. Up to \$25.00 may be billed for an Initial Nursing Assessment Visit - code No.

(d) Duties of the registered professional nurse:

1. The registered professional nurse, in accordance with the physician's plan of care prepares written instructions for the personal care assistant to include the amount and kind of supervision needed, the specific needs of the patient and the resources of the patient, the family and other interested persons.

2. Supervision of the personal care assistant shall be provided by a registered nurse at a minimum of one visit every 60 days to assess the patient's health condition, as well as the quality of personal care assistant services received.\*

\*[10:60-1.5]\* \*10:60-1.6\* Non reimbursable home health services

(No change in text.)

Editor's Note: The proposal at 15 N.J.R. 1728, October 17, 1983, included a proposed new subchapter 2 and a renumbering of the current subchapter 2 to subchapter 3. Upon adoption that is being dropped and the current text of subchapter 2 entitled "Authorization and Billing Procedures" is to remain intact with the addition of section 10:60-2.7.

**\*[SUBCHAPTER 2. VOLUNTARY NONPROFIT  
HOMEMAKER/HOME HEALTH  
AIDE**

**10:60-2.1 Voluntary nonprofit homemaker/home health aide agencies**

(a) Voluntary nonprofit homemaker/home health aide agencies will be approved by the New Jersey Medicaid Program to provide personal care assistant services only.

1. Medicaid reimbursement is available for personal care assistant services when provided to Medicaid eligible recipients in their places of residence, such as a private home, rooming house, boarding house, but not in a residential health care facility, class C boarding home, hospital, skilled nursing facility or intermediate care facility. Also excluded from this service are Division of Mental Retardation family care homes and Division of Youth and Family Services foster care homes.

2. Each voluntary nonprofit homemaker/home health aide provider must be individually approved by the Department Human Services, Division of Medical Assistance and Health Services before it will be reimbursed for services rendered to Medicaid eligible recipients.

3. Personal care assistant services are health related tasks performed by a qualified individual in a person's home, under the supervision of a registered professional nurse, as certified by a physician in accordance with a professional nurse, as certified by a physician in accordance with a written plan of care and prior authorized by the New Jersey Medicaid Program. Prior authorization will be based on strict measures of functional impairment and disability. The purpose of personal care is to accommodate long-term chronic or maintenance health care, as opposed to short-term skilled care required for some acute illnesses.

4. Each personal care assistant must successfully complete a minimum 40 hour training program approved by the New Jersey Medicaid Program. An individual who has successfully completed an additional 20 hour training program and has received certification by the State Department of Health may perform additional duties as outlined in the services definition, group C of this section. Personal care services provided by a family member are not covered services. Personal Care Assistant services should be authorized only in instances where a family support system or other informal giver care is unavailable, inaccessible or inappropriate.

i. Description of performance:

**DUTIES - GROUP A**

Personal care assistant services include but are not limited to performance of household duties that are essential to the patient's health and comfort:

- Care of the patient's room and areas used by the patient; Sweeping, vacuuming, dusting;
- Care of kitchen; maintaining general cleanliness of refrigerator, stove, sink and floor, dishwashing;
- Care of bathroom; maintaining cleanliness of toilet, tub, shower and floor;
- Care of patient's personal laundry and bed linen (this may include necessary ironing and mending);
- Necessary bed-making and changing of bed linens;
- Re-arranging of furniture to enable the patient to move about more easily in his/her home;

- Listing food and household supplies needed for the health and maintenance of the patient;
- Shopping for above supplies, conveniently storing and arranging supplies, and doing other essential errands;
- Planning, preparing and serving meals;
- Reading and writing for the patient, paying bills.

**DUTIES – GROUP B**

- Personal care services include but are not limited to assistance with activities of daily living:
- Care of the teeth and mouth;
  - Grooming-Care of hair, including shampooing, shaving, and the ordinary care of nails;
  - Bathing in bed, in the tub or shower;
  - Using the toilet or bed pan;
  - Changing bed linens with patient in bed;
  - Ambulation indoors and outdoors; when appropriate;
  - Helping patients in moving from bed to chair or wheelchair, in and out of tub and shower;
  - Eating; preparing meals, including special therapeutic diets for the patient;
  - Dressing;
  - Relearning household skills;
  - Accompanying the patient to clinics, physician office visits, or other trips which are made for the purpose of obtaining medical diagnosis, treatment or otherwise serve a therapeutic purpose.

**ADDITIONAL DUTIES - GROUP C** may be performed by a personal care assistant who has completed a 60 hour certification training course approved by the Department of Health.

- Helping and monitoring patient with prescribed exercises which the patient and personal care assistant have been taught by appropriate personnel;
- Rubbing patient's back if not contra-indicated by physician;
- Assisting with medications that can be self-administered;
- Assisting patient with use of special equipment such as walker, braces, crutches, wheelchair, etc. after thorough demonstration by a registered professional nurse or physical therapist, with return demonstration until registered professional nurse or physical therapist is satisfied that patient can use equipment safely;
- Assisting patient with simple procedures as an extension of physical, speech, or occupational therapy;
- Taking oral and rectal temperature, radial pulse and respiration.
- (1) Prior authorization is required for all visits except for the initial evaluation visit.
- (2) Personal care assistant services are limited to a maximum of 20 hours per week at a reimbursement rate up to \$7.00 per hour. Up to \$25.00 may be billed for an initial nursing evaluation visit. These are all inclusive rates for personal care assistant services and the initial nursing assessment visit. No direct or indirect cost over and above these established rates will be considered for reimbursement.]\*

10:60-\*[3.4]\*\*2.7\* **Completing the Independent Outpatient Health Facility Form (MC-14) for Personal Care Assistant Services**

- (a) The Independent Outpatient Health Facility Form (MC-14) must be used by the Home Health and Homemaker Home Health Aide Agency to bill for personal care assistant services and the initial nursing evaluation visit under the Personal Care Program.
- (b) The Outpatient Health Facility Claim Form (MC-14) must be received by the contractor no later than 90 days after the last day the services were rendered and no later than 12 months from the earliest date of service on the claim form.

10:66-1.2 Definitions

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

\*“Personal care assistant” means a person who has:

- 1. Successfully completed a minimum 40 hour training program in personal care services approved by the New Jersey Medicaid Program. The individual is assigned and supervised by a registered professional nurse of a Medicaid approved personal care provider agency.
  - i. The individual is primarily involved in the treatment and care of mentally handicapped and developmentally disabled patients in community settings, is employed by a State agency or by an independent clinic under contract with a State agency.\*

10:66-1.5 Prior authorization

(a)–(b) (No change.)

(c) Prior authorization for services rendered by independent clinics is required as follows:

1.–5. (No change.)

6. **Personal care assistant services: The maximum period for authorization is six months. For services beyond six months, reauthorization will be required.**

10:66-1.6 Scope of services

(a) Licensed and approved independent clinics may, to the extent of their specialty, license and/or approved New Jersey Medicaid Program Provider Agreement, provide the following services when medically necessary. Procedure codes descriptions, and maximum dollar allowance, which correspond to allowable services, are listed in N.J.A.C. 10:66-3.3.

(b)–(m) (No change.)

(n) Other services rules are as follows:

1.–4. (No change.)

5. **Personal care assistant services are health related tasks performed by a qualified individual in a recipient's home under the supervision of a registered professional nurse, as certified by a physician in accordance with a written plan of care and prior authorized by the Division of Mental Health and Hospitals. Prior authorization will be based on strict measures of functional impairment and disability. \*[The purpose of personal care is to accommodate long-term chronic or maintenance health care, as opposed to short-term skilled care required for some acute illnesses.]\***

i. Each personal care provider employing personal care assistants must be individually approved by the New Jersey Medicaid Program before it will be reimbursed for services rendered to Medicaid eligible recipients. The Division of Medical Assistance and Health Services will recognize upon approval, independent clinics under contract to the Division of Mental Health and Hospitals.

\*[ii. Each personal care assistant must successfully complete a minimum 40 hour training program approved by the New Jersey Medicaid Program. An individual who has successfully completed an additional 20 hour training program and has received certification by the State Department of Health may perform additional duties as outlined in the service definition, section 10:66-3(a)14.]\*

\*ii.\* \*[iii.]\* Personal care assistant services provided by a family member are not covered services.

\*iii.\* \*[iv.]\* Personal care assistant services shall be authorized only in instances where a family support system or other informal care giver is unavailable, inaccessible or inappropriate.

\*6. The registered professional nurse, in accordance with the physician's plan of care prepares written instructions for the personal care assistant to include the amount and kind of supervision needed, the specific needs of the patient and the

resources of the patient, the family and other interested persons.

i. Supervision of the personal care assistant shall be provided by a registered nurse at a minimum of one visit every 60 days to assess the patient's health condition, as well as the quality of personal care assistant services received.\*

10:66-3.3 Procedure Code Listing

(a)-(l) (No change.)

(m) Other services: Only those clinics which are specifically approved by the New Jersey Medicaid Program to perform the service(s) listed below may be reimbursed for the corresponding procedure codes.

1.-4. (No change.)

(Insert following after Transportation code 0084.)

**\*(n) Personal care assistant services:** \*The following are all-inclusive rates for personal care assistant services (group and individual) and initial nursing assessment visit. No direct or indirect cost over and above these established rates will be considered for reimbursement.

Editor's Note: The codification of (a) through (l) above, currently appears in the New Jersey Administrative Code as 1. through 14.. It has been recodified administratively to (a) through (l) and will appear so in the next update of the New Jersey Administrative Code. Subsection (m) likewise appears currently in the Code as 15. and will be changed in the next update.

Code individual rate - personal care assistant service - up to \$7.40 per hour/maximum 20 hours per week.

Code group rate personal care assistant service - Care provided involves two or more patients, with a maximum of eight patients in the same residential setting at the same time. - up to \$6.00 per hour/maximum 20 hours per week.\*

**\*[Duties - Group A - Personal care assistant services include but are not limited to performance of Household duties that are essential to the patient's health and comfort;]\***

**\*1. Household duties that are essential to the patient's health and comfort - group A - performed by a personal care assistant include but are not limited to:\***

- \*i.\* Care of the patient's room and areas used by the patient; sweeping, vacuuming, dusting;
- \*ii.\* Care of kitchen; maintaining general cleanliness of refrigerator, stove, sink and floor, dishwashing;
- \*iii.\* Care of bathroom; maintaining cleanliness of toilet, tub, shower and floor;
- \*iv.\* Care of patient's personal laundry and bed linen (this may include necessary ironing and mending);
- \*v.\* Necessary bed-making and changing of bed linens;
- \*vi.\* Re-arranging of furniture to enable the patient to move about more easily in his/her home;
- \*vii.\* Listing food and household supplies needed for the health and maintenance of the patient;
- \*viii.\* Shopping for above supplies, conveniently storing and arranging supplies, and doing other essential errands;
- \*ix.\* Planning, preparing and serving meals\*[\*];\* \*[\*Reading and writing for the patient, paying bills]\*.\*

**\*[DUTIES - GROUP B**

**Personal care assistant services include but are not limited to assistance with activities of daily living;]\*\***

**\*2. Activities of daily living - group B - performed by a personal care assistant include but are not limited to:\***

- \*i.\* Care of the teeth and mouth;
- \*ii.\* Grooming-Care of hair, including shampooing, shaving, and the ordinary care of nails;
- \*iii.\* Bathing in bed, in the tub or shower;
- \*iv.\* Using the toilet or bed pan;
- \*v.\* Changing bed linens with patient in bed;
- \*vi.\* Ambulation indoors and outdoors; when appropriate;

\*vii.\* Helping patients in moving from bed to chair or wheelchair, in and out of tub and shower;

\*viii.\* Eating; preparing meals, including special therapeutic diets for the patient;

\*ix.\* Dressing;

\*x.\* Relearning household skills;

\*xi.\* Accompanying the patient to clinics, physician office visits, or other trips which are made for the purpose of obtaining medical diagnosis, treatment or otherwise serve a therapeutic purpose;

**\*[ADDITIONAL DUTIES - GROUP C - may be performed by a personal care assistant who has successfully completed a 60 hour certification training course approved by the Department of Health.**

Helping and monitoring patient with prescribed exercises which the patient and personal care assistant have been taught by appropriate personnel;

Rubbing patient's back if not contra-indicated by physician;

Assisting with medications that can be self-administered;

Assisting patient with use of special equipment such as walker, braces, crutches, wheelchair, etc. after thorough demonstration by a registered professional nurse or physical therapist, with return demonstration until registered professional nurse or physical therapist is satisfied that patient can use equipment safely;

Assisting patient with simple procedures as an extension of physical, speech, or occupational therapy;

Taking oral and rectal temperature, radial pulse and respiration.]\*

\*Code up to \$25.00 may be billed for an Initial Nursing Assessment Visit.\*

\*[Code up to \$7.00 per hour limited to a maximum of 20 hours per week. Code up to \$25.00 may be billed for an initial nursing assessment visit. These are all-inclusive rates for personal care assistant services and initial nursing assessment visit. No direct or indirect cost over and above these established rates will be considered for reimbursement.]\*

(a)

**DIVISION OF PUBLIC WELFARE**

**General Assistance Manual  
Household Size**

**Adopted Amendment: N.J.A.C. 10:85-3.1**

Proposed: October 3, 1983 at 15 N.J.R. 1629(a).  
Adopted: January 20, 1984 by George J. Albanese,  
Commissioner, Department of Human Services..  
Filed: January 20, 1984 as R.1984 d.16, **without change.**

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

Effective Date: February 6, 1984.

Expiration Date pursuant to Executive Order 66(1978):  
July 25, 1988.

**Summary of Public Comments and Agency Responses:**

The only comment received was from a municipal welfare director. The director urged that references to family relationship be deleted from the portion of the proposal dealing with household size. The commenter suggested that this would result in the

extension of the same level of assistance regardless of the relationship that existed among household members. In each instance the economy of scale concept would be applied.

Response: The wording in question is being retained. An earlier revision of this section of the rule did what the commenter requested. However, such course of action resulted in assertions that the rule unduly discriminated against strangers sharing a common shelter unit and unfairly reduced their public assistance allowances. This was not contended to be the case involving related persons whose "common bond" provided a more rational basis for the application of an "economy scale" approach in the establishment of their grants of assistance. The approach governing related individuals is in essence similar to that employed in the Federally funded Food Stamp Program.

(a)

## DIVISION OF PUBLIC WELFARE

### Food Stamp Program Administrative Disqualification of Authorized Representatives, Certification Process, Procedures for Alien Individuals, Income Exclusions and Repeal of Transfer Provisions

**Adopted New Rule: N.J.A.C. 10:87-9.8**  
**Adopted Amendments: N.J.A.C. 10:87-2.10,**  
**2.19, 2.21, 3.2, 3.8, 4.2, 5.1, 5.4, 5.9, 6.22,**  
**7.6, 7.8, 9.2 and 9.3**  
**Adopted Repeal: N.J.A.C. 10:87-9.8-9.14**

Proposed: November 7, 1983 at 15 N.J.R. 1821(a).  
Adopted: January 11, 1984 by George J. Albanese,  
Commissioner, Department of Human Services..  
Filed: January 20, 1984 as R.1984 d.17, **with a technical  
change** not requiring additional public notice and  
comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 30:4B-2, 7CFR 273.1, 273.2, 273.4,  
273.9, 273.10 and 273.11, (47 FR 17763).

Effective Date: February 6, 1984.  
Expiration Date pursuant to Executive Order 66(1978):  
March 1, 1984.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**Summary of Changes Subsequent to Proposal:**  
N.J.A.C. 10:87-3.2(a) Brackets that were inadvertently omitted  
in publication are being inserted to indicate appropriate deletion of  
a reference.

**Full text** of the changes between proposal and adoption follows  
(deletions from proposal shown in brackets with asterisks \*[thus]\*).

10:87-3.2 Residency in the county  
(a) A household must be a resident of the county in which it files  
an application for participation. No individual may participate as  
a member of more than one household, or in more than one county,  
in any month \*[ (for transfers between counties see N.J.A.C. 10:87-  
9.8) ]\* except as follows in (a)1 below:

1. (No change from proposal.)  
i. (No change from proposal.)

(b)

## DIVISION OF PUBLIC WELFARE

### Food Stamp Program Food Stamp Allotment Proration Formula

**Adopted Amendment: N.J.A.C. 10:87-12.5**

Proposed: November 21, 1983 at 15 N.J.R. 1918(a).  
Adopted: January 23, 1984 by George J. Albanese,  
Commissioner, Department of Human Services.  
Filed: January 23, 1984 as R.1984 d.20, **without  
change.**

Authority: N.J.S.A. 30:4B-2.

Effective Date: February 6, 1984.  
Expiration Date pursuant to Executive Order No. 66(1978):  
March 1, 1984.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

## INSURANCE

(c)

## DIVISION OF ADMINISTRATION

### Automobile Insurance Automobile Rate Filers: Deductibles and Coinsurance Options for Private Passenger Automobile Collision and Comprehensive Coverages

**Readoption: N.J.A.C. 11:3-13**

Proposed: November 21, 1983 at 15 N.J.R. 1961(a).  
Adopted: January 4, 1984, by Joseph F. Murphy,  
Commissioner, Department of Insurance.  
Filed: January 4, 1984 as R.1984 d.3, **without change.**

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e) and the New  
Jersey Automobile Insurance Reform Act of 1982,  
P.L. 1983, c.65, N.J.S.A. 17:29A-33 et seq.,  
specifically, N.J.S.A. 17:29A-39 as amended by  
Assembly Bill No. 3896, P.L. 1983, c.359.

Effective Date: January 4, 1984.  
Expiration Date pursuant to Executive Order No. 66(1978):  
October 17, 1988.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**LAW AND PUBLIC SAFETY****(a)****DIVISION OF MOTOR VEHICLES****Motor Vehicle Insurance Surcharge  
Suspension and Prehearing Conference  
Procedures****Adopted New Rule: N.J.A.C. 13:19-12**

Proposed: December 5, 1983 at 15 N.J.R. 2027(a).  
 Adopted: January 17, 1984 by Clifford W. Snedeker,  
 Director, Division of Motor Vehicles.  
 Filed: January 20, 1984 as R.1984 d.18, **without  
 change.**

Authority: N.J.S.A. 39:2-3, 39:5-30 and P.L. 1983, c.65,  
 s.6e (N.J.S.A. 17:29A-35).

Effective Date: February 6, 1984.  
 Expiration Date pursuant to Executive Order No. 66(1978):  
 February 6, 1989.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**(b)****DIVISION OF MOTOR VEHICLES****Enforcement Service  
Alcohol Countermeasures****Readoption with Amendments: N.J.A.C.  
13:20-31**

Proposed: November 21, 1983 at 15 N.J.R. 1923(a).  
 Adopted: December 28, 1983 by Clifford W. Snedeker,  
 Director, Division of Motor Vehicles.  
 Filed: January 14, 1984 as R.1984 d.7, **without change.**

Authority: N.J.S.A. 39:3-10, 39:3-11, 39:4-50(d), 39:4-  
 50.4 and 39:5-30.

Effective Dates: January 4, 1984 for readoption; February  
 6, 1984 for amendments.  
 Expiration Date pursuant to Executive Order No. 66(1978):  
 January 4, 1989.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**(c)****DIVISION OF MOTOR VEHICLES****Enforcement Service  
Motor Vehicle Reinspection Centers****Readopted Amendments: N.J.A.C. 13:20-33.1,  
33.2, 33.50 and 33.51**

Proposed: November 21, 1983 at 15 N.J.R. 1963(a).  
 Adopted: January 9, 1984 by Clifford W. Snedeker,  
 Director, Division of Motor Vehicles.  
 Filed: January 9, 1984 as R.1984 d.10, **without change.**

Authority: N.J.S.A. 39:8-26 (P.L. 1983, c.236, § 15).

Effective Date: January 9, 1984.  
 Expiration Date pursuant to Executive Order No. 66(1978):  
 May 14, 1984.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**(d)****DIVISION OF MOTOR VEHICLES****Student Permits  
Oral Law-Knowledge Test for Hearing-  
Impaired****Adopted Amendment: N.J.A.C. 13:21-7**

Proposed: November 7, 1983 at 15 N.J.R. 1831(a).  
 Adopted: December 20, 1983 by Clifford W. Snedeker,  
 Director, Division of Motor Vehicles.  
 Filed: January 10, 1984 as R.1984 d.11, **with substantive  
 changes** not requiring additional public notice and  
 comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 39:3-10, 39:3-11.3 and 39:3-13.1.

Effective Date: February 6, 1984.  
 Expiration Date pursuant to Executive Order No. 66(1978):  
 February 18, 1986.

**Summary of Public Comments and Agency Responses:**

A written comment was received from the New Jersey Division  
 of the Deaf. The substantive change which has been adopted by the  
 Division of Motor Vehicles is a result of that comment.

The substantive change provides for interpreter approval by the  
 New Jersey Division of the Deaf, Interpreter Referral Service. The  
 substantive change therefore eliminates the reference to separate  
 certification by the Interpreter Referral Service as if that Service  
 was independent from the Division of the Deaf.

**Full text** of the changes between proposal and adoption follows  
 (additions to proposal shown in boldface with asterisks **\*thus\***;  
 deletions from proposal shown in brackets with asterisks **\*[thus]\***).

13:21-7.2 Driving test appointment requirements

(a) Driving test appointments may be granted and recorded on the driver examination [student] permits prior to the 17th birthday of the applicant; provided that:

1. (No change from proposal.)
2. The student has passed the law-knowledge test administered by a representative of the Division of Motor Vehicles, and submits an approval certificate indicating that he has passed. **An oral law knowledge test may be administered by a representative of the Division of Motor Vehicles to a student having a hearing impairment. An interpreter of sign language approved by the New Jersey Division of the Deaf \*[or certified by the]\* \*,\* Interpreter Referral Service must accompany the student at the oral test.**

3.-4. (No change from proposal.)

(a)

**DIVISION OF MOTOR VEHICLES**

**Licensing Service  
Driver License Suspension for Failure to Give  
Notice of Change of Address**

**Adopted New Rule: N.J.A.C. 13:21-8.24**

Proposed: December 5, 1983 at 15 N.J.R. 2029(a).  
Adopted: January 17, 1984 by Clifford W. Snedeker,  
Director, Division of Motor Vehicles.  
Filed: January 20, 1984 as R.1984 d.19, **without  
change.**

Authority: N.J.S.A. 39:2-3, 39:3-36 and 39:5-30.

Effective Date: February 6, 1984.  
Expiration Date pursuant to Executive Order No. 66(1978):  
September 26, 1984.

**Summary of Public Comments and Agency Responses:  
No comments received.**

(b)

**DIVISION OF MOTOR VEHICLES**

**Motorized Bicycles  
Procedure to Regulate Operation on  
Highways**

**Notice of Correction: N.J.A.C. 13:25-8**

An error appears in the January 3, 1984 New Jersey Register at 16 N.J.R. 52(a) regarding effective dates for the rules concerning the procedure to regulate the operation of motorized bicycles on highways. The effective date for readoption is **December 14, 1983** and the effective date for amendments is **January 3, 1984.**

(c)

**BOARD OF EXAMINERS OF  
OPHTHALMIC DISPENSERS AND  
OPHTHALMIC TECHNICIANS**

**General Administrative Regulations  
Preceptors and Verification of Lenses**

**Adopted Amendments: N.J.A.C. 13:33-1.3  
and 1.29**

**Adopted Repeal: N.J.A.C. 13:33-1.4 and  
1.36**

Proposed: November 7, 1983 at 15 N.J.R. 1832(a).  
Adopted: January 4, 1984 by State Board of Ophthalmic  
Dispensers and Ophthalmic Technicians, J. Leo Kymer,  
President.  
Filed: January 23, 1984 as R.1984 d.22, **without  
change.**

Authority: N.J.S.A. 52:17B-41.13.

Effective Date: February 6, 1984.  
Expiration Date pursuant to Executive Order No 66(1978):  
February 14, 1984.

**Summary of Public Comments and Agency Responses:**

The Board received one comment on the last day of the allotted public comment period by Mr. David L. Knowlton, Executive Director of the New Jersey Optometric Association. (N.J.O.A.) The Board considered Mr. Knowlton's letter as representing the views of N.J.O.A. at its meeting on January 4, 1984. The Board was pleased that N.J.O.A. indicated support for its aim in reducing errors in dispensing eyewear to the public. However, it felt N.J.O.A. was erroneous in stating that an intent of the Board was to decrease the number of persons available to train ophthalmic dispensers and technicians. The only reference to a decrease in the number of trainers was as an estimation of the kind of economic impact which might be conceivable in light of the rule. Such a statement was certainly not meant as stating a goal of the Board in promulgating the rule. In fact, a decrease in the number of preceptors, by itself, is not a goal of the Board. However, if in the interest of better training a smaller number of adequate and efficient preceptors results, the Board is willing to accept the reduced quantity to achieve the greater quality.

In response to another comment questioning the Board's control over optometrists and physicians, the Board feels the only relevant issue is that it alone maintains responsibility for its licensees and the training they are required to receive to qualify for licensure. That is the goal of N.J.A.C. 13:33-1.3(c)(d) and (e).

As further suggested by Mr. Knowlton's letter, the Board found no reason to hold a public meeting prior to their adoption of these rules.

In summary, the Board, while appreciative of N.J.O.A.'s comments and interest, did not find any basis therein on which to reject the adoption of the proposed amendments and repeal.

A full record of this opportunity to be heard can be inspected by contacting the Board office at 1100 Raymond Boulevard, Room 501, Newark, New Jersey 07102.

The rules were adopted as proposed without change.

(a)

**OFFICE OF WEIGHTS AND MEASURES**

**Scales, Instruments and Devices; Weights and Measures**

**Readoption with Amendments: N.J.A.C. 13:47B**

Proposed: November 21, 1983 at 15 N.J.R. 1925(a).  
 Adopted: December 23, 1983 by Thomas W. Kelly, State Superintendent, Office of Weights and Measures.  
 Filed: January 4, 1984 as R.1984 d.6, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 51:1-61.

Effective Date for Readoption: January 4, 1984.  
 Effective Date for Amendment: February 6, 1984.  
 Expiration Date pursuant to Executive Order No. 66(1978): January 4, 1984.

**Summary of Public Comments and Agency Response:**

One letter was received pointing out a typographical error in N.J.A.C. 13:47B-1.20 which is corrected herein. At least ten telephone calls and three letters were received from manufacturers or trade groups protesting the requirement in amended N.J.A.C. 13:47B-1.4(c). The agency, after review of comment received, is reverting to the original text which is readopted in the form shown herein.

**Full text** of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks **\*thus\***; deletions from proposal shown in brackets with asterisks **\*[thus]\***).

13:47B-1.4 Liquid measure containers

**\*(a)** All containers such as cartons, pails, boxes or similar containers composed of cardboard, paper or other similar materials, of every type and description whatsoever, used in the State of New Jersey for the sale of ice cream, ices or kindred frozen products, or for liquid or semi-liquid commodities customarily sold or offered for sale by liquid measure, shall be of legal standard capacities of one gallon, a multiple of the gallon or a binary submultiple of the gallon; that is, a measure obtained by dividing the gallon by the number two or by a power of the number two; provided, however, that nothing in the Section shall be construed to prevent the use of containers for ice cream exclusively, in five pint or three pint sizes.

(b) Containers of the following standard capacities only may, therefore, be employed: one gallon, 2 1/2 quarts, two quarts, 1 1/2 quarts, one quart, one pint, 1/2 pint and one gill. All containers shall have conspicuously stamped, printed or indelibly expressed on the outside thereof the capacity in terms of liquid measure only, together with the name and address of the manufacturer.\*

**\*[(a)** All nonrigid measure containers will be of the capacity, metric or customary, shape and marked as specified in the National Bureau of Standards Handbook 44, 1983 Edition, Section 4.45.

(b) Measure containers employed for the sale of ice cream and frozen deserts shall be as specified in N.J.S.A. 51:1-31.1, et seq.

(c) All measure containers shall have conspicuously stamped, printed or indelibly expressed on the outside the capacity thereof together with the name and address of the manufacturer of said measure container.]\*

13:47B-1.20 National Bureau of Standards Handbook 44

All specifications, tolerances and regulations for weighing and measuring devices as contained in National Bureau of Standards Handbook H-44, [Fourth] **\*[1983]\* 1984\*** Edition together with all amendments and supplements thereto adopted by the [Sixty-third] National Conference on Weights and Measures are hereby adopted and promulgated as the legal requirements for all weighing and measuring devices used for commercial purposes and law enforcement in the State of New Jersey; provided, however, that the Superintendent of the Office of Weights and Measures of the Department of Law and Public Safety may from time to time further amend or supplement said specifications, tolerances and regulations for the purpose of conforming to the needs of any situation affecting the interests of the State and its people.

(b)

**OFFICE OF WEIGHTS AND MEASURES**

**General Commodities; Weights and Measures Standards for Treated Lumber**

**Adopted Amendment: N.J.A.C. 13:47C-1.1  
 Adopted New Rule: N.J.A.C. 13:47C-3.6**

Proposed: November 7, 1983 at 15 N.J.R. 1835(a).  
 Adopted: December 14, 1983 by Thomas W. Kelly, State Superintendent, Office of Weights and Measures.  
 Filed: January 4, 1984 as R.1984 d.5, **without change**.

Authority: N.J.S.A. 51:4-27, 51:4-31, 51:4-38 and 51:1-61.

Effective Date: February 6, 1984.  
 Expiration Date pursuant to Executive Order No. 66(1978): June 19, 1984.

**Summary of Public Comments and Agency Responses:**

During the public comment period for this proposal, one meeting was held in the offices of the State Superintendent of Weights and Measures, seven treatment companies or treating agencies wrote letters and numerous telephone calls were received on the proposed regulations.

There were no communications completely negative to the proposed regulation; most requested information concerning the .4 pcf threshold, one endorsed the regulation as its complete subject matter, 50 percent asked if their present treatment tags or marks would be acceptable under the regulation, and several inquired about the status, under the proposed regulation, of hardwood landscape ties.

All these questions were answered to the apparent satisfaction of the public.

## PUBLIC UTILITIES

(a)

## BOARD OF PUBLIC UTILITIES

Bills and Payments for Service  
Budget Billing Plans

## Adopted New Rules: N.J.A.C. 14:3-7.11A

Proposed: August 1, 1983 at 15 N.J.R. 1235(a).  
 Adopted: December 28, 1983 by Board of Public Utilities,  
 Barbara A. Curran, President.  
 Filed: December 30, 1983 as R.1983 d.651, **with technical  
 changes** not requiring additional public notice and  
 comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 48:2-12 and 48:2-13.

Effective Date: February 6, 1984.  
 Operative Date: June 5, 1984.  
 Expiration Date pursuant to Executive Order No. 66(1978):  
 May 16, 1983.

## Summary of Public Comments and Agency Responses:

Comments by various utilities to the proposed rule, 15 N.J.R. 1235, raised the following points:

- (1) Provisions should be made for modification in the budget billing amount in the event of Board approved rate increases during the budget billing period;
- (2) Two modifications per year, instead of one, should be permitted;
- (3) Reconciliation for any shortfall in the budgeted period should permit the reconciliation to be made on the basis of estimated bill, rather than actual usage;
- (4) A grace period should be permitted to accommodate program changes necessary to meet the proposed rules. The agency modifies its proposal, as specified below, to provide for a necessary transition period for changes in budget billing practices. The Board does not accept comment (3) above, since it concludes reconciliation of the budgeted charges must be made against actual, not estimated, meter reading. The Board does not accept comments (1) and (2), since the utilities have adequate and reasonable flexibility in the rule as proposed: the utility sets the monthly budgeted amount at the beginning of the budget billing period; it may change the budgeted monthly charges if a bill analysis shows actual charges will exceed budgeted charges by 25 percent;

**Full text** of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks **\*thus\***).

14:3-7.11A Requirements for budget billing and payment plans of gas and electric utilities for residential accounts

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

**\* (d) These rules shall become operative and be implemented no later than 120 days after publication in the February 6, 1984 New Jersey Register. \***

## ENERGY

(b)

## THE COMMISSIONER

## Certificates of Need for Electric Facilities

## Adopted New Rules: N.J.A.C. 14A:14

Proposed: October 17, 1983 at 15 N.J.R. 1735(b).  
 Adopted: December 28, 1983 by Leonard S. Coleman,  
 Jr. Commissioner, Department of Energy.  
 Filed: January 4, 1984 as R.1984 d.2, **with technical  
 and substantive changes** not requiring additional  
 public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: P.L. 1983, c.115.

Effective Date: February 6, 1984.  
 Expiration Date pursuant to Executive Order No. 66(1978):  
 February 6, 1989.

## Summary of Public Comments and Agency Responses:

Four commentors submitted written comments regarding this proposal. Three commentors were electric public utilities and one commentor was a State agency mandated to review electricity costs for New Jersey consumers.

A number of electric utilities were concerned about the level of detail involving specific submissions. The same level of detail for a base load generating facility may not be the same as required for a smaller facility.

The Department felt that this concern was valid and that the concerns of the prospective applicant could best be addressed in an informal meeting prior to a formal submission. A new subsection N.J.A.C. 14A:14-1.2a(5) is added to address these concerns. This provision should allow for smoother evaluation of the submission by the Department.

Several utilities expressed concern about the definition of electric generating facility. The statutory definition is provided and leaves no room for interpretation by the Department.

One utility raised the issue that these regulations should provide for a definite time frame for a decision by the Office of Administrative Law once the Notice of Intent phase was completed.

The Department is not mandated to expedite the Office of Administrative Law proceeding. Moreover the Department is attempting, through the Notice of Intent phase, to forward as comprehensive a record as possible to the Office of Administrative Law (OAL), thereby helping to expedite the OAL proceeding.

The public agency requested a period of informal discovery during the Notice of Intent phase in addition to the public hearings to be held by the Commissioner. The Department has decided not to implement this suggestion.

The Notice of Intent phase was drafted to provide the maximum possible public input into the process consistent with the requirements of the Act. All discovery should take place in the OAL proceeding. It is the Department's position that the purpose of the Notice of Intent phase is to solicit and evaluate public opinion, as well as obtain the comments of the various State regulatory bodies. Thus, N.J.A.C. 14A:14-3.3 remains unchanged.

Several utilities expressed concern that the fee of \$250,000 may not be appropriate in all circumstances. The Department agrees and has modified the provision to levy up to \$250,000 as may be appropriate in an individual application.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks \*thus\*; deletions from proposal shown in brackets with asterisks \*[thus]\*).

Effective Date: February 6, 1984.  
Expiration Date pursuant to Executive Order No. 66(1978):  
May 31, 1988.

14A:14-1.2 Communications and submissions

(a) Each applicant shall submit to the Department all documents and information in accordance with the requirements of N.J.A.C. 14A:1 and with particular attention to the following requirements:

1.-4. (No change from proposal.)

**\*5. The Department may review with the applicant the scope and level of detail required of each submission prior to filing of same submission.\***

**Summary of Public Comments and Agency Responses:  
No comments received.**

14A:14-4.1 Submissions

(a) An Application for a Certificate of Need may be filed by the applicant at any time after one year subsequent to the filing of the Notice of Intent. A non-returnable application fee of **\*up to\*** \$250,000 shall accompany the Application.

(b) (No change from proposal.)

**TREASURY-GENERAL**

**(a)**

**STATE HOUSE COMMISSION**

**Judicial Retirement System  
Withdrawal from System; Interest Credited**

**Adopted New Rule: N.J.A.C. 17:10-1.11**

Proposed: June 20, 1983 at 15 N.J.R. 1013(a).  
Adopted: January 4, 1984 by Peter J. Gorman, Acting  
Secretary, Judicial Retirement System.  
Filed: January 12, 1984 as R.1984 d.12, **without  
change.**

Authority: N.J.S.A. 43:6A-29d.

Effective Date: February 6, 1984.  
Expiration Date pursuant to Executive Order No. 66(1978):  
May 16, 1988.

**Summary of Public Comments and Agency Responses:  
No comments received.**

**(b)**

**STATE HOUSE COMMISSION**

**Judicial Retirement System  
Insurance Liability for Unenrolled Members**

**Adopted Repeal: N.J.A.C. 17:10-3.5**

Proposed: June 20, 1983 at 15 N.J.R. 1013(b).  
Adopted: January 4, 1984 by Peter J. Gorman, Acting  
Secretary, Judicial Retirement System.  
Filed: January 12, 1984 as R.1984 d.13, **without  
change.**

Authority: N.J.S.A. 43:6A-29d.

**EMERGENCY****ADOPTIONS****HEALTH****(a)****HEALTH ECONOMICS SERVICES****Financial Elements and Reporting Services Related to Patient Care****Adopted Emergency Amendment and Concurrent Proposal: N.J.A.C. 8:31B-4.32**

Emergency Amendment Adopted: January 17, 1984 by J. Richard Goldstein, M.D., Commissioner, Department of Health (with approval of the Health Care Administration Board).

Gubernatorial Approval (N.J.S.A. 52:14B-4(c)): January 23, 1984.

Emergency Amendment Filed: January 24, 1984 as R.1984 d.26.

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

Emergency Amendment Effective Date: January 24, 1984.

Emergency Amendment Expiration Date: March 26, 1984.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Joseph I. Morris, Assistant Commissioner  
Health Planning and Resource  
Development  
Department of Health  
CN 360  
Trenton, NJ 08625

This amendment was adopted on an emergency basis and became effective upon acceptance for filing by the Office of Administrative Law (see N.J.S.A. 52:14B-4(c) as implemented by N.J.A.C. 1:30-4.4). Concurrently, the provisions of this emergency amendment are being proposed for readoption in compliance with the normal rulemaking requirements of the Administrative Procedure Act N.J.S.A. 52:14B-1 et seq. The readopted rule becomes effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)).

The concurrent proposal is known as PRN 1984-92.

**Summary**

The Health Care Financing Administration (HCFA) has agreed to extend New Jersey's waiver of Medicare and Medicaid reimbursement principles. This waiver, which otherwise would have expired December 31, 1983, is necessary for the continuation of the all-payer hospital rate setting system that functions under the authority of P.L. 1978, Ch. 83. A condition of the waiver continuation is that all non-physician services and supplies

provided to inpatients be defined as hospital costs, to be reimbursed to the hospital. The proposed regulation change effects this condition. Services and supplies provided to inpatients by vendors outside the hospital will be billed to the hospital where the patient is an inpatient, and will be a reimbursable cost at that hospital. In the past, certain services and supplies (e.g., radiology services, interhospital ambulance transport, pacemakers, implants, etc.) have been billed by vendors directly to the patient or third party payor.

**Social Impact**

Defining all non-physician services and supplies provided to inpatients as hospital costs, rather than allowing some of them to be billed by the vendor, will result, in some instances, in reduced liability to the patient and increased liability to the payer. Particularly in the case of Medicare, there is a 20 percent copayment for non-hospital and outpatient services, but no copayment for inpatient hospital services.

**Economic Impact**

HCFA's purpose in requiring this change is to preclude the possibility of double payment for certain services. That is, some services may be included in the DRG rates at a hospital, and in addition be billed separately by a vendor. Now these services will be reimbursed only to the hospital.

A long-run effect of bringing more services under the financial control of hospitals should be cost containment. Hospitals in New Jersey are reimbursed on a prospective basis and therefore have an incentive to reduce costs.

**Full text** of the emergency amendment and concurrent proposal follows (additions indicated in boldface **thus**).

8:31B-4.32 Services related to patient care

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

**(c) All non-physician services and supplies provided to hospital inpatients, whether provided directly by the hospital or by a vendor, will be considered services and costs related to patient care, and are, therefore, financial elements.**

**TREASURY-TAXATION****(b)****DIVISION OF TAXATION****Homestead Rebate Act  
Extension of Time to File Homestead Rebate Claim****Adopted Emergency Amendment: N.J.A.C. 18:12-7.12.**

Emergency Amendment Effective Date: January 17, 1984 by John R. Baldwin, Director, Division of Taxation.

Gubernatorial Approval (N.J.S.A. 52:14B-4(c)): January 13, 1984.

Emergency Amendment Filed: January 17, 1984 as R.1984 d.15.

Authority: N.J.S.A. 54:4-3.80 and 54:50-1.

Emergency Amendment Effective Date: January 17, 1984.

Emergency Amendment Expiration Date: March 2, 1984.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before March 8, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

John R. Baldwin, Director  
Division of Taxation  
50 Barrack Street - CN 240  
Trenton, NJ 08625

This amendment was adopted on an emergency basis and became effective upon acceptance for filing by the Office of Administrative Law (see N.J.S.A. 52:14B-4(c) as implemented by N.J.A.C. 1:30-4.4).

The agency emergency adoption follows:

On January 13, 1984, John R. Baldwin, Director of the Division of Taxation in the Department of the Treasury, pursuant to the authority of N.J.S.A. 54:4-3.80 and 54:50-1 and the applicable provisions of the Administrative Procedure Act, and upon certification by the Governor of the State of New Jersey that an imminent peril exists (see N.J.S.A. 52:14B-4(c)), adopted an emergency amendment to N.J.A.C. 18:12-7.12 concerning an extension of time to file an Application for Homestead Rebate.

#### **Summary**

To respond to the imminent peril, a change in the rule is being made to insure that approximately 20,000 persons be given additional time to file an Application for Homestead Rebate. Without this adoption, a large number of persons would forfeit their right to an average of \$194.00 per claim for Homestead Rebate. This additional time is given to people who for some reason did not file their application prior to December 1, 1983.

#### **Social Impact**

This Emergency Rule will only affect approximately 20,000 property owners who failed to file a timely application for homestead rebate.

#### **Economic Impact**

The economic impact upon the general treasury of the State of New Jersey will approximate 20,000 applications at an average of \$194 each.

**Full text** of the emergency adoption follows (additions indicated in boldface **thus**).

18:12-7.12 Extension of filing date

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

**(d) The time for property owners to file their applications for homestead rebate payable in 1984 pursuant to P.L. 1976, c.72, including applications by shareholders in cooperative associations and those residing in properties of certain mutual housing corporations, has been extended to March 1, 1984.**

# MISCELLANEOUS NOTICES

## EDUCATION

(a)

### STATE BOARD OF EDUCATION

#### Business Services; Tuition Public Schools Method of Determining Tuition Rates

**Take notice** that the State Board of Education, Saul Cooperman, Secretary, published proposed amendments to N.J.A.C. 6:20-3.1, of the rules governing the method of determining public school tuition rates, on December 19, 1983, at 15 N.J.R. 2089(a). The close of the 30-day public comment period was January 18, 1984.

The State Board of Education has extended the public comment period until February 20, 1984, because of the great response and interest generated by the amendments. Written statements may be addressed to:

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

No action by the State Board of Education is anticipated before the April 4, 1984, meeting of said Board.

## HEALTH

(b)

### DIVISION OF HEALTH FACILITIES EVALUATION

#### Manual of Standards for Hospital Facilities Cardiac Diagnostic and Surgical Services

#### Notice of Correction: Effective Dates, N.J.A.C. 8:43B-17

An error appears in the January 17, 1984 New Jersey Register at 16 N.J.R. 141(a) concerning the effective dates of the readoption with amendments to Cardiac Diagnostic and Surgical Services at N.J.A.C. 8:43B-17. The effective dates should read **December 27, 1983** for the readoption and **January 17, 1984** for the amendments.

## INSURANCE

(c)

### DIVISION OF ADMINISTRATION

#### Automobile Insurance Insurance Identification Cards

#### Notice of Correction: Effective Dates, N.J.A.C. 11:3-6

An error appears in the January 17, 1984 New Jersey Register at 16 N.J.R. 145(c) concerning the effective dates of the readoption with amendments regarding insurance identification cards at N.J.A.C. 11:3-6. The effective dates should read **December 29, 1983** for the readoption and **January 17, 1984** for the amendments.

(d)

### THE COMMISSIONER

#### Automobile Insurance Written Notice/Buyer's Guide Coverage Selection Form

#### Public Notice

Section 17 of the New Jersey Automobile Insurance Freedom of Choice and Cost Containment Act of 1984 (P.L. 1983, c.362) requires automobile insurers to provide policy-holders and applicants with a Written Notice/Buyer's Guide and Coverage Selection Form at stated time periods. Minimum standards for the content of such documents have been proposed (see: N.J.R. 2142(a)).

The informational filing set forth below provides documents which satisfy the requirements of those proposed regulations and relevant sections of P.L. 1983, c.362.

1. The attached booklets and coverage selection form satisfy the minimum standards for the content of the Written Notice and Buyer's Guide as contained in N.J.A.C. 11:3-15.1 *et seq.* In fulfilling their obligations under sections 14.1 and 17 of P.L. 1983, c.362, insurers may use this material with such modifications as may be appropriate for methodology of operation and coverages offered. Any modification in language or format shall not substantially alter the essential nature of the material.

2. The buyer's guide and information section of the written notice may be combined into a single form to improve readership and understanding.

3. The written notice shall provide a selection form enabling the named insured to choose coverage options. Insurers may incorporate the selection form into the application or renewal forms.

4. The coverage selection form shall contain in its heading a statement in 12 pt. bold type as follows:

**WARNING**

The choices you make on this form may affect the amount of your coverage and cause you to incur additional expense in the event of an accident or loss. The Buyer's Guide/Written Notice which accompanies this form describes the auto coverages and options available. Please read and understand the Buyer's Guide/Written Notice before completing and signing this form. If you have any questions, please contact your agent/broker/company.

5. The Buyer's Guide/Written Notice shall contain an introduction substantially as follows:

For many years, New Jersey motorists have struggled under high auto insurance costs.

Now, there is an opportunity for you to reduce your insurance costs, thanks to a series of new laws enacted by the Legislature and signed by Governor Thomas H. Kean.

But to obtain the full benefits of the law, you as a motorist and owner of a car registered in New Jersey must carefully select the auto insurance coverage that is best for you.

To aid in that selection, the enclosed booklet has been prepared.

**IT DESCRIBES SEVERAL IMPORTANT OPTIONS YOU CAN CHOOSE TO REDUCE YOUR COSTS. THESE INCLUDE:**

**\*A \$1,500 THRESHOLD INSTEAD OF THE EXISTING \$200 THRESHOLD;**

**\*HIGHER COMPREHENSIVE AND COLLISION COVERAGE DEDUCTIBLES AND NEW COINSURANCE OPTIONS;**

**\*PERSONAL INJURY PROTECTION (PIP) COVERAGE INSURANCE COMPANY REIMBURSEMENT OPTION;**

**\*PIP COVERAGE MEDICAL EXPENSE ONLY OPTION;**

**\*PIP COVERAGE MEDICAL DEDUCTIBLES OF \$500, \$1,000 OR \$2,500.**

The booklet also lists and explains the types of auto insurance you are required by law to have, "extras" available with these required coverages, and coverages that while not required by law, may be appropriate for you.

Finally, while the booklet provides general information, it is **not** a legal document. Your policy is **the** legal contract between you and your insurance company. If you have any questions about your own auto insurance needs, please contact your company, agent or broker.

**Interested persons** are invited to submit in writing, comments or suggestions concerning possible revisions to the Written Notice/Buyer's Guide and Coverage Selection Form on or before February 20, 1984. These Submissions should be addressed to:

W. Morgan Shumake  
Executive Director of Insurance  
Department of Insurance  
CN 325  
Trenton, NJ 08625

These documents are being published as a matter of public information.

**WRITTEN NOTICE  
INTRODUCTION**

In purchasing auto insurance, keep in mind that your auto insurance policy is a contract. It defines the rights and responsibilities of the two parties; you, the insured and the

insurance company, the insurer. Your role as the insured is as important as that of your insurance company in obtaining the most suitable coverage for you.

This booklet provides brief answers to some basic questions about automobile insurance policy coverages and options. It contains general information and is not a legal document. Your policy is **the** legal contract between **you** and your insurance company.

Read your policy carefully. If you have any questions, call your company, agent or broker. If you still need help, please write to the Division of Investigations and Complaints, New Jersey Department of Insurance, CN 325, Trenton, New Jersey 08625.

**TYPES OF AUTO INSURANCE  
REQUIRED BY LAW IN NEW JERSEY**

New Jersey law requires that every person who owns a motor vehicle registered or principally located in New Jersey must have Personal Injury Protection Coverage, Automobile Liability Coverage, and Uninsured Motorist Coverage. The law does **not** require you to purchase Collision or Comprehensive Coverage.

The penalties for not having these required coverages range from fines and jail terms to loss of your driver's license.

**A. No-Fault Protection**

The New Jersey Automobile Reparations Reform Act (The No-Fault Act) requires that one of the available forms of Personal Injury Protection (PIP) Coverage be included in all automobile policies. The basic form of coverage that is available provides the following:

1. Medical Expenses – Unlimited Amount
2. Income Continuation Benefits
3. Essential Services – Housework, etc.
4. Death/Funeral Benefits

Several coverage options are available that either add to or reduce the benefits provided under the basic Personal Injury Protection coverage described above. Medical Expense Benefit coverage is required by law. Income Continuation Benefits, Essential Services, Death/Funeral Benefit coverages are available at additional cost. Some options can be used together with other health care benefits to reduce your overall costs.

The available options are:

**1. Coverage For Medical Expense Benefits Only**

This operation eliminates all benefits except Medical Expense Benefits. By selecting it you will reduce your PIP premium cost. The premium is lower because the costs to the insurance company will be lower. You and your family will have no coverage for Income Continuation Benefits, Essential Services, Death Benefits and Funeral Expenses. The choice of this option leaves you and your family members with coverage only for medical expenses.

Is this option for you? If you and your family have no income or there is another source of income continuation, as well as adequate life insurance to protect survivors and pay funeral expenses, you may want to consider this option.

Other possible sources of income continuation include: an employers income continuation plan, disability insurance, Social Security and workers' compensation insurance (job-related accidents only).

**CAUTION: BEFORE YOU SELECT THIS OPTION BECAUSE OF OTHER COVERAGE, YOU SHOULD CHECK TO BE SURE THAT THE OTHER SOURCE OF BENEFITS WILL COVER LOSSES FOR YOU AND YOUR FAMILY CAUSED BY AUTO ACCIDENTS.**

**2. Medical Expense Benefit Deductibles**

The law permits you to select a deductible for the medical portion of your auto insurance coverage called personal injury protection coverage, commonly known as PIP. You can, under this law, select a deductible of \$500, \$1,000 or \$2,500. This option should be of interest to those persons who have other health insurance that will pay the deductible amount.

Is a PIP medical expense deductible the right choice for you? If you are willing to pay the amount of the deductible yourself, or if you have health insurance such as Blue Cross-Blue Shield, Medicare, or medical expense benefits from another source that covers you and your resident family members in auto accidents, you may wish to consider selecting a PIP deductible. Bear in mind health coverages may also contain deductibles.

If you select the \$500 deductible, it means that your auto insurance will not pay the first \$500 of any medical bills for you or any member of your immediate family which result from injuries suffered in an accident. Costs above that figure will continue to be met by your auto insurance carrier.

For example, if you and three family members are injured in an auto accident and you have selected a \$500 deductible you will be responsible for up to the first \$500 in medical costs sustained by each person, or a maximum of \$2,000.

You are not required to select a deductible, of course, and you are free to continue to carry the identical coverage you now have.

Whether or not to choose a deductible should depend upon your ability to pay a portion of your medical costs, or whether your health insurance carrier will meet the cost.

You should bear in mind that not all health insurance policies contain provisions for payment of PIP medical expense deductible amount, so it is important that you examine your health policy or contact your health insurer or employer to determine your health policy provisions.

**CAUTION: BEFORE YOU CHOOSE A PIP DEDUCTIBLE, YOU SHOULD FIND OUT IF AND TO WHAT EXTENT YOUR HEALTH CARE COVERAGE WILL PAY FOR MEDICAL EXPENSES FROM AUTO ACCIDENTS**

### **3. Reimbursement to Insurance Company of PIP Medical Expenses**

#### **Up To 20 Percent Of Pain, Suffering And Inconvenience Awards**

Under this option your insurance company pays covered medical expenses. If the insured person (you or a family member) receives a settlement or award for pain, suffering and inconvenience, the injured person must then pay back to the automobile insurance company the amount it paid for PIP medical expenses.

The amount to be paid to the insurance company is the lower of:

- a. The amount paid by the insurance company for medical expenses; or
- b. Twenty percent (20%) of the award for pain, suffering and inconvenience.

Is this option for you? Choosing this option lowers your PIP premium cost, and it does not lessen what you can recover under PIP coverage. It does, however, lessen the amount you keep out of any settlement or award for pain, suffering and inconvenience from the person legally liable for the accident.

#### **4. Additional Income Continuation Benefits**

If you have purchased the entire basic PIP coverage, it provides continued benefits of \$100 per week (\$5,200 maximum).

Additional coverage is available to increase both the weekly amount and the maximum amount up to \$700 per week (\$72,800 maximum). The increased benefits are limited to 75 percent of the insured's weekly net income. This additional wage loss protection can be purchased to apply to you and your spouse and to specifically named resident family members. The persons for whom additional income continuation benefits are purchased are entitled to:

a. Increased Essential Services Benefits - increased from \$12 per day, \$4,380 maximum, to \$20 per day, \$14,600 maximum. (applies to all but option 1 in the table below.)

b. Death Benefits of \$10,000 if death results within 90 days from the auto accident.

See attached selection form for the options available.

#### **B. Extended Medical Expense Benefits Coverage**

Your PIP coverage does not cover you and your family when injured while riding in or being struck by motor vehicles that are not "automobiles" under the No-Fault Act (for example, trucks, buses, motorcycles, taxicabs or any other commercial vehicles). For an additional premium, Extended Medical Expense benefits coverage provides for these situations.

All auto insurance companies must offer at least \$1,000 in Medical Expense Benefits coverage. Some companies offer an additional \$9,000, increasing coverage to \$10,000.

#### **C. Personal Injury Protection Coverage For Pedestrians**

Pedestrians injured by a motor vehicle other than an "automobile" are entitled to PIP benefits under the liability policy covering the vehicle which injured them.

#### **II. LIABILITY INSURANCE**

Required by the New Jersey Law, this coverage protects you against the claims of other persons as a result of your operation of a motor vehicle or from anyone else's operation of your car with your expressed permission.

Liability insurance provides both Bodily Injury and Property damage coverage.

New Jersey law requires that every owner of a car registered or principally located in New Jersey must have Bodily Injury Liability coverage of at least \$15,000 per person and \$30,000 per accident (if more than one person is injured).

The minimum amount of Property Damage Liability coverage required is \$5,000 per accident.

Higher limits for Bodily Injury and Property Damage Liability coverages are available at additional cost.

#### **III. RIGHT OF RECOVERY FOR NON-ECONOMIC LOSS – TORT LIMITATIONS OPTIONS**

Under the New Jersey "No-Fault" law, there are several guidelines (thresholds) for determining if an injured person has a right to make a legal claim for non-economic loss (pain, suffering and inconvenience) against another party responsible for the accident.

##### **Serious Injury Threshold**

If the auto injury results in death, permanent disability, permanent significant disfigurement, permanent loss of any bodily function or loss of a body part, the injured person has the right of recovery for non-economic loss.

##### **Medical Expense Threshold**

In order to determine when the right of recovery exists for injuries not described above, the named insured must choose one of the following two thresholds that apply to medical expenses (exclusive of hospital expenses, x-rays and other diagnostic medical expenses):

a. Under the first option, before you can recover, your expenses must exceed \$200 for a soft tissue injury suffered in the accident.

b. Under the second option, before you can recover, these expenses must exceed \$1,500 (amount is adjusted annually for inflation).

**IF YOU FAIL TO CHOOSE ONE OF THESE OPTIONS YOU ARE CONSIDERED BY LAW TO HAVE SELECTED THE \$200 THRESHOLD, AND YOU WILL BE CHARGED ACCORDINGLY.**

Which option should be choose?

This selection is a matter of your preference. If you are willing to give up your right to sue for less serious injuries in return for a lower premium, then the \$1,500 tort threshold, may be for you. **IF YOU DESIRE TO MAINTAIN YOUR CURRENT RIGHT TO SUE FOR LESS SERIOUS INJURIES AND ARE WILLING TO PAY A HIGHER PREMIUM TO DO SO, THE \$200 TORT THRESHOLD MAY BE FOR YOU. THE CHOICE YOU MAKE APPLIES TO YOU, YOUR SPOUSE AND ANY RESIDENT CHILD WHO IS NOT A NAMED INSURED UNDER THEIR OWN POLICY.** To avoid complications the same choice should be made under all policies you have. Check with your agent or company to determine the premium cost for each option.

IV. UNINSURED/UNDERINSURED MOTORIST COVERAGE

An uninsured vehicle is one for which no insurance is in effect. As required by state law, Uninsured Motorist coverage applies to bodily injury caused by an uninsured or hit-and-run driver. You, resident relatives and occupants of your auto are covered. Protection for damage to your auto caused by an uninsured motorist is provided on a deductible basis. This property damage coverage does not apply to damage caused by a hit-and-run driver. The lowest Uninsured Motorist coverage limit permitted for bodily injury is \$15,000 per person/ \$30,000 per accident. \$5,000 is the minimum available for property damage. Higher limits are available for additional premiums.

\$ 200  
 \$ 500  
 \$1,000  
 \$1,500  
 \$2,000

Coverage for losses caused by an underinsured motorist is also available upon payment of an additional premium.

An underinsured vehicle is one covered by liability insurance, but for an amount less than the Underinsured Motorist coverage you have purchased. Underinsured Motorist coverage pays only up to the dollar difference between your Underinsured Motorist coverage limits and the Liability coverage limit available from the negligent person's policy.

Some companies combine Uninsured and Underinsured Motorist protection into one coverage. Others sell each as a separate coverage. Limits for Underinsured Motorist coverage should be the same as those purchased for Uninsured Motorist coverage. Uninsured/Underinsured coverage limits, however, cannot be higher than the Liability limits in your policy.

TYPES OF AUTO INSURANCE NOT  
 REQUIRED BY LAW IN NEW JERSEY

A. Collision Coverage

Collision coverage pays for damage to your car that results from upset or collision with another car or object (pole, highway barrier, etc.). Your own insurance company pays for such damage, regardless of who is at fault for the accident.

Collision coverage is available only with a deductible (you pay the amount of loss up to the deductible and the company pays the rest). In most cases higher deductibles greatly reduce the cost of this coverage. The following collision deductibles are available:

\$ 100  
 \$ 150  
 \$ 250  
 \$ 500  
 \$1,000  
 \$1,500  
 \$2,000

You may further reduce your collision premium by agreeing also to pay 10 percent or 20 percent of the claim in excess of your deductible. This is called the co-insurance option.

B. Comprehensive Coverage

This coverage provides payment for damage to your car for other than collision damage.

Hazards covered under comprehensive include fire, theft, thrown or falling objects, earthquake, windstorm, hail, water, flood, malicious mischief, vandalism, riot, civil commotion, and contact with a bird or animal.

If your car is stolen, comprehensive coverage may provide a certain amount toward the cost of renting a car. This benefit will be paid until your company makes a settlement, or when your car is recovered (subject to the limits of your coverage).

Comprehensive coverage can be purchased in two ways: Full coverage when the insurance company pays for all of the damage. Deductible, where the company pays the balance after subtracting the deductible amount you must pay. The following comprehensive deductibles are available:

\$ 50  
 \$ 100  
 \$ 150

You may further reduce your comprehensive premium by also agreeing to pay 10 percent or 20 percent of the claim in excess of your deductible. This is called a co-insurance option.

BUYERS GUIDE

INTRODUCTION

In purchasing auto insurance, keep in mind that your auto insurance policy is a contract. It defines the rights and responsibilities of the two parties; you, the insured and the insurance company, the insurer. Your role as the insured is as important as that of your insurance company in obtaining the most suitable coverage for you.

Get to know what's in your policy while there is still time to change coverages and limits to suit your needs. Don't wait until you have a claim to learn what your policy covers – or doesn't cover.

Most companies require a written application for insurance. Take care in filling it out. Make sure you carefully read any application or coverage selection form before signing it. If there is anything you don't understand, ask questions.

Your driving record and the records of other members of your household are important information to the insurance company. Frequently, insurance companies obtain copies of driving records from the Division of Motor Vehicle to verify information given in applications.

The insurance identification card issued by your company must be carried in the vehicle at all times. If you are involved in an accident and do not have the card, you may be subject to a fine or loss of your license.

This booklet provides brief answers to some basic questions about automobile insurance policy coverages and options. It contains general information, and is **not** a legal document. Your policy is **THE** legal contract between you and your insurance company.

Read your policy carefully. If you have any questions, call your company, agent or broker. If you still need help, please write to the Division of Investigations and Complaints, New Jersey Department of Insurance, CN 325, Trenton, New Jersey 08625.

TYPES OF AUTO INSURANCE  
 REQUIRED BY LAW IN NEW JERSEY

New Jersey law requires that every person who owns a motor vehicle registered or principally located in New Jersey must have Personal Injury Protection Coverage, Automobile Liability Coverage, and Uninsured Motorist Coverage. The law does **not** require you to purchase Collision or Comprehensive Coverage.

The penalties for not having these required coverages range from fines and jail terms to loss of your driver's license.

I. NO-FAULT PROTECTION

The New Jersey Automobile Reparations Reform Act (The No-Fault Act) requires that one of the available forms of Personal Injury Protection (PIP) Coverage be included in all automobile policies.

A. Personal Injury Protection

The basic form of Personal Injury Protection coverage that is available provides the following:

1. Medical Expenses - Your insurance company will pay all reasonable expenses without limit, including most hospital costs, doctor bills, drugs and medical supplies.

2. Income Continuation - If a person covered by the policy is unable to work because of an automobile accident injury, your insurance company will pay for loss of wages up to \$100 per week

(\$5,200 maximum).

3. Essential Services - This benefit provides up to \$12 per day (\$4,380 maximum) to pay someone to perform essential services (housework, etc.) the injured person would have performed for his or her family.

4. Death/Funeral Benefits - If a covered person dies from the automobile accident injuries, the remaining benefits under item 2 or 3 above may be paid to the family or estate. Up to \$1,000 for funeral expenses will also be paid.

Several coverage options are available that either add to or reduce the benefits provided under the basic Personal Injury Protection coverage described above.

**B. Medical Expense Benefit**

Medical Expense Benefit coverage is required by law.

Income Continuation, Essential Services, Death/Funeral Benefit coverages are optional. Some options can be used together with other health care benefits to reduce your overall premium charge.

The available options are:

1. Coverage For Medical Expense Benefits Only.

This option eliminates all benefits except Medical Expense Benefits. By selecting it you will reduce your PIP premium charge. The premium is lower because the costs to the insurance company will be lower. You and your family will have no coverage for Income Continuation, Essential Services, Death Benefits and Funeral Expenses. The choice of this option leaves you and your family members with coverage only for medical expenses.

Is this option for you? If you and your family have no income or there is another source of income continuation, as well as adequate life insurance to protect the survivors and pay funeral expenses, you may want to consider this option.

Other possible sources of continued income include: an employer's income continuation plan, disability insurance, Social Security and worker's compensation insurance (job-related accidents only).

**CAUTION: BEFORE YOU SELECT THIS OPTION BECAUSE OF OTHER COVERAGE, YOU SHOULD CHECK TO BE SURE THAT THE OTHER SOURCE OF BENEFITS WILL COVER LOSSES FOR YOU AND YOUR FAMILY CAUSED BY AUTO ACCIDENTS.**

2. Medical Expense Benefit Deductibles.

The law permits you to select a deductible for the medical portion of your auto insurance coverage called personal injury protection coverage, commonly known as PIP. You can, under this law, select a deductible of \$500, \$1,000 or \$2,500. This option should be of interest to those persons who have other health insurance that will pay the deductible amount.

Is a PIP medical expense deductible the right choice for you? If you are willing to pay the amount of the deductible yourself, or if you have health insurance such as Blue Cross-Blue Shield, Medicare, or medical expense benefits from another source that covers you and your resident family members in auto accidents, you may wish to consider selecting a PIP deductible. Bear in mind health coverages may also contain deductibles.

If you select the \$500 deductible, it means that your auto insurance will not pay the first \$500 of any medical bills for you or any member of your immediate family which result from injuries suffered in an accident. Costs above that figure will continue to be met by your auto insurance carrier.

For example, if you and three family members are injured in an auto accident and you have selected a \$500 deductible, you will be responsible for up to the first \$500 in medical costs sustained by each person, or a maximum of \$2,000.

You are not required to select a deductible, of course, and you are free to continue to carry the identical coverage you now have.

Whether or not to choose a deductible should depend upon your ability to pay a portion of your medical costs, or whether your health

insurance carrier will meet the cost.

You should bear in mind that not all health insurance policies contain provisions for payments of a PIP medical expense deductible amount, so it is important that you examine your health policy or contact your health insurer or employer to determine your health policy's provisions.

**CAUTION: BEFORE YOU CHOOSE A PIP DEDUCTIBLE, YOU SHOULD FIND OUT IF AND TO WHAT EXTENT YOUR HEALTH CARE COVERAGE WILL PAY FOR MEDICAL EXPENSES FROM AUTO ACCIDENTS.**

3. Reimbursement To Insurance Company of PIP Medical Expenses Up To 20% of Pain, Suffering and Inconvenience Awards

Under this option your insurance company pays covered medical expenses. If the injured person (you or a family member) receives a settlement or an award for pain, suffering and inconvenience, the injured person must then pay back the automobile insurance company the amount it paid for PIP medical expenses.

The amount to be paid to the insurance company is the lower of:

a. The amount paid by the insurance company for medical expenses; or

b. 20% of the award for pain, suffering and inconvenience.

Is this option for you? Choosing this option lowers your PIP premium cost, and it does not lessen what you can recover under PIP coverage. It does, however, lessen the amount you keep out of any settlement or award for pain, suffering and inconvenience from the person legally liable for the accident.

4. Additional Income Continuation Benefits.

If you have purchased the entire basic PIP coverage, it provides continued income benefits of \$100 per week (\$5,200 maximum).

Additional coverage is available to increase both the weekly amount and the maximum amount up to \$700 per week (\$72,800 maximum). The increased benefits are limited to 75% of the insured's weekly net income. This additional wage loss protection can be purchased to apply to you and your spouse and to specifically named resident family members. The persons for whom additional continued income benefits are purchased are entitled to:

a. Increased Essential Services Benefits increased from \$12 per day; \$4,380 maximum to \$20 per day; \$14,600 maximum. (Applies to all but option 1 in the table below).

b. Death Benefits of \$10,000 if death results within 90 days from the auto accident.

The following increased benefits are available.

OPTION	INCOME CONTINUATION	
	TOTAL WEEKLY BENEFIT (Basic plus additional)	TOTAL MAXIMUM BENEFIT (Basic plus additional)
1	\$100	\$10,400
2	\$125	\$13,000
3	\$175	\$18,200
4	\$250	\$26,000
5	\$400	\$41,600
6	\$500	\$52,000
7	\$600	\$62,400
8	\$700	\$72,800

TOTAL DAILY BENEFIT (Basic plus additional)	ESSENTIAL SERVICES	
	TOTAL MAXIMUM BENEFIT (Basic plus additional)	TOTAL DEATH BENEFIT
\$12	\$ 8,760	\$10,000
\$20	\$14,600	\$10,000
\$20	\$14,600	\$10,000
\$20	\$14,600	\$10,000

\$20	\$14,600	\$10,000
\$20	\$14,600	\$10,000
\$20	\$14,600	\$10,000
\$20	\$14,600	\$10,000

Broader forms of this benefit are available upon request.

**C. Extended Medical Expense Benefits Coverage.**

Your PIP coverage does not cover you and your family when injured while riding in or being struck by motor vehicles that are not "automobiles" under the No-Fault Act (for example, trucks, buses, motorcycles, taxicabs or any other commercial vehicles). For an additional premium, Extended Medical Expense Benefits coverage provides for these situations.

All auto insurance companies must offer at least \$1,000 in Medical Expense Benefits coverage. Some companies do offer an additional \$9,000, increasing coverage to \$10,000.

**D. Personal Injury Protection Coverage For Pedestrians**

Pedestrians injured by a motor vehicle other than an "automobile" are entitled to PIP benefits under the liability policy covering the vehicle which injured them.

**II. LIABILITY INSURANCE**

Required by New Jersey law, this coverage protects you against the claims of other persons as a result of your operation of a motor vehicle or from anyone else's operation of your car with your expressed permission.

Claims may be made against a person for any degree of fault. Payment will be made only after your degree of fault is established. Claims may be settled between the injured party and your insurance company by arbitration or by the courts. At no time will your insurance company be liable for any damages above the amount of the dollar coverage limits stated on your policy declarations page.

Liability insurance provides both Bodily Injury and Property Damage coverage.

1. **BODILY INJURY** coverage protects you up to its dollar limits against a claim or court action for bodily injury to other people caused by an auto accident to the degree you are considered legally responsible.

New Jersey law requires that every owner of a car registered or principally garaged in New Jersey must maintain Bodily Injury Liability coverage of at least \$15,000 per person and \$30,000 per accident (if more than one person is injured).

2. **PROPERTY DAMAGE** coverage protects you up to its dollar limits for damage to property of others resulting from an auto accident to the degree you are considered legally responsible. Payment for damage to your own automobile is not provided under Property Damage Liability coverage.

The minimum amount of Property Damage Liability coverage required on all cars registered or principally garaged in New Jersey is \$5,000 per accident.

Higher limits for Bodily Injury and Property Damage Liability coverages are available for additional premium.

**III. RIGHT OF RECOVERY FOR NON-ECONOMIC LOSS - TORT LIMITATION OPTIONS**

Under the New Jersey "no-fault" law, there are several guidelines (thresholds) for determining if an injured person has a right to make a legal claim for non-economic loss (pain, suffering and inconvenience) against another party responsible for the accident.

**Serious Injury Threshold**

If the auto injury results in death, permanent disability, permanent significant disfigurement, permanent loss of any bodily function or loss of a body part, the injured person has the right of recovery for noneconomic loss.

**Medical Expense Threshold**

In order to determine when the right of recovery exists for injuries

not described above, the named insured must choose one of the following two thresholds that apply to medical expenses (exclusive of hospital expenses, x-rays and other diagnostic medical expenses):

a. Under the first option these expenses must exceed \$200 for a soft tissue injury suffered in the accident before the right of recovery exists.

b. Under the second option before you can recover, these expenses must exceed \$1,500. (Amount is adjusted annually to reflect inflation).

**IF YOU FAIL TO CHOOSE ONE OF THESE OPTIONS YOU ARE DEEMED BY LAW TO HAVE SELECTED THE \$200 THRESHOLD, AND YOU WILL BE CHARGED ACCORDINGLY.**

Which option should you choose?

This selection is a matter of your preference. If you are willing to give up your right to sue for less serious injuries in return for a lower premium, then the \$1,500 tort threshold, may be for you. IF YOU DESIRE TO MAINTAIN YOUR CURRENT RIGHT TO SUE FOR LESS SERIOUS INJURIES AND ARE WILLING TO PAY A HIGHER PREMIUM TO DO SO, THE \$200 TORT THRESHOLD, MAY BE FOR YOU. THE CHOICE YOU MAKE APPLIES TO YOU, YOUR SPOUSE AND ANY RESIDENT CHILD WHO IS NOT A NAMED INSURED UNDER THEIR OWN POLICY. The same choice should be made under all policies you have. Check with your agent or company to determine the premium cost for each option.

**IV. UNINSURED/UNDERINSURED MOTORIST COVERAGE**

An uninsured vehicle is one for which no insurance is in effect. As required by State law, Uninsured Motorist coverage applies to bodily injury caused by an uninsured or hit-and-run driver. You, resident relatives and occupants of your auto are covered. Protection for damage to your auto caused by an uninsured motorist is provided on a deductible basis. This property damage coverage does not apply to damage caused by a hit-and-run driver. The lowest Uninsured Motorist coverage limit permitted for bodily injury is \$15,000 per person/\$30,000 per accident. \$5,000 is the minimum available for property damage. Higher limits are available for an additional premium.

Coverage for losses caused by an underinsured motorist is also available upon payment of an additional premium.

An underinsured vehicle is one covered by liability insurance, but for an amount less than the Underinsured Motorist coverage you have purchased. Underinsured Motorist coverage pays only up to the dollar difference between your Underinsured Motorist coverage limits and the Liability coverage limit available from the negligent person's policy.

Some companies combine Uninsured and Underinsured Motorist protection into one coverage. Others sell each as a separate coverage. Limits for Underinsured Motorist coverage should be the same as those purchased for Uninsured Motorist coverage. Uninsured/Underinsured coverage limits, however, cannot be higher than the Liability limits in your policy.

**TYPES OF AUTO INSURANCE NOT REQUIRED BY LAW IN NEW JERSEY**

**A. COLLISION COVERAGE**

Collision coverage pays for damage to your car that results from upset or collision with another car or object (hole, highway barrier, etc.). Your own insurance company pays for such damage, regardless of who is at fault for the accident.

Collision coverage is available only with a deductible (you pay the amount of loss up to the deductible and the company pays the rest). In most cases, higher deductibles greatly reduce the cost of this coverage. The following collision deductibles are available:

\$ 100.00

## INSURANCE

\$ 150.00  
\$ 250.00  
\$ 500.00  
\$1,000.00  
\$1,500.00  
\$2,000.00

You may further reduce your collision premium by agreeing also to pay 10% or 20% of the claim in excess of your deductible. This is called the co-insurance option.

### B. COMPREHENSIVE COVERAGE

This coverage provides payment for damage to your car for **other** than collision damage.

Hazards covered under comprehensive include fire, theft, missiles, falling objects, earthquake, windstorm, hail, water, flood, malicious mischief, vandalism, riot, civil commotion, and contact with a bird or animal.

If your car is stolen, comprehensive coverage may provide a certain amount towards the cost of renting a car. This benefit will be paid until your company makes a settlement, or when your car is recovered (subject to the limits of your coverage).

Comprehensive coverage can be purchased in two ways: Full coverage when the insurance company pays for all of the damage. Deductible, where the company pays the balance after subtracting the deductible amount you must pay. The following comprehensive deductibles are available:

\$ 50.00  
\$ 100.00  
\$ 150.00  
\$ 250.00  
\$ 500.00  
\$1,000.00  
\$1,500.00  
\$2,000.00

You may further reduce your comprehensive premium by agreeing also to pay 10% or 20% of the claim in excess of your deductible. This is called a co-insurance option.

### C. TOWING AND EMERGENCY ROAD SERVICE

This coverage is generally offered as an optional coverage. Basically, it will pay you up to a specified amount (usually \$25) for towing if your car breaks down, and for certain emergency repairs to put your car into running condition. Only repairs done at the scene of the breakdown are covered. Any work done at a garage is not covered.

Some insurance companies also offer this coverage as part of a "club" or "membership" plan. These plans generally offer more than towing and road service, but they cost much more to buy. We suggest that you read the club or membership contract very carefully or have it explained fully by your agent before you buy it. Only then can you decide whether this coverage is worth the additional cost.

### THE COST OF AUTO INSURANCE

To determine the **premium** (the price) for your auto insurance, companies, as a minimum, consider the following factors:

Where you live - For example, cities have more cars - and more accidents - than rural areas, so residents pay more.

What kind of car you drive - The more expensive the car, the more it costs to fix or replace - and to insure.

How your car is used - For example, business driving exposes you to more chance of an accident than pleasure driving, so you'd pay more.

Who drives your car - Drivers causing motor vehicle accidents are statistically more likely to have future accidents, so they pay more.

Coverages, limits and deductibles - The more coverages, the higher the limits, and the lower the deductibles, the more your insurance will cost.

If there are changes in any of these factors - for example, if you

## MISCELLANEOUS NOTICES

move, if you join a carpool, or if a young driver goes away to school - notify your insurance company **immediately**. It may save you money.

### TIPS ON SAVING MONEY AND AVOIDING PROBLEMS

Since your driving record affects your premium, the most important thing you can do to save money is **DRIVE SAFELY**.

Take the highest deductibles you can afford. Your agent or company can explain the deductibles and savings available.

Teenage drivers in the family may be eligible for a discount after they pass an approved drivers' ed course or maintain a certain grade point average in school.

When you buy a car, consider the cost of insurance. Generally, the more expensive the car, the more it will cost to insure.

Don't buy insurance that you don't need.

If you have more than one car, insuring all of them with the same company may qualify you for a discount on each car.

Discuss available payment options with your agent or company. It will help you spread out the cost of insurance.

Contact your agent or company before you drive outside the USA. Canada requires special coverage and insurance ID cards, and most auto policies exclude coverage while driving in Mexico. Mexican auto insurance can usually be obtained at the border.

Pay your premium promptly. Your policy can be cancelled if your payment is even one day late.

### FILING A CLAIM

Notify your company or agent **immediately** if you are in an accident or if your car is damaged or stolen. Make sure to carry the phone number of your agent or your company's claims office with you at all times so you will have it when you need it.

Your insurance company must inspect the car and offer you a settlement within a reasonable period of time. The company must also inform you of all estimates of damage to your car which it has made, all deductions based on the condition of your car, and the deductible it plans to make from the settlement figure. If your company required you to provide more than one repair estimate, it must pay the reasonable cost of all additional estimates. And if the car is stolen, your company must inform you whether or not your policy includes coverage to pay for a rental car, and if so, for how long.

If you are dissatisfied with the way your claim is being handled, call or write the president of your company (his or her name is usually on the policy). If you are still dissatisfied, you can write to the Division of Investigation and Complaints, New Jersey Insurance Department, CN 325, Trenton, NJ 08625.

### NEW JERSEY AUTOMOBILE FULL INSURANCE UNDERWRITING ASSOCIATION

By law in New Jersey you must have liability, personal injury protection, and uninsured motorist coverages if you own a car. If you have been unable to obtain coverage from insurance companies of your choice, you can still get coverage through the New Jersey Automobile Full Insurance Underwriting Association.

Most auto insurance agents in New Jersey can place your business with their "servicing carrier." These "servicing carriers" are regular New Jersey auto insurance companies who, in addition to their regular business, issue and service policies and handle claims on behalf of the Underwriting Association. The prices for auto insurance from the Association are the same as those charged by most auto insurance companies in the State.

### NEW JERSEY AUTOMOBILE INSURANCE FREEDOM OF CHOICE AND COST CONTAINMENT ACT

COVERAGE SELECTION FORM

Under New Jersey's No-Fault Law effective July 1, 1984, you are entitled to select coverage options that affect both the benefits and the cost of your automobile insurance. WARNING: THE CHOICE YOU MAKE ON THIS FORM MAY AFFECT THE AMOUNT OF YOUR COVERAGE AND CAUSE YOU TO INCUR ADDITIONAL EXPENSE IN THE EVENT OF AN ACCIDENT OR A LOSS. THE BUYER'S GUIDE/WRITTEN NOTICE WHICH ACCOMPANIES THIS FORM DESCRIBES THE AUTO COVERAGES AND OPTIONS AVAILABLE. PLEASE READ THE BUYER'S GUIDE BEFORE COMPLETING AND SIGNING THIS FORM. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT YOUR AGENT/BROKER/COMPANY.

COST-SAVING OPTIONS

TORT LIMITATION OPTION

Under New Jersey law, you are required to select a tort limitation option (threshold) of either \$200 or \$1,500. The option you select on this form affects both your right to sue for pain, suffering and inconvenience and the cost of your automobile insurance.

WARNING: THE TORT LIMITATION OPTION YOU CHOOSE WILL APPLY TO YOU, YOUR SPOUSE AND YOUR CHILDREN WHO LIVE WITH YOU.

I select the following tort limitation option (threshold). It applies to me, my spouse and my children who live with me.

YOU MUST CHECK THE BOX NEXT TO SELECTION 1 or 2

- 1. \$200 Threshold (no premium reduction)
2. \$1,500 Threshold (---% bodily injury liability premium reduction)

YOU MUST MAKE THIS SELECTION PRIOR TO JULY 1, 1984.

PHYSICAL DAMAGE COVERAGE DEDUCTIBLES AND COINSURANCE OPTIONS. I can choose DEDUCTIBLES for my COLLISION and/or COMPREHENSIVE coverages ranging up to \$2,000.

Contact your agent/broker/company for information about the savings and help in choosing these deductibles and coinsurance options.

Most cars are currently insured with a \$200 collision deductible and/or a \$100 comprehensive deductible. You can save additional premium dollars by increasing your collision and/or comprehensive deductible and additionally by selecting a co-insurance option of 10% or 20%. Depending on the deductible and co-insurance option you select and your car, premium savings could be from ---% to ---%. PLEASE READ THE BUYER'S GUIDE/WRITTEN NOTICE for an explanation of the co-insurance option.

PERSONAL INJURY PROTECTION OPTIONS PIP INSURANCE COMPANY REIMBURSEMENT OPTION. I can choose to REIMBURSE my INSURANCE COMPANY out of any pain, suffering and inconvenience award or settlement I receive for the PIP MEDICAL BENEFITS IT PAYS. Reimbursement is limited to 20% of such awards or settlement. My selection applies to me and family members living with me.

YOU MUST SELECT 1 OR 2

- 1. No PIP insurance company reimbursement (No PIP premium

- reduction)
2. PIP insurance company reimbursement (with \$1,500 threshold ---% PIP premium reduction; with \$200 threshold ---% PIP premium reduction)

PIP MEDICAL EXPENSE ONLY OPTION. I can choose either all basic PIP benefits (medical expense benefits, income continuation benefits, essential services benefits, death benefits, funeral expense benefits) or PIP coverage for MEDICAL EXPENSES ONLY. My selection applies to me and family members living with me.

YOU MUST SELECT 1 OR 2

- 1. All Basic PIP Benefits (no premium reduction)
2. PIP Medical Expense Benefits Only (---% PIP premium reduction)

PIP MEDICAL EXPENSE BENEFIT DEDUCTIBLES. I choose a PIP medical expense benefit coverage DEDUCTIBLE of \$500, \$1,000 or \$2,500. My selection applies to me and family members living with me.

YOU MUST SELECT 1, 2, 3, OR 4

- 1. No Deductible (No PIP premium reduction)
2. \$500 Deductible (---% PIP premium reduction)
3. \$1,000 Deductible (---% PIP premium reduction)
4. \$2,500 Deductible (---% PIP premium reduction)

WARNING: BEFORE YOU ELECT A PIP DEDUCTIBLE, YOU SHOULD FIND OUT IF AND TO WHAT EXTENT YOUR HEALTH CARE COVERAGE WILL PAY FOR MEDICAL EXPENSES FROM AUTO ACCIDENTS.

ADDITIONAL COVERAGE OPTIONS

ADDITIONAL PIP COVERAGE. If I have selected all basic PIP benefits, for an extra premium, I can choose to purchase ADDITIONAL PIP benefits for myself and spouse. For an extra premium, I also can choose to purchase ADDITIONAL PIP benefits for other family members living with me whose names I list. Please refer to the Buyer's Guide/Written Notice for a description of the available options.

YOU MUST SELECT 1, 2, or 3

- 1. No additional PIP
2. I want Option --- specified in the Buyer's Guide/Written Notice for myself and spouse
3. I want Option --- specified in the Buyer's Guide/Written Notice for myself, spouse, and the other members of my family living with me whose names I list below:

PLEASE NOTE: Broader forms of this benefit are available upon request. Contact your agent/broker/company about this coverage.

HIGHER LIMIT BODILY INJURY/PROPERTY DAMAGE LIABILITY OPTIONS. I can choose to purchase HIGHER LIMITS of LIABILITY coverage than the minimum required by law. Please refer to the Buyer's Guide/Written Notice for a description of the available options.

Contact your agent/broker/company for information about the higher limits available and cost.

UNINSURED/UNDERINSURED MOTORIST COVERAGE OPTIONS. I can choose to purchase higher limits of

UNINSURED/UNDERINSURED motorist coverage than required by law, but only up to the limit I have selected for liability coverage.

Contact your agent/broker/company for information about the higher limits available and cost.

I HAVE READ THE BUYER'S GUIDE/Written NOTICE OUTLINING THE COVERAGE OPTIONS AVAILABLE TO ME. MY CHOICES FOR THE TORT LIMITATION AND PIP OPTIONS ARE SHOWN ABOVE. I AGREE THAT EACH OF THESE CHOICES WILL APPLY TO MY POLICY AND TO EACH SUBSEQUENT RENEWAL, CONTINUATION, REPLACEMENT OR AMENDMENT UNTIL THE INSURANCE COMPANY OR ITS AUTHORIZED REPRESENTATIVE RECEIVES MY WRITTEN REQUEST THAT A CHANGE BE MADE.

Signature of Named Insured: \_\_\_\_\_
Application/Policy Number: \_\_\_\_\_
Date: \_\_\_\_\_

LAW AND PUBLIC SAFETY

(a)

MEDICAL EXAMINERS

DIVISION OF CONSUMER AFFAIRS

Petition for Rulemaking
Termination of Pregnancy

N.J.A.C. 13:35-4.2

Petitioner: Metropolitan Medical Associates.
Authority: N.J.S.A. 52:14B-4(f) and N.J.A.C. 1:30-3.6.

TAKE NOTICE that on December 5, 1983 Metropolitan Medical Associates, Inc. petitioned the State Board of Medical Examiners to amend the rule limiting termination of pregnancy done in a licensed health care facility by the dilatation and evacuation procedure to pregnancies not exceeding the gestation state set forth in the present rule, by lengthening the period during which such procedures could be performed.

TAKE FURTHER NOTICE that the Board of Medical Examiners, in accordance with N.J.S.A. 52:14B-4(f), has determined to act on this petition by referring the matter to a study committee of the Board which will report to the Board with recommendations for consideration of the petition.

For further information concerning this petition for rulemaking, you may contact:

Edwin H. Albano, M.D., President
Board of Medical Examiners
28 West State Street
Trenton, NJ 08608

This is a notice of petition for a rule filed pursuant to N.J.S.A. 52:14B-4(f) as implemented by N.J.A.C. 1:30-3.6.

(b)

DIVISION OF CONSUMER AFFAIRS

Board of Pharmacy
Creation of Third Class of Drugs In New Jersey

Public Hearing

Take Notice that the Board of Pharmacy will hold a public hearing regarding the possible creation of a third class of drugs in New Jersey on March 21, 1984 at 9:00 A.M. at the Office of Administrative Law, 185 Washington Street, Newark, New Jersey, Hearing Room 1.

Presently there is no intermediate category of drugs. Drugs transferred by the Food and Drug Administration (FDA) from the prescription legend category are routinely dispensed over-the-counter (OTC). Comments will be accepted on the advisability of limiting certain drugs now classified as OTC to dispensation only by registered pharmacists. In the future the Federal Drug Administration might permit some legend drugs to be included in this category.

Interested persons are invited to provide testimony and any other information relevant to the topic. Anyone wishing to testify should notify:

Robert Terranova
Executive Secretary
Board of Pharmacy
1100 Raymond Boulevard
Newark, New Jersey 07102
Telephone No.: (201)648-2433

TREASURY-GENERAL

(c)

DIVISION OF BUILDING AND CONSTRUCTION

Architect/Engineer Selection

Notice of Assignments

The following assignments have been made:

Table with 4 columns: DBC No., PROJECT, A/E, CCE. Rows include M903 (Condensate Heat Recovery System), P427 (Roof Repair/Replacement Ferber House), and M542 (Fire Alarm System).

**MISCELLANEOUS NOTICES**

**OTHER AGENCIES**

	Improvements Woodbridge De- velopmental Center Woodbridge, NJ	Assoc.	
M543	Asbestos Insulation Removal & Replace- ment, Edison Habilita- tion Center, Edison, NJ	Leslie M. Dennis & Son	\$40,000
C231	Sewer Main Replacement Jones Farm Pumping Station, W. Trenton, NJ	Robert C. Bogart & Assoc.	\$80,000
C232	Electrical System Study, Youth Reception & Correction- Center-Yardville, Youth Correctional Institution-Bordentown	H. V. Weeks, Inc.	\$ 1,000 Study
H697	Potable Water Tank Repairs, Stockton State College Pomona, NJ	Vinokur-Pace Engineering Services, Inc.	\$35,000
H702	Study-Greenhouse, G Bldg., Ramapo College of NJ Mahwah, NJ	Goldberg-Koepel, PA	\$11,000
H710	Modifications for Handicapped Access, Memorial Hall, Montclair State College, Upper Montclair, NJ	Martin B. Dassa, AIA	\$20,000
E129	New Dust Control System-Vocational Wood Shop, Marie Katzenbach School for the Deaf, W. Trenton, NJ	M. Benton & Assoc.	\$25,000
E131	Study of Water Distribution System for Fire Protection, Marie Katzenbach School for the Deaf, W. Trenton, NJ	Thomas Tyler Moore Associates, Inc.	\$ 2,500 Study
E112-01	Renovations of Electrical System Marie H. Katzenbach for the Deaf, W. Trenton, NJ	Kallen & Lemelson, Inc.	\$80,000
H695-01	Architectural & Structural Renova- tions, Little Theatre, College Center Bldg., Kean College, Union, NJ	Kruger, Kruger & Albenberg	\$135,000
P420	Restoration of Train Sheds Liberty State Park, Jersey	Becker, Bendixen Murphy & Herbst	\$1,730,000

	City, NJ		
		Competitive Proposals	
		Becker, Bendixen, Murphy & Herbst	5.88%
		Geddes-Breacher-Qualls-Cunningham	8.30%
		Philips-Kaufman & Associates	13.75%
M532	New Air Condition- ing Systems, Ten Cottages, Marlboro Psychiatric Hospital, Marlboro, NJ	M. Benton & Assoc.	\$2,000,000
		Competitive Proposals	
		M. Benton & Associates	4.32%
		Wagner Associates, Inc.	7.65%
		O'Connor & Jeffries, Eng.	7.90%
A457	Energy Audits- Various Locations Department of Transportation	Wagner Assoc., Inc.	\$ 27,694 Services
		Competitive Proposals	
		Wagner Associates, Inc.	\$27,694 Lump Sum
		Kellen & Lemelson, Eng.	\$44,908 Lump Sum
		O'Connor & Jeffries, Eng.	\$64,730 Lump Sum

**OTHER AGENCIES**

(a)

**ELECTION LAW ENFORCEMENT  
COMMISSION**

**1983 Annual Financial Report of Lobbying  
Activity**

**Notice of Filing Deadline**

Please take notice that N.J.A.C. 19:25-8.4 provides, in pertinent part, that:

Any lobbyist or legislative agent who or which receives receipts of more than \$2,500 or makes expenditures of more than \$2,500 in any calendar year for the purpose of direct, express and intentional communication with legislators or the Governor or his staff, undertaken for the specific purpose of affecting legislation shall file with the Commission . . . an annual report of receipts and expenditures . . .

The annual financial report of lobbying activity for calendar year 1983 is required to be filed with the Election Law Enforcement Commission no later than February 15, 1984.

For 1983, the reporting form, L-1, includes minor format revisions. In addition, the instructions which accompany the form have also been revised in an effort to clarify the reporting requirements and frequently used terms. Copies of the reporting forms and instructions can be obtained by contacting the Commission office. The previous version of Form L-1, dated January 1982, may still be used, although the revised version should be easier to complete.

The staff of the Commission is available to provide technical assistance with regard to the filing of the 1983 Annual Report. The staff provides technical assistance either in person, in writing or by

## **INSURANCE**

## **MISCELLANEOUS NOTICES**

telephone. In general, please direct your inquiries to Juana M. Schultz, Director of Compliance and Review or Leslie G. London, Election Finance Analyst, at the Commission's office.

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# INDEX OF ADOPTED RULES

The *Index of Adopted Rules* contains rules which have been promulgated subsequent to the most recent update of the New Jersey Administrative Code. **Rules which are being promulgated in this Register, and which appear in the Table of Rules in this issue, do not appear in this index. These rules will appear in next month's Index of Adopted Rules.**

The rules in this index are listed in order of their N.J.A.C. citations. Accompanying the N.J.A.C. citation for each rule is a brief description of the rule's content, the Register citation for its proposal notice, its Office of Administrative Law (OAL) document citation (which should be used if ordering a copy of the rule from OAL), and the Register citation for its adoption. At the bottom of the listing for each Title is the date of the most recent Code update for that Title.

The *Index of Adopted Rules* appears in the first Register of each month, complementing the *Index of Proposed Rules* which appears in the second Register of each month. Together, these indices make

available to a Code and Register subscriber all legally effective rules, and enable the subscriber to keep track of all State agency rulemaking activities from the initial proposal through final promulgation.

For any rule not yet published in a Code update, the full text of the proposal notice as published in the Register, plus the full text of any changes published with the adoption notice in the Register, constitute an official copy of the promulgated rule. If the full text of either the proposed rule or any changes does not appear in the Register, it is available for a fee from:

Administrative Filings  
CN 301  
Trenton, New Jersey 08625

**To be certain that you have a copy of each proposed rule which may have been adopted but which does not yet appear in the most recent Code update, you should retain each Register beginning with December 6, 1979.**

## HOW TO USE THE TABLE OF CITATIONS

Generally, the key to locating a particular adopted rule is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule you are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research.

The N.J.A.C. citation itself indicates the extent of the changes to a rule. Every citation includes, at a minimum, the numerical designation of the title and chapter (1:30), and may include subchapter and section designations (1:30-1.1). In general, the less specific the citation, the more extensive the rule change. For example, 1:30 means that much or all of chapter 30 of title 1 has been modified; 1:30-1 means that several sections of subchapter 1 of 1:30 have been revised; and 1:30-1.1 means that only section 1 of 1:30-1 has been changed.

An N.J.A.C. citation that includes several section numbers (1:30-1.1, 1.3, 1.4) or several different subchapter and section numbers (1:30-1.1, 2.1, 4.3) means that similar or related changes have been made to those provisions. Additionally, a citation may designate an entirely new rule rather than an amended one.

In general, each rule is listed separately and chronologically. However, where an adoption notice contained several related rule adoptions or amendments within a single chapter, all of those changes may be under a single entry. Therefore, to be certain that you have found all of the changes to a given rule, be sure to scan the citations above and below that rule to find any entries which might contain related rule adoptions, including the one you are researching.

### N.J.A.C. CITATION

#### ADMINISTRATIVE LAW—TITLE 1

1:1-2.2	Contested cases and OAL jurisdiction
1:1-3.2	Placement of case on inactive list
1:1-3.3	Pre-hearing conferences and tape-recording
1:1-3.11	Succession of parties in contested cases
1:1-9.1, 9.2, 9.6, 9.7	Interlocutory review and emergency relief
1:1-9.7	Interlocutory review
1:1-10.1	Pre-hearing conferences by telephone
1:1-12.4	Notice of opportunity to intervene or participate
1:1-13.2, 13.3, 14.5	Interlocutory review and emergency relief
1:1-14.1	Consolidation of cases
1:1-16.5	Substantiation of final decisions
1:1-16.5	Final decisions; orders of remand
1:2-2	Conference hearings and Civil Service cases
1:2-3	"Hearings on the papers" and MV cases
1:2-3.1	Correction: MV cases and "hearings on the papers"
1:6A	Special Education Program hearing rules
1:6A-2.2, 4.2, 5.5	Special Education Program hearing rules
1:6A-3.3, 4.4, 4.5	Special Education Program hearing rules
1:6A-5.3	Special Education Program: appeals of ALJ decisions
1:20	Representation fee hearings before PERC Appeal Board
1:30	Agency rulemaking
1:30-2.7	Correction: Agency rulemaking
1:30-3.7	Correction: Agency rulemaking
1:31	Organization of OAL
15:15-8.1, 8.2	Repeal rules on Register and Code

(Title 1, Transmittal 2 dated June 21, 1982)

### PROPOSAL NOTICE DOCUMENT (N.J.R. CITATION) CITATION

PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
14 N.J.R. 486(a)	R.1982 d.467	15 N.J.R. 23(a)
15 N.J.R. 1399(a)	R.1983 d.515	15 N.J.R. 1939(a)
14 N.J.R. 606(a)	R.1982 d.297	14 N.J.R. 975(a)
14 N.J.R. 606(b)	R.1982 d.295	14 N.J.R. 975(b)
14 N.J.R. 1182(a)	R.1982 d.472	15 N.J.R. 25(a)
15 N.J.R. 1399(b)	R.1983 d.517	15 N.J.R. 1939(b)
15 N.J.R. 582(a)	R.1983 d.268	15 N.J.R. 1093(a)
15 N.J.R. 1400(a)	R.1983 d.516	15 N.J.R. 1939(c)
14 N.J.R. 1182(a)	R.1982 d.472	15 N.J.R. 25(a)
14 N.J.R. 674(b)	R.1982 d.296	14 N.J.R. 975(c)
14 N.J.R. 608(a)	R.1982 d.292	14 N.J.R. 975(d)
15 N.J.R. 1400(b)	R.1983 d.550	15 N.J.R. 2032(a)
15 N.J.R. 66(a)	R.1983 d.87	15 N.J.R. 435(a)
15 N.J.R. 68(a)	R.1983 d.86	15 N.J.R. 436(a)
15 N.J.R. 68(a)	R.1983 d.86	15 N.J.R. 1243(a)
14 N.J.R. 930(a)	R.1982 d.462	15 N.J.R. 25(b)
15 N.J.R. 2(a)	R.1983 d.88	15 N.J.R. 437(a)
15 N.J.R. 451(a)	R.1983 d.253	15 N.J.R. 1015(a)
15 N.J.R. 978(a)	R.1983 d.358	15 N.J.R. 1467(a)
14 N.J.R. 862(a)	R.1983 d.305	15 N.J.R. 1243(b)
14 N.J.R. 780(a)	R.1982 d.466	15 N.J.R. 29(a)
14 N.J.R. 780(a)	R.1982 d.466	15 N.J.R. 543(a)
14 N.J.R. 780(a)	R.1982 d.466	15 N.J.R. 101(a)
Organizational	R.1982 d.291	14 N.J.R. 976(a)
14 N.J.R. 366(a)	R.1982 d.339	14 N.J.R. 1163(b)

**AGRICULTURE—TITLE 2**

2:1-2	Readopted: Department organizational rules	15 N.J.R. 1538(a)	R. 1983 d. 528	15 N.J.R. 1939(d)
2:2-1	Animal Health: readopted Reportable Diseases	15 N.J.R. 1202(a)	R. 1983 d. 448	15 N.J.R. 1753(a)
2:2-2	Readopted: Brucellosis Control and Eradication	15 N.J.R. 1203(a)	R. 1983 d. 411	15 N.J.R. 1647(a)
2:2-2.1, 2.6, 2.10, 2.13, 2.14, 2.15, 2.17, 2.18	Swine brucellosis control	14 N.J.R. 487(b)	R. 1982 d. 237	14 N.J.R. 833(a)
2:2-2.3	Calfhood brucellosis vaccination	14 N.J.R. 487(a)	R. 1982 d. 234	14 N.J.R. 833(b)
2:2-2.19	Brucellosis testing for intrastate movement	14 N.J.R. 865(a)	R. 1982 d. 360	14 N.J.R. 1154(a)
2:2-3	Animal Health: readopted Tuberculosis Control and Eradication	15 N.J.R. 1203(b)	R. 1983 d. 449	15 N.J.R. 1753(b)
2:2-4	Readopted: Swine Disease Control	15 N.J.R. 1204(a)	R. 1983 d. 450	15 N.J.R. 1753(c)
2:2-10	Repealed: Duplicate poultry and turkey rules	15 N.J.R. 1204(b)	R. 1983 d. 451	15 N.J.R. 1753(d)
2:3-1	Readopted: Livestock and Poultry Importations	15 N.J.R. 1205(a)	R. 1983 d. 452	15 N.J.R. 1754(a)
2:3-1.8	Livestock: prior import permits	15 N.J.R. 1290(a)	R. 1983 d. 455	15 N.J.R. 1754(b)
2:3-3.7	Swine brucellosis control	14 N.J.R. 487(b)	R. 1982 d. 237	14 N.J.R. 833(a)
2:3-4	Correction: Livestock for Immediate Slaughter			15 N.J.R. 1876(a)
2:3-6.2	Goats for exhibition: Disease testing	14 N.J.R. 489(a)	R. 1982 d. 235	14 N.J.R. 833(c)
2:5-3	Poultry quarantine and embargos	Emergency	R. 1983 d. 572	15 N.J.R. 2048(a)
2:5-4	Area quarantine for avian influenza	Emergency	R. 1983 d. 585	15 N.J.R. 2176(a)
2:6	Readopted: Biological Products for Diagnostic and Therapeutic Purposes	15 N.J.R. 1205(b)	R. 1983 d. 453	15 N.J.R. 1754(c)
2:7	Readopted: Poultry and Turkey Improvement Plans	15 N.J.R. 1206(a)	R. 1983 d. 454	15 N.J.R. 1754(d)
2:23	Voluntary Gypsy-Moth Suppression Program	15 N.J.R. 370(a)	R. 1983 d. 267	15 N.J.R. 1093(b)
2:32-2	Sire Stakes Program	15 N.J.R. 69(a)	R. 1983 d. 84	15 N.J.R. 439(a)
2:50-1.1	Dairy farmers and relief from notice of intent	14 N.J.R. 489(b)	R. 1982 d. 238	14 N.J.R. 833(d)
2:68-1	Commercial feeding stuffs: Association standards	15 N.J.R. 583(a)	R. 1983 d. 325	15 N.J.R. 1372(a)
2:69	Readopted: Commercial Fertilizers and Soil Conditioners	15 N.J.R. 1206(b)	R. 1983 d. 412	15 N.J.R. 1647(b)
2:69-1.11	Commercial values of fertilizers	14 N.J.R. 402(a)	R. 1982 d. 236	14 N.J.R. 833(e)
2:71-1	Readopted: Quality of Individual Shell Eggs	15 N.J.R. 1050(a)	R. 1983 d. 394	15 N.J.R. 1574(a)
2:71-2	Readopted: Grades of Fruits and Vegetables	15 N.J.R. 1051(a)	R. 1983 d. 395	15 N.J.R. 1574(b)
2:71-2.28	Fruits and vegetables: rates for inspection services	15 N.J.R. 462(a)	R. 1983 d. 312	15 N.J.R. 1245(a)
2:72-1.1	Readopted: Bonding Requirement of Commission Merchants, Dealers, Brokers, Agents	15 N.J.R. 1051(b)	R. 1983 d. 396	15 N.J.R. 1574(c)
2:73-2	Readopted: State Seal of Quality for eggs	15 N.J.R. 584(a)	R. 1983 d. 313	15 N.J.R. 1245(b)
2:74-1	Readopted: Controlled Atmosphere Storage for Apples	15 N.J.R. 1052(a)	R. 1983 d. 397	15 N.J.R. 1574(d)
2:85-1	Repealed: Agricultural Preserve Demonstration Program	15 N.J.R. 371(a)	R. 1983 d. 169	15 N.J.R. 889(a)

**(Title 2, Transmittal 19 dated June 21, 1982)**

**BANKING—TITLE 3**

3:1-2.22, 2.23	Criteria for branch approval	15 N.J.R. 1706(a)	R. 1983 d. 573	15 N.J.R. 2032(b)
3:1-9	Readopted: Home Mortgage Disclosure rules	15 N.J.R. 1146(a)	R. 1983 d. 379	15 N.J.R. 1575(a)
3:1-9.4-9.21	Home mortgage disclosure	15 N.J.R. 4(a)	R. 1983 d. 85	15 N.J.R. 439(b)
3:1-10.1	Real property transactions: Executive officer defined	14 N.J.R. 490(a)	R. 1982 d. 242	14 N.J.R. 834(a)
3:1-11	“Executive officer” and affiliated persons	14 N.J.R. 490(b)	R. 1982 d. 243	14 N.J.R. 834(b)
3:1-13.1	Insurance tie-in prohibition	15 N.J.R. 820(a)	R. 1983 d. 566	15 N.J.R. 2033(a)
3:1-13.1	Insurance tie-in prohibition: hearing officer’s report	15 N.J.R. 1207(a)	R. 1983 d. 566	15 N.J.R. 2049(a)
3:1-14	Revolving Credit Equity Loans	15 N.J.R. 1147(a)	R. 1983 d. 378	15 N.J.R. 1575(b)
3:2-2	Repealed: Plain language review of contracts	14 N.J.R. 454(a)	R. 1982 d. 213	14 N.J.R. 755(a)
3:6-3	Standardization of executive officer classification	14 N.J.R. 491(a)	R. 1982 d. 244	14 N.J.R. 834(c)
3:6-3.2, 3.3	Limitations on loans to bank executive officers	15 N.J.R. 1786(a)	R. 1983 d. 606	16 N.J.R. 45(a)
3:6-7.1-7.8	Mutual savings banks: Investment restatement accounting	14 N.J.R. 676(a)	R. 1982 d. 307	14 N.J.R. 988(a)
3:6-13	Automated teller machines	15 N.J.R. 190(a)	R. 1983 d. 286	15 N.J.R. 1179(a)
3:6-14	Foreign banks: Biennial certification fee	15 N.J.R. 6(a)	R. 1983 d. 42	15 N.J.R. 330(a)
3:7-4	Readopted: Notice of Maturity on Long Term Time Deposits	15 N.J.R. 1053(a)	R. 1983 d. 363	15 N.J.R. 1467(b)
3:7-5, 5.1-5.5	Statement of interest: Officers defined	14 N.J.R. 492(a)	R. 1982 d. 245	14 N.J.R. 834(d)
3:11-1.1	Readopted: Approval of banks to exceed 10% limitation on investments	15 N.J.R. 658(b)	R. 1983 d. 264	15 N.J.R. 1094(a)
3:11-2.1	Commercial bank lending: Approved subsidiaries	15 N.J.R. 110(a)	R. 1983 d. 108	15 N.J.R. 622(a)
3:11-7.2, 7.8, 7.9	Expanded lending limitations	15 N.J.R. 192(a)	R. 1983 d. 133	15 N.J.R. 688(a)
3:11-7.7	Time deposit balances and 10 percent limitation	14 N.J.R. 608(b)	R. 1982 d. 263	14 N.J.R. 909(a)
3:17-7.1, 7.3	Small loan lenders and second mortgage purchases	15 N.J.R. 111(a)	R. 1983 d. 120	15 N.J.R. 622(b)
3:23-2.1	License fees for credit sales and loan businesses	15 N.J.R. 463(a)	R. 1983 d. 183	15 N.J.R. 889(b)
3:26-3.1	Readopted: Action upon Detection of Crime	15 N.J.R. 372(a)	R. 1983 d. 184	15 N.J.R. 889(c)
3:28-5.1-5.7	Mutual savings and loan: Investment restatement accounting	14 N.J.R. 678(a)	R. 1982 d. 306	14 N.J.R. 989(a)

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3:30-1.3, 1.4	Maturity notice on fixed-term and variable savings accounts	15 N.J.R. 1207(b)	R. 1983 d.459	15 N.J.R. 1754(e)
3:38-1	Licensing of mortgage bankers and brokers	14 N.J.R. 571(a)	R. 1982 d.302	14 N.J.R. 977(a)
3:38-2, 3, 4, 5, 6	Mortgage bankers and brokers: Rules of operation (Title 3, Transmittal 18 dated June 21, 1982)	14 N.J.R. 493(a)	R. 1982 d.303	14 N.J.R. 977(b)
<b>CIVIL SERVICE--TITLE 4</b>				
4:1-2.1	"Base salary" defined	14 N.J.R. 679(a)	R. 1982 d.331	14 N.J.R. 1089(a)
4:1-5	Commission Review and Appeals: readopted Hearing Rules	15 N.J.R. 1148(a)	R. 1983 d.421	15 N.J.R. 1647(c)
4:1-5.11	Hearings: Decision notification	15 N.J.R. 111(b)	R. 1983 d.100	15 N.J.R. 543(b)
4:1-7.11	Hours of work and compensation	14 N.J.R. 938(a)	R. 1983 d.159	15 N.J.R. 801(a)
4:1-8	Readopted: Examinations and Applications	15 N.J.R. 1292(a)	R. 1983 d.444	15 N.J.R. 1755(a)
4:1-8.3	Notice of examinations	15 N.J.R. 726(a)	R. 1983 d.307	15 N.J.R. 1245(c)
4:1-8.8B	Veterans' age reduction	14 N.J.R. 455(a)	R. 1982 d.326	14 N.J.R. 1089(b)
4:1-10.1, 10.2, 10.3, 10.5	Noncompetitive and labor titles	14 N.J.R. 1186(a)	R. 1982 d.496	15 N.J.R. 83(a)
4:1-12	Readopted: Certification and Appointment rules	15 N.J.R. 1403(a)	R. 1983 d.513	15 N.J.R. 1857(a)
4:1-12.10	Notifying eligibles of certification	14 N.J.R. 940(a)	R. 1983 d.17	15 N.J.R. 141(a)
4:1-13.4	Police and firefighters: Working test periods	14 N.J.R. 115(a)	R. 1982 d.204	14 N.J.R. 709(a)
4:1-15.2	Lateral title change	14 N.J.R. 940(b)	R. 1983 d.340	15 N.J.R. 1372(a)
4:1-16.13	Request for reemployment (local)	15 N.J.R. 272(b)	R. 1983 d.222	15 N.J.R. 1015(b)
4:1-17.16	Advancing of sick leave (State)	14 N.J.R. 299(a)	R. 1982 d.300	14 N.J.R. 978(a)
4:1-18.2, 18.6-18.8	Hours of work and compensation	14 N.J.R. 938(a)	R. 1983 d.159	15 N.J.R. 801(a)
4:1-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R. 1983 d.18	15 N.J.R. 141(b)
4:1-18.5	Inclement weather emergency policy (State)	15 N.J.R. 273(a)	R. 1983 d.196	15 N.J.R. 889(d)
4:1-20.9	Tuition aid program (State)	15 N.J.R. 274a)	R. 1983 d.306	15 N.J.R. 1246(a)
4:1-25.1	Public inspection of records	14 N.J.R. 942(a)	R. 1983 d.134	15 N.J.R. 689(a)
4:2-2.1	Repealed: Veterans' age reduction	14 N.J.R. 455(a)	R. 1982 d.326	14 N.J.R. 1089(b)
4:2-5	Repealed (see 4:1-5)	15 N.J.R. 1148(a)	R. 1983 d.421	15 N.J.R. 1647(c)
4:2-6.8	Repealed: (see 4:1-10)	14 N.J.R. 1186(a)	R. 1982 d.496	15 N.J.R. 83(a)
4:2-7.1	Repealed (see 4:1-7.11, 18.8)	14 N.J.R. 938(a)	R. 1983 d.159	15 N.J.R. 801(a)
4:2-8.1, 8.9	Readopted (see 4:1-8)	15 N.J.R. 1292(a)	R. 1983 d.444	15 N.J.R. 1755(a)
4:2-10.1, 10.2	Repealed (see 4:1-10)	14 N.J.R. 1186(a)	R. 1982 d.496	15 N.J.R. 83(a)
4:2-12.5, 12.7, 12.8	Readopted (see 4:1-12)	15 N.J.R. 1403(a)	R. 1983 d.513	15 N.J.R. 1857(a)
4:2-15.2	Repealed (see 4:1-15.2)	14 N.J.R. 940(b)	R. 1983 d.340	15 N.J.R. 1372(a)
4:2-17.14	Repealed: Sick leave advance	14 N.J.R. 299(a)	R. 1982 d.300	14 N.J.R. 978(a)
4:2-18.1	Repealed (see 4:1-18.5)	15 N.J.R. 273(a)	R. 1983 d.196	15 N.J.R. 889(d)
4:2-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R. 1983 d.18	15 N.J.R. 141(b)
4:2-20.3	Granting of increments after denial	15 N.J.R. 112(a)	R. 1983 d.164	15 N.J.R. 890(a)
4:2-20.9	Repealed (see 4:1-20.9)	15 N.J.R. 274(a)	R. 1983 d.306	15 N.J.R. 1246(a)
4:2-20.12	Repealed (see 4:1-25.1)	14 N.J.R. 942(a)	R. 1983 d.134	15 N.J.R. 689(a)
4:3-2.1	Repealed: Veterans' age reduction	14 N.J.R. 455(a)	R. 1982 d.326	14 N.J.R. 1089(b)
4:3-5	Repealed (see 4:1-5)	15 N.J.R. 1148(a)	R. 1983 d.421	15 N.J.R. 1647(c)
4:3-6.7	Repealed: Modification of sheriff's officer series	15 N.J.R. 820(b)	R. 1983 d.419	15 N.J.R. 1650(a)
4:3-6.9	Repealed (see 4:1-10)	14 N.J.R. 1186(a)	R. 1982 d.496	15 N.J.R. 83(a)
4:3-8.2, 8.3, 8.7, 8.8	Readopted (see 4:1-8)	15 N.J.R. 1292(a)	R. 1983 d.444	15 N.J.R. 1755(a)
4:3-10.1	Notice of repeal			15 N.J.R. 1965(b)
4:3-12.7, 12.8	Readopted (see: 4:1-12)	15 N.J.R. 1403(a)	R. 1983 d.513	15 N.J.R. 1857(a)
4:3-13.1	Repealed: Formerly CSPM (Local) 13-4.101	14 N.J.R. 115(a)	R. 1982 d.204	14 N.J.R. 709(a)
4:3-17.6	Repealed: Sick leave advance	14 N.J.R. 299(a)	R. 1982 d.300	14 N.J.R. 978(a)
4:3-18.1	Repealed: Dual employment rules	14 N.J.R. 941(a)	R. 1983 d.18	15 N.J.R. 141(b)
4:6	Overtime Committee Rules	14 N.J.R. 1126(a)	R. 1983 d.158	15 N.J.R. 801(b)
<b>(Title 4, Transmittal 16 dated June 21, 1982)</b>				
<b>COMMUNITY AFFAIRS--TITLE 5</b>				
5:3-2.1	Rooming house licensure: nonpublic records	15 N.J.R. 1152(a)	R. 1983 d.433	15 N.J.R. 1758(a)
5:3-2.1	Nonpublic records: rental assistance applications	15 N.J.R. 1910(a)	R. 1983 d.643	16 N.J.R. 128(a)
5:10	Readopted: Hotel and Multiple Dwellings rules	15 N.J.R. 727(a)	R. 1983 d.629	16 N.J.R. 128(b)
5:10-1.3	State-local cooperative housing inspection	15 N.J.R. 1054(a)	R. 1983 d.389	15 N.J.R. 1575(c)
5:10-1.4	Row houses and multiple dwelling jurisdiction	15 N.J.R. 375(a)	R. 1983 d.156	15 N.J.R. 803(a)
5:10-1.4, 1.6	Row house and retirement community fire safety	15 N.J.R. 1054(b)	R. 1983 d.388	15 N.J.R. 1576(a)
5:10-1.17	Readopted: Hotel and multiple dwelling inspection fees	14 N.J.R. 909(b)	R. 1982 d.334	14 N.J.R. 1089(c)
5:10-2.2, 25.3	Standards for hotels and multiple dwellings	14 N.J.R. 119(a)	R. 1982 d.253	14 N.J.R. 910(a)
5:11-2.1	Emergency relocation benefits	15 N.J.R. 6(b)	R. 1983 d.59	15 N.J.R. 330(b)

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5:11-3.11	Emergency relocation benefits	15 N.J.R. 6(b)	R. 1983 d. 59	15 N.J.R. 330(b)
5:11-9.2	Parties to relocation assistance hearing	14 N.J.R. 1188(a)	R. 1982 d. 487	15 N.J.R. 83(b)
5:13-1.1, 1.5, 1.19, 1.20, 1.25, 1.27	Limited dividend and nonprofit housing corporations	15 N.J.R. 193(a)	R. 1983 d. 145	15 N.J.R. 803(b)
5:13-1.3, 1.21-1.24, 1.26	Repealed	15 N.J.R. 193(a)	R. 1983 d. 145	15 N.J.R. 803(b)
5:22-1.4	Residential tax exemptions: additions and improvements	15 N.J.R. 586(a)	R. 1983 d. 258	15 N.J.R. 1094(b)
5:23	Readopted: Uniform Construction Code	14 N.J.R. 1247(a)	R. 1983 d. 144	15 N.J.R. 803(c)
5:23-1.4, 4.5, 4.19	UCC: record keeping and standard forms	15 N.J.R. 1789(a)	R. 1983 d. 611	16 N.J. 45(b)
5:23-2.38	Licensing	14 N.J.R. 734(a)	R. 1982 d. 436	14 N.J.R. 1449(a)
5:23-3.8A	Products violating the Uniform Construction Code	15 N.J.R. 587(a)	R. 1983 d. 296	15 N.J.R. 1247(a)
5:23-3.14, 3.15	Building and plumbing subcode supplements	14 N.J.R. 1326(a)	R. 1983 d. 12	15 N.J.R. 141(c)
5:23-4.8	Interlocal Construction Code enforcement (recodified as 5:23-4.17(d))	14 N.J.R. 495(a)	R. 1982 d. 401	14 N.J.R. 1300(a)
5:23-4.8(c)	Now codified as 5:23-4.19	14 N.J.R. 456(a)	R. 1982 d. 220	14 N.J.R. 755(b)
5:23-4.10A	Recodified as 5:23-4.25A	14 N.J.R. 496(a)	R. 1982 d. 232	14 N.J.R. 834(e)
5:23-4.14	UCC: on-site inspection; fees	15 N.J.R. 1406(a)	R. 1983 d. 642	16 N.J.R. 129(a)
5:23-4.15, 4.26	Licensing	14 N.J.R. 734(a)	R. 1982 d. 436	14 N.J.R. 1449(a)
5:23-4.17, 4.20	UCC enforcing agency fees	14 N.J.R. 943(a)	R. 1982 d. 402	14 N.J.R. 1300(b)
5:23-4.19	Remitting of UCC training fees	14 N.J.R. 456(a)	R. 1982 d. 220	14 N.J.R. 755(b)
5:23-4.20	Uniform Construction Code: Periodic inspection fees	14 N.J.R. 1129(a)	R. 1982 d. 463	15 N.J.R. 32(a)
5:23-4.20	Correction: UCC periodic inspection fees	14 N.J.R. 1129(a)	R. 1982 d. 463	15 N.J.R. 84(a)
5:23-4.20, 5.5, 5.9	UCC: department fees; licensing	15 N.J.R. 1911(a)	R. 1983 d. 641	16 N.J.R. 129(b)
5:23-4.20, 5.12	Uniform Construction Code fees	15 N.J.R. 1406(a)	R. 1983 d. 548	15 N.J.R. 2033(b)
5:23-4.25A	Manufactured homes standards	14 N.J.R. 496(a)	R. 1982 d. 232	14 N.J.R. 834(e)
5:23-5.2, 5.9, 5.11	Licensing	14 N.J.R. 734(a)	R. 1982 d. 436	14 N.J.R. 1449(a)
5:25-5.5	Warranty coverage claims	14 N.J.R. 944(a)	R. 1982 d. 386	14 N.J.R. 1210(a)
5:26-2.3, 3.1, 3.2, 3.4, 4.1-4.4, 5.2, 6.3, 9.1, 10.1, 10.2, 11.1	Planned real estate development full disclosure	15 N.J.R. 1055(a)	R. 1983 d. 446	15 N.J.R. 1758(b)
5:26-2.4	Registration fees for planned developments	14 N.J.R. 609(a)	R. 1982 d. 260	14 N.J.R. 912(a)
5:26-2.4	Planned real estate development registration fees	15 N.J.R. 1059(a)	R. 1983 d. 370	15 N.J.R. 1468(a)
5:26-8.7	Planned real estate developments: annual audits	15 N.J.R. 1408(a)	R. 1983 d. 576	15 N.J.R. 2154(a)
5:27-1.5	Certificate of occupancy for boarding house change of use	15 N.J.R. 821(a)	R. 1983 d. 342	15 N.J.R. 1468(b)
5:27-1.6	Rooming and boarding houses: License fees	15 N.J.R. 7(a)	R. 1983 d. 60	15 N.J.R. 330(c)
5:27-1.6, 2.1	Multi-building rooming and boarding houses	14 N.J.R. 1075(a)	R. 1982 d. 422	14 N.J.R. 1365(a)
5:27-2.1	Fire safety in boarding houses;	14 N.J.R. 496(b)	R. 1982 d. 378	14 N.J.R. 1210(b)
5:27-3.5	Boarding houses: Non-ambulatory residents	14 N.J.R. 499(a)	R. 1982 d. 379	14 N.J.R. 1211(a)
5:27-3.12	Limited tenure residents and boarding houses	15 N.J.R. 375(b)	R. 1983 d. 157	15 N.J.R. 804(a)
5:27-4.8, 5.1, 5.3, 5.8, 5.9	Fire safety in boarding houses	14 N.J.R. 496(b)	R. 1982 d. 378	14 N.J.R. 1210(b)
5:27-5.1	Fire drills in rooming houses	14 N.J.R. 1248(a)	R. 1982 d. 490	15 N.J.R. 84(b)
5:27-5.3	Correction: Fire safety in boarding houses	14 N.J.R. 496(b)	R. 1982 d. 378	14 N.J.R. 1300(c)
5:27-10.6	Boarding houses: self-administration of medicine	14 N.J.R. 499(a)	R. 1982 d. 379	14 N.J.R. 1211(a)
5:27-11.7	Boarding-housing residents: home energy assistance payments	15 N.J.R. 1622(a)	R. 1983 d. 628	16 N.J.R. 130(a)
5:27-12	Safety improvement loans	14 N.J.R. 496(b)	R. 1982 d. 378	14 N.J.R. 1210(b)
5:27-12.2	Boarding houses: rental assistance agreements	15 N.J.R. 587(b)	R. 1983 d. 251	15 N.J.R. 1015(c)
5:30	Readopted: Local Finance Board rules	15 N.J.R. 463(b)	R. 1983 d. 277	15 N.J.R. 1180(a)
5:30	Correction: Local Finance Board rules	15 N.J.R. 463(b)	R. 1983 d. 277	15 N.J.R. 1373(b)
5:36	Readopted: Grant rules for Handicapped Persons' Recreational Opportunities Act (recodified as 5:51)	15 N.J.R. 1305(a)	R. 1983 d. 443	15 N.J.R. 1759(a)
5:38	Federal Aid Project Notification rules	15 N.J.R. 1494(a)	R. 1983 d. 488	15 N.J.R. 1858(a)
5:42	Repealed (see 5:38)	15 N.J.R. 1494(a)	R. 1983 d. 488	15 N.J.R. 1858(a)
5:70	Congregate Housing Services Program	14 N.J.R. 609(b)	R. 1982 d. 272	14 N.J.R. 912(b)
5:70	Congregate Housing Services Program for aged	15 N.J.R. 1791(a)	R. 1983 d. 607	16 N.J.R. 46(a)
5:80-3.1	HFA housing projects: maximum family income	15 N.J.R. 1212(a)	R. 1983 d. 470	15 N.J.R. 1860(a)
5:80-5	Housing Finance Agency: transfer of ownership interests	15 N.J.R. 822(a)	R. 1983 d. 315	15 N.J.R. 1373(c)
5:90	Repealed: Urban Loan Authority rules	14 N.J.R. 558(a)	R. 1982 d. 288	14 N.J.R. 983(a)
5:100-1.5, 1.6	Ombudsman for institutionalized elderly	15 N.J.R. 588(a)	R. 1983 d. 215	15 N.J.R. 1016(a)
5:100-2	Ombudsman for institutionalized elderly	15 N.J.R. 588(a)	R. 1983 d. 215	15 N.J.R. 1016(a)

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6:2-1.1, 1.2, 1.7-1.19	Filing appeals before State Board	14 N.J.R. 261(a)	R. 1982 d.268	14 N.J.R. 913(a)
6:3-1	School districts: general provisions	15 N.J.R. 376(a)	R. 1983 d.248	15 N.J.R. 1016(b)
6:3-1.10	School districts: standards for determining seniority	15 N.J.R. 464(a)	R. 1983 d.255	15 N.J.R. 1017(a)
6:3-1.10	Standards for determining seniority	15 N.J.R. 1409(a)	R. 1983 d.563	15 N.J.R. 2034(a)
6:3-3	Readopted: Withdrawal from Limited Purpose Regional School Districts	15 N.J.R. 728(a)	R. 1983 d.368	15 N.J.R. 1468(c)
6:8-1.1, 3.4, 3.8, 4.2, 4.6	Statewide testing program	15 N.J.R. 979(b)	R. 1983 d.458	15 N.J.R. 1759(b)
6:11-4	Readopted: Types of Teaching Certificates	15 N.J.R. 1154(a)	R. 1983 d.492	15 N.J.R. 1860(b)
6:11-4	Teacher certification: correction			15 N.J.R. 2034(b)
6:11-3.3	Fees for certificates and transcript evaluation	14 N.J.R. 1188(b)	R. 1983 d.40	15 N.J.R. 244(a)
6:11-3.12, 4.7	County substitute certification: School nurse, athletic coach	14 N.J.R. 1010(a)	R. 1982 d.486	15 N.J.R. 84(c)
6:11-3.12, 4.7	Hiring coaches for interscholastic athletics	15 N.J.R. 1152(b)	R. 1983 d.493	15 N.J.R. 1860(c)
6:11-4	Readopted: Types of Teaching Certificates	15 N.J.R. 1154(a)	R. 1983 d.492	15 N.J.R. 1860(b)
6:11-4	Teacher certification: correction			15 N.J.R. 2034(b)
6:11-7	Repealed existing subchapter	14 N.J.R. 456(b)	R. 1982 d.269	14 N.J.R. 914(a)
6:11-7.1	State Approval of Teacher Education	14 N.J.R. 456(b)	R. 1982 d.269	14 N.J.R. 914(a)
6:20-2.10	Local districts: petty cash fund	15 N.J.R. 982(a)	R. 1983 d.491	15 N.J.R. 1861(a)
6:20-3.1	Building use charge by receiving districts	14 N.J.R. 499(b)	R. 1982 d.270	14 N.J.R. 914(b)
6:20-3.1	Correction: Operative date of building use charge	14 N.J.R. 499(b)	R. 1982 d.270	14 N.J.R. 978(b)
6:20-4.1, 4.2	Tuition for private schools for handicapped	15 N.J.R. 730(a)	R. 1983 d.369	15 N.J.R. 1469(a)
6:21-1.4	Useful life of school buses	15 N.J.R. 982(b)	R. 1983 d.457	15 N.J.R. 1760(a)
6:21-5.1-5.12	Standards for school buses	15 N.J.R. 383(a)	R. 1983 d.247	15 N.J.R. 1019(a)
6:21-6, 18, 19	Repealed: see 6:21-5.1-5.12	15 N.J.R. 383(a)	R. 1983 d.247	15 N.J.R. 1019(a)
6:28	Readopted: Special Education rules	15 N.J.R. 732(a)	R. 1983 d.348	15 N.J.R. 1470(a)
6:28-5.10, 5.11, 6.10, 6.11	Approval of auxiliary services for private school students	14 N.J.R. 617(a)	R. 1982 d.316	14 N.J.R. 1054(a)
6:29-6.3	County substitute certification: Athletic coach	14 N.J.R. 1010(a)	R. 1982 d.486	15 N.J.R. 84(c)
6:29-6.3	Hiring coaches for interscholastic athletics	15 N.J.R. 1152(b)	R. 1983 d.493	15 N.J.R. 1860(c)
6:39-1.1-1.4	Statewide testing program	15 N.J.R. 979(b)	R. 1983 d.458	15 N.J.R. 1759(b)
6:53	Vocational education safety standards	14 N.J.R. 619(a)	R. 1982 d.368	14 N.J.R. 1154(b)
6:64-2.1-2.4	County library reorganization	15 N.J.R. 194(a)	R. 1983 d.199	15 N.J.R. 890(b)
6:66	Archives and History and Records Management: transferred to Department of State by Governor's Reorganization Plan			15 N.J.R. 818(a)
6:66-2.15, 2.17, 2.20, 2.21, 3.12, 3.13	Records Management: microfilm systems and standards	15 N.J.R. 590(a)	R. 1983 d.241	15 N.J.R. 1019(b)
6:68-4.1-4.9	Library Construction Incentive Act rules	15 N.J.R. 196(a)	R. 1983 d.198	15 N.J.R. 890(c)
6:69-1	Repealed: public library construction	15 N.J.R. 1410(a)	R. 1983 d.564	15 N.J.R. 2034(c)
6:72-77	State Museum: transferred to Department of State by Governor's Reorganization Plan			15 N.J.R. 270
6:79-1.9, 1.11	Child nutrition program changes (Title 6, Transmittal 18 dated June 21, 1982)	14 N.J.R. 1248(b)	R. 1983 d.71	15 N.J.R. 440(a)
<b>ENVIRONMENTAL PROTECTION—TITLE 7</b>				
7:1-3	Interim environmental cleanup responsibility rules	Emergency	R. 1983 d.649	16 N.J.R. 151(a)
7:1A-2.3, 2.4, 2.5, 2.8, 2.9, 2.12, 2.13, 2.14, 2.18, 2.20, 2.35	Water Supply Bond Loan rules	15 N.J.R. 1307(a)	R. 1983 d.534	15 N.J.R. 1940(a)
7:1A-2.5, 2.12, 2.13	Water Supply Bond Act loans	14 N.J.R. 499(c)	R. 1982 d.281	14 N.J.R. 915(a)
7:1A-3	Emergency interim repair of water systems	14 N.J.R. 1075(b)	R. 1983 d.26	15 N.J.R. 141(d)
7:1D-1	Emergency water projects: allocation of costs	15 N.J.R. 117(a)	R. 1983 d.639	16 N.J.R. 130(b)
7:1E-App. A	List of hazardous substances—Part V	Emergency	R. 1984 d.8	16 N.J.R. 158(a)
7:1G	Loan procedures: water supply interconnections	14 N.J.R. 1012(a)	R. 1983 d.425	15 N.J.R. 1650(b)
7:1H-3.4	County fees for solid waste enforcement activities	14 N.J.R. 1328(a)	R. 1983 d.50	15 N.J.R. 330(d)
7:1I	Sanitary Landfill Facility Contingency Fund	15 N.J.R. 1213(a)	R. 1983 d.571	15 N.J.R. 2034(d)
7:2	Readopted: State Park Service rules	15 N.J.R. 822(b)	R. 1983 d.320	15 N.J.R. 1373(d)
7:2	State Park Service rules	15 N.J.R. 983(a)	R. 1983 d.464	15 N.J.R. 1760(b)
7:6	Readopted: Boating Regulations	15 N.J.R. 1799(a)	R. 1983 d.640	16 N.J.R. 131(a)
7:6-1.37	Water skiing events on private lakes	15 N.J.R. 765(a)	R. 1983 d.280	15 N.J.R. 1180(b)
7:6-7.1, 7.2, 7.4, 7.6	Obtaining title to abandoned vessels	15 N.J.R. 1411(a)	R. 1983 d.503	15 N.J.R. 1861(b)
7:7A-1.13	Correction to Code: Wetlands maps			14 N.J.R. 1403(a)
7:7A-1.13	Wetlands maps in Atlantic County	15 N.J.R. 119(a)	R. 1983 d.335	15 N.J.R. 1374(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
7:7A-1.13	Wetlands maps in Cumberland County	15 N.J.R. 119(a)	R.1983 d.401	15 N.J.R. 1576(b)
7:7A-1.13	Wetlands maps in Cape May County	14 N.J.R. 1330(a)	R.1983 d.402	15 N.J.R. 1576(c)
7:7A-1.13	Correction: Expiration date of wetlands maps			15 N.J.R. 1654(a)
7:7A-1.13	Wetlands maps in Middlesex County	15 N.J.R. 386(a)	R.1983 d.535	15 N.J.R. 1941(a)
7:7E	Coastal Management Program: "Routine implementation" determination			14 N.J.R. 1467(b)
7:7E-5.3, 5.6, 5.7	Coastal resource and development	14 N.J.R. 1129(b)	R.1983 d.27	15 N.J.R. 142(a)
7:7F	Shore Protection Program	14 N.J.R. 865(b)	R.1982 d.421	14 N.J.R. 1365(b)
7:8	Storm water management	14 N.J.R. 1022(a)	R.1983 d.24	15 N.J.R. 142(b)
7:9-2	Readopted: rules on individual subsurface disposal systems	15 N.J.R. 591(a)	R.1983 d.243	15 N.J.R. 1042(a)
7:9-10	Repealed: Duplicative review of Pinelands and coastal area sewerage installation	15 N.J.R. 1155(a)	R.1983 d.432	15 N.J.R. 1654(b)
7:9-10.2, 10.3, 10.9	Pinelands and coastal area sewerage approval	14 N.J.R. 504(a)	R.1982 d.298	14 N.J.R. 979(a)
7:9-10.4, 10.5, 10.6	One-year suspension of rules	14 N.J.R. 504(a)	R.1982 d.298	14 N.J.R. 979(a)
7:10	Readopted: Safe Drinking Water Act rules	15 N.J.R. 592(a)	R.1983 d.244	15 N.J.R. 1019(c)
7:11-2	Consolidated Rate Schedule: D&R Canal and Spruce Run-Round Valley	15 N.J.R. 122(a)	R.1983 d.191	15 N.J.R. 891(a)
7:11-2, -4	Water rate schedule: D and R, Spruce Run-Round Valley	14 N.J.R. 681(a)	R.1982 d.455	14 N.J.R. 1449(b)
7:11-4	Repealed (see 7:11-2)	15 N.J.R. 122(a)	R.1983 d.191	15 N.J.R. 891(a)
7:12	Readopted: Shellfish-Growing Water Classification	15 N.J.R. 595(a)	R.1983 d.249	15 N.J.R. 1020(a)
7:12-2.9, 2.12	Correction: Shellfish transplant and processing programs	15 N.J.R. 595(a)	R.1983 d.249	15 N.J.R. 1761(a)
7:13-1.11(b)5	Delineated streams along Upper Mullica River	14 N.J.R. 367(b)	R.1982 d.209	14 N.J.R. 755(c)
7:13-1.11(d)31	Delineated streams in Somerset County	14 N.J.R. 367(a)	R.1982 d.392	14 N.J.R. 1211(b)
7:13-1.11(d)42	Floodway delineations in Union County	14 N.J.R. 870(a)	R.1982 d.428	14 N.J.R. 1365(c)
7:13-1.11(b)6	Floodway delineations along Cedar Creek, Lacey Twp.	14 N.J.R. 683(a)	R.1982 d.430	14 N.J.R. 1365(d)
7:13-1.11(c)2	Floodway delineations along Big Timber Creek	14 N.J.R. 505(a)	R.1982 d.431	14 N.J.R. 1366(a)
7:13-1.11(c)27	Floodway delineations along Pond Run, Mercer County	14 N.J.R. 506(a)	R.1982 d.432	14 N.J.R. 1366(b)
7:13-1.11(d)48	Floodway delineations in Morris County	14 N.J.R. 870(b)	R.1982 d.453	14 N.J.R. 1451(a)
7:13-1.11(d)48	Floodway delineations in Essex County	14 N.J.R. 1027(a)	R.1982 d.478	15 N.J.R. 32(b)
7:13-1.11(d)1	Floodway delineations in Hunterdon County	14 N.J.R. 1131(b)	R.1983 d.109	15 N.J.R. 622(c)
7:13-1.11(c)28	Floodway delineations in Burlington County	14 N.J.R. 1434(a)	R.1983 d.135	15 N.J.R. 689(b)
7:13-1.11(d)42	Floodway delineations in Somerset-Union counties	14 N.J.R. 1131(a)	R.1983 d.136	15 N.J.R. 690(a)
7:13-1.11(c)29	Floodway delineations in Monmouth County	14 N.J.R. 1134(a)	R.1983 d.168	15 N.J.R. 893(a)
7:13-1.11(b)10	Flood delineations in Ocean-Monmouth counties	14 N.J.R. 1189(a)	R.1983 d.197	15 N.J.R. 894(a)
7:13-1.11(d)47	Floodway delineation along Mill Brook in Montvale	15 N.J.R. 989(a)	R.1983 d.405	15 N.J.R. 1576(d)
7:13-1.11(c)	Floodway delineations in Mercer County	14 N.J.R. 1132(a)	R.1983 d.462	15 N.J.R. 1761(b)
7:13-1.11(d)45	Floodways along the Raritan River	15 N.J.R. 659(a)	R.1983 d.463	15 N.J.R. 1761(c)
7:13-1.11(b)	Flood hazard area delineations in Monmouth County	15 N.J.R. 198(a)	R.1983 d.569	15 N.J.R. 2039(a)
7:13-1.11	Readopted: Delineated Floodway rules	15 N.J.R. 839(a)	R.1983 d.321	15 N.J.R. 1374(b)
7:14-2	Construction of wastewater treatment facilities	14 N.J.R. 75(a)	R.1982 d.338	14 N.J.R. 1155(b)
7:14-2.12	Correction: Select trench backfill payment width	14 N.J.R. 75(a)	R.1982 d.338	15 N.J.R. 440(b)
7:14A	Readopted: NJPDES permit program rules	15 N.J.R. 606(a)	R.1983 d.260	15 N.J.R. 1094(c)
7:14A-1.8, 1.9, 2.1	Fee schedule for NJPDES permittees	14 N.J.R. 684(a)	R.1982 d.495	15 N.J.R. 85(a)
7:14A-1.9	Water quality: Underground injection control	14 N.J.R. 1136(a)	R.1983 d.9	15 N.J.R. 145(a)
7:14A-4.2, 4.3	Hazardous waste management	14 N.J.R. 1137(a)	R.1983 d.25	15 N.J.R. 146(a)
7:14A-4.3	"Wastewater treatment unit" defined	14 N.J.R. 506(b)	R.1982 d.310	14 N.J.R. 1054(b)
7:14A-4.5	Hazardous waste management: interim authorization	15 N.J.R. 1800(a)	R.1983 d.610	16 N.J.R. 47(b)
7:14A-5.11, 5.13, 5.15, 5.16	Underground injection control	14 N.J.R. 1136(a)	R.1983 d.9	15 N.J.R. 145(a)
7:19-3	Water diversion fees for non-growing use	14 N.J.R. 459(a)	R.1982 d.239	14 N.J.R. 834(f)
7:19-3.9	Annual review: fee schedule for water supply allocation			15 N.J.R. 950(a)
7:19-4	Diversion assessment and payment for public water supply	15 N.J.R. 276(a)	R.1983 d.400	15 N.J.R. 1577(a)
7:20A	Water diversion for agriculture and horticulture	14 N.J.R. 1249(a)	R.1983 d.562	15 N.J.R. 2154(b)
7:25-2	Use of Wildlife Management Areas	15 N.J.R. 840(a)	R.1983 d.336	15 N.J.R. 1374(c)
7:25-2.14	Field trials and horseback riding permits	15 N.J.R. 387(a)	R.1983 d.185	15 N.J.R. 894(b)
7:25-5	1982-83 Game Code	14 N.J.R. 402(b)	R.1982 d.212	14 N.J.R. 755(d)
7:25-5.13, 5.28, 5.29	1982-83 Game Code changes	14 N.J.R. 871(a)	R.1982 d.351	14 N.J.R. 1158(a)
7:25-5	1983-1984 Game Code	15 N.J.R. 771(a)	R.1983 d.302	15 N.J.R. 1247(b)
7:25-6	1983 Fish Code	14 N.J.R. 872(a)	R.1982 d.429	14 N.J.R. 1366(c)
7:25-6	1984-85 Fish Code	15 N.J.R. 1217(a)	R.1983 d.542	15 N.J.R. 1942(a)
7:25-7.10	Senior citizen's oyster license	14 N.J.R. 629(a)	R.1982 d.337	14 N.J.R. 1158(b)
7:25-7.13	Crab dredging in Atlantic Coast section	15 N.J.R. 1413(a)	R.1983 d.541	15 N.J.R. 1943(a)
7:25-9.1	Taking of hard clams: size tolerance control	14 N.J.R. 689(a)	R.1983 d.270	15 N.J.R. 1095(a)
7:25-11.1, 20.2	Endangered species and status of nongame species	15 N.J.R. 1623(a)	R.1983 d.638	16 N.J.R. 131(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
7:25-9.2	Penalties for harvesting undersized clams	15 N.J.R. 1220(a)	R. 1983 d.461	15 N.J.R. 1762(a)
7:25-12.1	Sea clam harvest	14 N.J.R. 881(a)	R. 1982 d.393	14 N.J.R. 1213(a)
7:25-12.1	Preservation of sea clams	15 N.J.R. 1414(a)	R. 1983 d.567	15 N.J.R. 2039(b)
7:25-12.1	Correction: expiration date of sea clam rules	15 N.J.R. 1414(a)	R. 1983 d.567	16 N.J.R. 47(a)
7:25-14	Crab pots	15 N.J.R. 388(b)	R. 1983 d.291	15 N.J.R. 1181(a)
7:25-15.1	Readopted: Relay of hard clams	14 N.J.R. 1055(a)	R. 1982 d.411	14 N.J.R. 1300(d)
7:25-15.1	Relay of hard clams	Emergency	R. 1983 d.519	15 N.J.R. 1959(a)
7:25-16.1	Upstream fishing lines	14 N.J.R. 882(a)	R. 1982 d.454	14 N.J.R. 1451(b)
7:25-18A	Readopted: Fisheries closures and advisories	15 N.J.R. 39(a)	R. 1983 d.102	15 N.J.R. 543(c)
7:25-22.1	Marine finfish: Menhaden season	14 N.J.R. 945(a)	R. 1983 d.137	15 N.J.R. 690(b)
7:25A-1.1, 1.2, 2.1, 2.3-2.5	Oyster dredging and management	15 N.J.R. 990(a)	R. 1983 d.351	15 N.J.R. 1473(a)
7:25A-1.2	Sale of licensed oyster vessel	15 N.J.R. 1415(a)	R. 1983 d.591	15 N.J.R. 2158(a)
7:25A-3.1	1983 oyster seed bed season	15 N.J.R. 200(a)	R. 1983 d.161	15 N.J.R. 804(b)
7:25A-3.1	Oyster seed beds	15 N.J.R. 1415(b)	R. 1983 d.568	15 N.J.R. 2040(a)
7:25A-4	Oyster cultch program	15 N.J.R. 1416(a)	R. 1983 d.590	15 N.J.R. 2159(a)
7:26-1.1, 1.4	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d.433	14 N.J.R. 1367(a)
7:26-1.1, 1.4, 7.6, 9.1-9.6, 9.8- 9.14, 12.2, 12.12	Hazardous waste management: interim authorization	15 N.J.R. 1800(a)	R. 1983 d.610	16 N.J.R. 47(b)
7:26-1.4	Hazardous waste management	13 N.J.R. 567(a)	R. 1982 d.324	14 N.J.R. 1089(d)
7:26-1.4	Correction: Hazardous waste management	14 N.J.R. 1137(a)	R. 1983 d.25	15 N.J.R. 333(a)
7:26-1.4	Sanitary landfill closure and post-closure	14 N.J.R. 883(a)	R. 1983 d.192	15 N.J.R. 894(c)
7:26-1.4	Hazardous waste: gas cylinder facility exemption	15 N.J.R. 390(a)	R. 1983 d.350	15 N.J.R. 1474(a)
7:26-1.4, 2.6, 2.11, 2.13, 3.5	Solid waste classifications	15 N.J.R. 660(a)	R. 1983 d.570	15 N.J.R. 2040(b)
7:26-1.4, 9.1 12.1	Hazardous waste management: on-site recycling exemption	14 N.J.R. 1435(a)	R. 1983 d.623	16 N.J.R. 132(a)
7:26-1.7	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d.433	14 N.J.R. 1367(a)
7:26-2.9, 2.13	Sanitary landfill closure and post-closure	14 N.J.R. 883(a)	R. 1983 d.192	15 N.J.R. 894(c)
7:26-2.14	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d.433	14 N.J.R. 1367(a)
7:26-3.8	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d.433	14 N.J.R. 1367(a)
7:26-4	Readopted: solid waste fee schedules	15 N.J.R. 662(a)	R. 1983 d.269	15 N.J.R. 1095(b)
7:26-4.7	Registration of hazardous waste collector/haulers	14 N.J.R. 368(a)	R. 1982 d.289	14 N.J.R. 979(b)
7:26-4.10	County fees for solid waste enforcement activities	14 N.J.R. 1328(a)	R. 1983 d.50	15 N.J.R. 330(d)
7:26-5.5	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d.433	14 N.J.R. 1367(a)
7:26-6	Interdistrict and intradistrict solid waste flow	14 N.J.R. 1027(b)	R. 1982 d.434	14 N.J.R. 1368(a)
7:26-6	Correction: Interdistrict and intradistrict solid waste flow	14 N.J.R. 1027(b)	R. 1982 d.434	15 N.J.R. 900(a)
7:26-6.5	Interdistrict and intradistrict solid waste flow	15 N.J.R. 1914(a)	R. 1984 d.4	16 N.J.R. 134(a)
7:26-7.4	Hazardous waste management	13 N.J.R. 567(a)	R. 1982 d.324	14 N.J.R. 1089(d)
7:26-7.4, 7.5, 7.7	Waste oil management as hazardous material	14 N.J.R. 20(a)	R. 1982 d.494	15 N.J.R. 88(a)
7:26-7.6	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d.433	14 N.J.R. 1367(a)
7:26-8.13, 8.15	Waste oil management	14 N.J.R. 20(a)	R. 1982 d.494	15 N.J.R. 88(a)
7:26-8.13, 8.16	Dioxin and dibenzofuran contamination	Emergency	R. 1983 d.292	15 N.J.R. 1184(a)
7:26-8.13, 8.16	Dioxin and dibenzofuran contamination	15 N.J.R. 1184(a)	R. 1983 d.502	15 N.J.R. 1861(c)
7:26-8.16	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d.433	14 N.J.R. 1367(a)
7:26-9.1, 9.5, 9.9	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d.433	14 N.J.R. 1367(a)
7:26-9.1, 9.2, 9.4,-10, 11.2, 11.3, 11.5, 11.7, 12.1, 12.2	Hazardous waste management	13 N.J.R. 567(a)	R. 1982 d.324	14 N.J.R. 1089(d)
7:26-9.1, 12.1	Gas cylinder facility exemption	15 N.J.R. 390(a)	R. 1983 d.350	15 N.J.R. 1474(a)
7:26-12.3	Permits for existing hazardous waste facilities	15 N.J.R. 1063(a)	R. 1983 d.403	15 N.J.R. 1578(a)
7:26-13	Siting of new hazardous waste facilities	15 N.J.R. 113(a)	R. 1983 d.276	15 N.J.R. 1096(a)
7:26-13.7	Siting of commercial hazardous waste facilities	15 N.J.R. 1064(a)	R. 1983 d.406	15 N.J.R. 1579(a)
7:26-15.8	Recycling grants and loans: Supplementary projects	14 N.J.R. 1346(a)	R. 1983 d.119	15 N.J.R. 622(d)
7:27-9	Sulfur in fuels	13 N.J.R. 870(a)	R. 1982 d.456	14 N.J.R. 1452(a)
7:27-15.1	Specifications for Exhaust Gas Analytical System	Emergency	R. 1983 d.407	15 N.J.R. 1607(a)
7:27-15.1	Specifications for Exhaust Gas Analytical System	15 N.J.R. 1607(a)	R. 1983 d.536	15 N.J.R. 1943(b)
7:28-1, 2	Radiation protection	15 N.J.R. 391(a)	R. 1983 d.592	15 N.J.R. 2160(a)
7:28-24	Licensing of nuclear medicine technologists	14 N.J.R. 507(a)	R. 1982 d.457	14 N.J.R. 1455(a)
7:30-1, -2, -4, -8	State Pesticide Control Code	14 N.J.R. 787(a)	R. 1982 d.435	14 N.J.R. 1385(a)
7:30-3, -5, -6, -7	State Pesticide Control Code	14 N.J.R. 787(a)	R. 1983 d.166	15 N.J.R. 915(a)
7:30-10	State Pesticide Control Code: Pesticide use	14 N.J.R. 787(a)	R. 1983 d.63	15 N.J.R. 333(b)
7:36-3.1	Green Acres reimbursement	14 N.J.R. 461(a)	R. 1982 d.231	14 N.J.R. 835(a)

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**HEALTH—TITLE 8**

8:13-2.1, 2.3, 2.4, 2.7-2.9, 2.11, 2.13-2.15	Soft-shell clam depuration	14 N.J.R. 415(a)	R. 1982 d.241	14 N.J.R. 835(b)
8:18-1	Repealed: Children's boarding home rules	14 N.J.R. 1436(b)	R. 1983 d.101	15 N.J.R. 544(a)
8:21-2.34	Repealed (see 8:21-12)	14 N.J.R. 1265(a)	R. 1983 d.115	15 N.J.R. 623(a)
8:21-3.24	Ingredients for human self-defense sprays	14 N.J.R. 1029(a)	R. 1982 d.451	14 N.J.R. 1456(a)
8:21-3.25	Sale and possession of nitrous oxide	14 N.J.R. 1190(a)	R. 1983 d.41	15 N.J.R. 244(b)
8:21-9	Readopted: Licensing rules for food and cosmetic plants	15 N.J.R. 609(a)	R. 1983 d.345	15 N.J.R. 1475(a)
8:21-9.5	License fees for wholesale food and cosmetic plants	15 N.J.R. 1317(a)	R. 1983 d.456	15 N.J.R. 1762(b)
8:21-12	Nonalcoholic beverages and bottled water	14 N.J.R. 1265(a)	R. 1983 d.115	15 N.J.R. 623(a)
8:21-12.5	Correction: labeling of bottled water	15 N.J.R. 623(a)		15 N.J.R. 809(a)
8:23-1.4	Psittacosis testing of quarantined birds	15 N.J.R. 466(a)	R. 1983 d.207	15 N.J.R. 918(a)
8:24	Retail food establishments; vending machines	14 N.J.R. 509(a)	R. 1983 d.98	15 N.J.R. 544(b)
8:24	Correction: retail food establishments		R. 1983 d.98	15 N.J.R. 809(b)
8:25	Readopted: Youth Camp Safety rules	15 N.J.R. 467(a)	R. 1983 d.186	15 N.J.R. 918(b)
8:25-6.12	Youth camp certification fees	14 N.J.R. 1191(a)	R. 1982 d.476	15 N.J.R. 33(a)
8:30	Long-term care facilities	14 N.J.R. 417(a)	R. 1982 d.205	14 N.J.R. 709(b)
8:30	Repealed (see 8:39)	15 N.J.R. 279(a)	R. 1983 d.236	15 N.J.R. 1022(b)
8:30-1.4	Health care facilities licensure fees	14 N.J.R. 1273(a)	R. 1983 d.66	15 N.J.R. 336(a)
8:30-14	Recodified as 8:39-27	15 N.J.R. 279(a)	R. 1983 d.236	15 N.J.R. 1022(b)
8:31-22.1	Doctors' offices in medical facilities	13 N.J.R. 807(a)	R. 1982 d.273	14 N.J.R. 915(b)
8:31-23.1	Parking garage standards	13 N.J.R. 807(b)	R. 1982 d.274	14 N.J.R. 916(a)
8:31-24.1	Hospital personnel housing	13 N.J.R. 808(a)	R. 1982 d.275	14 N.J.R. 916(b)
8:31-25.1	Mobile intensive care paramedics: Approved	14 N.J.R. 1331(a)	R. 1983 d.28	15 N.J.R. 147(b)
8:31-26.1	Health care facilities: ownership by convicted persons	15 N.J.R. 307(a)	R. 1983 d.235	15 N.J.R. 1021(a)
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10:49-6	Readopted: Medicaid Administrative Provisions	15 N.J.R. 1075(a)	R. 1983 d.349	15 N.J.R. 1475(c)
10:49-6.5	Medicaid: Payment recovery from estates	14 N.J.R. 80(a)	R. 1982 d.147	14 N.J.R. 427(c)
10:49-6.8	Compromising claims	12 N.J.R. 582(a)	R. 1980 d.502	13 N.J.R. 17(b)
10:50	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:50	Readopted: Transportation Services Manual	15 N.J.R. 999(a)	R. 1983 d.375	15 N.J.R. 1582(b)
10:50-2.7	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:51	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:51-1.7	Pharmacy Manual: legend drug dispensing fee	Emergency	R. 1983 d.333	15 N.J.R. 1386(a)
10:51-1.13, 1.14	Emergency amend "Less than effective" drugs	Emergency	R. 1981 d.476	13 N.J.R. 945(a)
10:51-1.13, 1.14	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R. 1982 d.28	14 N.J.R. 158(a)
10:51-1.14, 1.17	Pharmaceutical Services: Fees and delivery	14 N.J.R. 1336(a)	R. 1983 d.56	15 N.J.R. 339(b)
10:51-1.17	Legend drug dispensing fee	13 N.J.R. 575(c)	R. 1981 d.411	13 N.J.R. 758(d)
10:51-1.17, 3.15	Pharmacy Manual: legend drug dispensing fee and capitation rates	15 N.J.R. 1386(a)	R. 1983 d.501	15 N.J.R. 1864(c)
10:51-1.19	Emergency amendment: "Less than effective" drugs	Emergency	R. 1981 d.476	13 N.J.R. 945(a)
10:51-1.19	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R. 1982 d.28	14 N.J.R. 158(a)
10:51-1(App. B,D)	Pharmaceutical Services Manual	13 N.J.R. 134(a)	R. 1981 d.124	13 N.J.R. 274(a)
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10:51-1(App. B,C,D)	Pharmaceutical Services	14 N.J.R. 1142(a)	R. 1982 d.458	14 N.J.R. 1458(b)
10:51-1(App. B,D,E)	Pharmaceutical Services	15 N.J.R. 664(a)	R. 1983 d.293	15 N.J.R. 1253(b)
10:51-2	Pharmacy Manual billing procedures	13 N.J.R. 274(b)	R. 1981 d.247	13 N.J.R. 415(a)
10:51-2.6	Reporting chemotherapy injectable drugs	14 N.J.R. 813(a)	R. 1982 d.340	14 N.J.R. 1161(a)
10:51-3	Pharmaceutical services in LTC facilities	13 N.J.R. 415(b)	R. 1981 d.344	13 N.J.R. 577(a)
10:51-3.15	Capitation of fee for legend drugs dispensed by LTC pharmacy providers	13 N.J.R. 577(b)	R. 1981 d.465	13 N.J.R. 887(d)
10:51-3.15	Pharmacy Manual: capitation rates	Emergency	R. 1983 d.333	15 N.J.R. 1386(a)
10:51-4.5	Repeal payments for pharmaceutical consultants	12 N.J.R. 410(a)	R. 1981 d.101	13 N.J.R. 228(c)
10:51-5	Readopted: PAAD in Pharmacy Manual	15 N.J.R. 209(a)	R. 1983 d.155	15 N.J.R. 806(a)
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10:51-6	Expired: Institutional Pharmacy Permits	15 N.J.R. 209(a)	R. 1983 d.155	15 N.J.R. 806(a)
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10:52-1.1	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d.51	13 N.J.R. 147(c)
10:52-1.1	Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d.415	14 N.J.R. 1393(a)
10:52-1.1	Medical day care	14 N.J.R. 1332(a)	R. 1983 d.75	15 N.J.R. 442(a)
10:52-1.3	Non-covered hospital services	13 N.J.R. 14(d)	R. 1981 d.126	13 N.J.R. 291(a)
10:52-1.3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d.73	14 N.J.R. 278(c)
10:52-1.3	Second opinion requirement on certain surgery	14 N.J.R. 1143(a)	R. 1982 d.459	14 N.J.R. 1458(c)
10:52-1.4	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d.51	13 N.J.R. 147(c)
10:52-1.9	Out-of-State hospital care	13 N.J.R. 654(b)	R. 1982 d.52	14 N.J.R. 235(b)
10:52-1.9	Medical day care	14 N.J.R. 1332(a)	R. 1983 d.75	15 N.J.R. 442(a)
10:52-1.17	Out-of-State inpatient hospital services	13 N.J.R. 15(a)	R. 1981 d.162	13 N.J.R. 358(b)
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10:52-2.13	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:52-3.6	Outpatient dental services	13 N.J.R. 416(c)	R. 1981 d.479	13 N.J.R. 946(a)
10:53	Hospital and special hospital manuals	13 N.J.R. 416(a)	R. 1981 d.327	13 N.J.R. 578(a)
10:53-1.1	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d.51	13 N.J.R. 147(c)
10:53-1.1	Medical day care	14 N.J.R. 1332(a)	R. 1983 d.75	15 N.J.R. 442(a)
10:53-1.3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d.73	14 N.J.R. 278(c)
10:53-1.3	Second opinion requirement	14 N.J.R. 1143(a)	R. 1982 d.459	14 N.J.R. 1458(c)
10:53-1.4	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d.51	13 N.J.R. 147(c)
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10:54-1.2	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d.73	14 N.J.R. 278(c)
10:54-1.2	Second opinion requirement	14 N.J.R. 1143(a)	R. 1982 d.459	14 N.J.R. 1458(c)
10:54-1.3	Record keeping by providers	12 N.J.R. 520(b)	R. 1981 d.329	13 N.J.R. 574(b)
10:54-1.5	Physicians and Psychologist Manual	12 N.J.R. 662(a)	R. 1981 d.374	13 N.J.R. 706(d)

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10:54-3	Procedure Code Manual	12 N.J.R. 520(c)	R. 1980 d. 511	13 N.J.R. 17(e)
10:54-3	Physician's Services Manual: Procedure codes	13 N.J.R. 95(a)	R. 1981 d. 111	13 N.J.R. 299(a)
10:54-3	Physician's Services Manual: Procedure codes	13 N.J.R. 223(a)	R. 1981 d. 211	13 N.J.R. 418(c)
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10:54-3	Procedure codes for physicians services	13 N.J.R. 298(a)	R. 1981 d. 305	13 N.J.R. 578(b)
10:54-3	Physician services procedure codes	13 N.J.R. 298(b)	R. 1981 d. 314	13 N.J.R. 578(c)
10:54-3	Procedure Code Manual	13 N.J.R. 578(d)	R. 1981 d. 475	13 N.J.R. 946(b)
10:54-3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d. 73	14 N.J.R. 278(c)
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10:54-3	Procedure codes: Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d. 415	14 N.J.R. 1393(a)
10:54-3	Procedure Code Manual updating	15 N.J.R. 1730(a)	R. 1983 d. 614	16 N.J.R. 144(a)
10:55	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
10:56	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
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10:57-1.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:57-1.9	Podiatry services	13 N.J.R. 360(a)	R. 1981 d. 300	13 N.J.R. 579(a)
10:57-1.20, 2.5-2.7	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:57-2.8	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
10:58	Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d. 415	14 N.J.R. 1393(a)
10:59	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
10:59-1.7, 1.8	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d. 510	13 N.J.R. 17(d)
10:59-1.9	Medical Supplier Manual	13 N.J.R. 430(c)	R. 1981 d. 376	13 N.J.R. 707(a)
10:59-1.10	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d. 510	13 N.J.R. 17(d)
10:59-1.10	IPPB equipment	13 N.J.R. 223(b)	R. 1981 d. 328	13 N.J.R. 579(b)
10:59-1.11	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d. 510	13 N.J.R. 17(d)
10:59-2.6-2.8	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:59-2.11	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d. 510	13 N.J.R. 17(d)
10:60	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
10:60-1, 2.1-2.3	Home Health Services Manual revisions	14 N.J.R. 264(b)	R. 1982 d. 199	14 N.J.R. 656(a)
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10:61-1.4	Record retention requirements	13 N.J.R. 95(b)	R. 1981 d. 110	13 N.J.R. 299(c)
10:61-1.4	Physician orders for laboratory services	13 N.J.R. 430(d)	R. 1981 d. 342	13 N.J.R. 579(c)
10:61-2.3	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:61-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
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10:62-1, 2	Vision Care Manual: readopted Eye Care and Optical Appliances rules	15 N.J.R. 1731(a)	R. 1983 d. 620	16 N.J.R. 144(b)
10:62-1.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:62-1.7	Procedure codes for ophthalmologists and optometrists	13 N.J.R. 299(d)	R. 1981 d. 280	13 N.J.R. 497(b)
10:62-3	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:62-3.8	Vision Care Manual: lens and frame envelopes	15 N.J.R. 783(a)	R. 1983 d. 434	15 N.J.R. 1768(b)
10:63-1.2	Rehabilitation in long-term care	14 N.J.R. 420(a)	R. 1982 d. 210	14 N.J.R. 757(c)
10:63-1.4	Long Term Care Manual	12 N.J.R. 700(a)	R. 1981 d. 219	13 N.J.R. 430(b)
10:63-1.4	Special equipment in long-term care	13 N.J.R. 877(a)	R. 1982 d. 110	14 N.J.R. 391(a)
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10:63-1.5	Medical Evaluation Team (LTC) and alternate care option	15 N.J.R. 485(a)	R. 1983 d. 304	15 N.J.R. 1254(a)
10:63-1.6	Level III care in LTC facilities	14 N.J.R. 462(a)	R. 1982 d. 264	14 N.J.R. 917(c)
10:63-1.8	Long Term Care Manual	12 N.J.R. 700(a)	R. 1981 d. 219	13 N.J.R. 430(b)
10:63-1.8	Clinical records in long-term care facilities	12 N.J.R. 701(a)	R. 1981 d. 33	13 N.J.R. 146(c)
10:63-1.11	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:63-1.14	Retention of records in LTC facilities	13 N.J.R. 431(a)	R. 1981 d. 345	13 N.J.R. 579(d)
10:63-1.19	LTCSM: Termination of Medicaid eligibility	13 N.J.R. 15(b)	R. 1981 d. 62	13 N.J.R. 225(b)

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10:63-1.21	Three-year audit cycle	12 N.J.R. 701(a)	R. 1981 d.23	13 N.J.R. 146(a)
10:63-1.22	LTC: "Field audit" defined	14 N.J.R. 1031(a)	R. 1983 d.5	15 N.J.R. 155(a)
10:63-2	Readopted: Billing Procedures in long-term care	15 N.J.R. 421(a)	R. 1983 d.182	15 N.J.R. 925(a)
10:63-3.1	Reimbursement to Long Term Care Facilities	12 N.J.R. 702(a)	R. 1981 d.87	13 N.J.R. 227(a)
10:63-3.2	LTC: Related-party lease costs	14 N.J.R. 742(a)	R. 1983 d.74	15 N.J.R. 442(b)
10:63-3.8	LTC's nursing care costs	13 N.J.R. 360(b)	R. 1981 d.326	13 N.J.R. 579(e)
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10:64	Hearing Aid Services Manual	14 N.J.R. 413(a)	R. 1982 d.74	14 N.J.R. 279(b)
10:65	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:65-1.2, 1.6, 1.7, 2.4	Medical day care: authorization periods; "center" defined	15 N.J.R. 1337(a)	R. 1983 d.637	16 N.J.R. 144(c)
10:65-1.2-1.8, 2.1, 2.4-2.7	Medical day care	14 N.J.R. 1332(a)	R. 1983 d.75	15 N.J.R. 442(a)
10:65-2.1	Medical day care rates	13 N.J.R. 362(a)	R. 1981 d.318	13 N.J.R. 580(a)
10:66	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:66-1	Independent Clinic Services Manual: readopted General Provisions	15 N.J.R. 1732(a)	R. 1983 d.615	16 N.J.R. 145(a)
10:66-1.2	"Medical day care center" defined	15 N.J.R. 1337(a)	R. 1983 d.637	16 N.J.R. 144(c)
10:66-1.5, 1.6	Mental health partial care services	13 N.J.R. 662(a)	R. 1982 d.19	14 N.J.R. 158(c)
10:66-2.10	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:66-3.1-3.3	Independent clinic services procedure codes	13 N.J.R. 363(a)	R. 1981 d.313	13 N.J.R. 580(b)
10:66-3.3	Procedure codes for Medicaid	12 N.J.R. 662(b)	R. 1981 d.112	13 N.J.R. 299(e)
10:66-3.3	Independent Clinic Services Manual	13 N.J.R. 224(a)	R. 1981 d.212	13 N.J.R. 431(b)
10:66-3.3	Mental health partial care services	13 N.J.R. 662(a)	R. 1982 d.19	14 N.J.R. 158(c)
10:66-3.3	Family planning procedure codes	13 N.J.R. 663(a)	R. 1982 d.84	14 N.J.R. 343(b)
10:66-3.3	Independent Clinic Services:procedures code revisions	14 N.J.R. 1339(a)	R. 1983 d.386	15 N.J.R. 1583(a)
10:67-1.2	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:67-1.8	Physicians and Psychologist Manual	12 N.J.R. 662(a)	R. 1981 d.374	13 N.J.R. 706(d)
10:67-2.5.2.8	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:67-2.10	Psychological services procedure codes	13 N.J.R. 298(a)	R. 1981 d.305	13 N.J.R. 578(b)
10:68-2.5.2.7	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:68-2.8	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:69A	Readopted: Pharmaceutical Assistance Manual (PAAD)	15 N.J.R. 211(a)	R. 1983 d.154	15 N.J.R. 806(b)
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10:69A-5.6	PAA eligibility determinations	13 N.J.R. 432(a)	R. 1981 d.332	13 N.J.R. 580(c)
10:69A-7.1	PAA: Payment recovery from estates	14 N.J.R. 80(a)	R. 1982 d.147	14 N.J.R. 427(c)
10:69B	Lifeline Credit and Tenants Lifeline Assistance Programs	15 N.J.R. 1227(a)	R. 1983 d.524	15 N.J.R. 1944(b)
10:81	PAM: Readopted Federal requirements	13 N.J.R. 759(a)	R. 1981 d.518	14 N.J.R. 102(c)
10:81-1.14	PAM: Welfare board minutes	13 N.J.R. 877(b)	R. 1982 d.151	14 N.J.R. 473(d)
10:81-2, 3	PAM: readopted AFDC application and eligibility rules	15 N.J.R. 933(a)	R. 1983 d.319	15 N.J.R. 1375(c)
10:81-2.6, 2.17, 2.18	PAM: AFDC changes	14 N.J.R. 1078(a)	R. 1982 d.482	15 N.J.R. 92(a)
10:81-2.7	PAM: Deprivation of parental support in AFDC-C	12 N.J.R. 703(a)	R. 1981 d.28	13 N.J.R. 146(b)
10:81-3.1, 3.5, 3.11, 3.13, 3.18	PAM: AFDC changes	14 N.J.R. 1078(a)	R. 1982 d.482	15 N.J.R. 92(a)
10:81-3.17	PAM: Readopted revisions	14 N.J.R. 1168(a)	R. 1982 d.441	14 N.J.R. 1459(a)
10:81-3.35	PAM: Legally responsible relatives	14 N.J.R. 814(a)	R. 1982 d.352	14 N.J.R. 1161(b)
10:81-3.38	PAM: Liquidation and transfer of resources	14 N.J.R. 1437(a)	R. 1983 d.94	15 N.J.R. 443(b)
10:81-3.41	PAM: exempt income	15 N.J.R. 1430(b)	R. 183 d.505	15 N.J.R. 1864(d)
10:81-4.5-4.11, 4.13, 4.14, 4.16, 4.18, 4.19	PAM: Vendor payments	14 N.J.R. 1034(a)	R. 1982 d.424	14 N.J.R. 1395(a)
10:81-5.2	PAM: Periodic redetermination	14 N.J.R. 1341(a)	R. 1983 d.54	15 N.J.R. 340(a)
10:81-5.9	PAM: corrections to Administrative Code			15 N.J.R. 1388(c)
10:81-6.17, 7.18	PAM: Replacement of lost or stolen checks	14 N.J.R. 373(a)	R. 1982 d.419	14 N.J.R. 1396(a)
10:81-7.1	AFDC: New or changed income	13 N.J.R. 300(a)	R. 1981 d.262	13 N.J.R. 432(b)
10:81-7.13	PAM: Request and authorization for records disposal	14 N.J.R. 947(b)	R. 1982 d.417	14 N.J.R. 1397(a)
10:81-7.22	AFDC: Funeral or burial payments for children	13 N.J.R. 580(d)	R. 1981 d.447	13 N.J.R. 845(d)
10:81-7.22	PAM: Funeral and burial contributions	14 N.J.R. 462(b)	R. 1982 d.286	14 N.J.R. 980(b)
10:81-7.26	PAM: Veterans' funeral expenses	14 N.J.R. 374(a)	R. 1982 d.228	14 N.J.R. 836(b)
10:81-7.26, 8.4	PAM: RSDI lump sum benefits	13 N.J.R. 925(a)	R. 1982 d.90	14 N.J.R. 344(a)
10:81-8.22	PAM: Extension of Medicaid benefits	14 N.J.R. 893(a)	R. 1982 d.357	14 N.J.R. 1161(c)
10:81-8.22	PAM revisions	14 N.J.R. 1168(a)	R. 1982 d.441	14 N.J.R. 1459(a)
10:81-8.23, 8.24, 8.25	PAM: AFDC changes	14 N.J.R. 1078(a)	R. 1982 d.482	15 N.J.R. 92(a)

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10:81-10	PAM: Refugee programs	14 N.J.R. 948(a)	R. 1982 d.425	14 N.J.R. 1397(b)
10:81-10.7	PAM: corrections to Administrative Code			15 N.J.R. 1388(c)
10:81-App. A	Repealed: See 10:81-10	14 N.J.R. 948(a)	R. 1982 d.425	14 N.J.R. 1397(b)
10:81-App. C	PAM: AFDC forms			16 N.J.R. 162(a)
10:82	ASH: Readopted Federal requirements	13 N.J.R. 763(a)	R. 1981 d.519	14 N.J.R. 102(d)
10:82-1, 2, 3	ASH: readopted rules on AFDC eligible units, monthly grants, resources	15 N.J.R. 935(a)	R. 1983 d.318	15 N.J.R. 1377(a)
10:82-1.2, 1.4, 1.5, 1.7, 2.1-2.6, 2.8- 2.10, 2.13, 2.19	ASH: Federal requirements	14 N.J.R. 952(a)	R. 1982 d.443	14 N.J.R. 1459(b)
10:82-2.1, 2.2, 2.18, 2.20	ASH: Readopted revisions	14 N.J.R. 1169(a)	R. 1982 d.440	14 N.J.R. 1461(a)
10:82-2.9	Correction: Stepparent's income in AFDC-C	13 N.J.R. 763(a)	R. 1981 d.519	14 N.J.R. 281(a)
10:82-2.14	ASH: Established monthly earnings	13 N.J.R. 16(a)	R. 1981 d.47	13 N.J.R. 147(b)
10:82-2.14	AFDC: New or changed income	13 N.J.R. 300(a)	R. 1981 d.262	13 N.J.R. 432(b)
10:82-3.1, 3.2, 3.4	ASH: Resources	14 N.J.R. 1438(a)	R. 1983 d.93	15 N.J.R. 443(c)
10:82-3.2	Correction to ASH: Exemption resources			15 N.J.R. 346(c)
10:82-3.2	ASH: HUD community development block grant	13 N.J.R. 96(a)	R. 1981 d.96	13 N.J.R. 227(b)
10:82-3.2, 4.5	Exempt resources and disregard of earned income	13 N.J.R. 224(b)	R. 1981 d.282	13 N.J.R. 499(a)
10:82-3.2	ASH: exempt income	15 N.J.R. 1431(a)	R. 1983 d.504	15 N.J.R. 1865(a)
10:82-3.8	ASH: Relatives as a resource	14 N.J.R. 814(b)	R. 1982 d.353	14 N.J.R. 1161(d)
10:82-3.13	Correction: Federal requirement for ASH	13 N.J.R. 763(a)	R. 1981 d.519	14 N.J.R. 837(a)
10:82-3.13, 4.1, 4.3, 4.4, 4.15	ASH: Federal requirements	14 N.J.R. 952(a)	R. 1982 d.443	14 N.J.R. 1459(b)
10:82-4.9	ASH: Foster care rates	14 N.J.R. 374(b)	R. 1982 d.208	14 N.J.R. 709(c)
10:82-4.11, 4.13	ASH: Corrections to Administrative Code			15 N.J.R. 1389(a)
10:82-4.15	Irregular and nonrecurring income in AFDC	13 N.J.R. 224(c)	R. 1981 d.287	13 N.J.R. 499(b)
10:82-5	ASH: readopted Other Payments	15 N.J.R. 1628(a)	R. 1983 d.578	15 N.J.R. 2170(b)
10:82-5.3	ASH: Day care rates	13 N.J.R. 134(c)	R. 1981 d.243	13 N.J.R. 432(c)
10:82-5.3	ASH: Care for unwed mothers	13 N.J.R. 134(c)	R. 1982 d.43	14 N.J.R. 235(c)
10:82-5.3	ASH: Federal requirements	14 N.J.R. 952(a)	R. 1982 d.443	14 N.J.R. 1459(b)
10:82-5.3, 5.10	ASH: Child care; emergency assistance	14 N.J.R. 1169(a)	R. 1982 d.440	14 N.J.R. 1461(a)
10:82-5.7	ASH: corrections to Administrative Code			15 N.J.R. 1389(a)
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10:82-5.10	ASH: Emergency house furnishings allowance	14 N.J.R. 375(a)	R. 1982 d.207	14 N.J.R. 709(d)
10:82-5.10	ASH: Return of child from foster care placement	14 N.J.R. 698(a)	R. 1982 d.376	14 N.J.R. 1215(a)
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10:85-1, 2, 3 4, 5, 6, 10	Readopted: portions of General Assistance Manual	15 N.J.R. 938(a)	R. 1983 d.328	15 N.J.R. 1378(a)
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10:85-2.2	GAM: Temporary director of municipal welfare	12 N.J.R. 584(b)	R. 1980 d.505	13 N.J.R. 17(c)
10:85-2.2	GAM: Local assistance board	13 N.J.R. 96(b)	R. 1981 d.98	13 N.J.R. 228(b)
10:85-2.2	GAM: Local assistance board appointments	14 N.J.R. 1144(a)	R. 1982 d.492	15 N.J.R. 92(b)
10:85-3.1	GAM: Common living quarters	13 N.J.R. 927(a)	R. 1982 d.102	14 N.J.R. 344(b)
10:85-3.1	GAM: Eligibility of young people	14 N.J.R. 815(a)	R. 1982 d.355	14 N.J.R. 1162(a)
10:85-3.1	Correction to Code: General Assistance eligibility			14 N.J.R. 1103(b)
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10:85-3.2	GAM: Clarification of "unemployable"	13 N.J.R. 927(b)	R. 1982 d.103	14 N.J.R. 344(c)
10:85-3.2	GAM: Workfare compliance	13 N.J.R. 929(a)	R. 1982 d.53	14 N.J.R. 344(d)
10:85-3.2	GAM: Verification of unemployment/disability benefits	14 N.J.R. 956(a)	R. 1982 d.418	14 N.J.R. 1398(a)
10:85-3.2(f)	GAM: Residency and Municipal responsibility	15 N.J.R. 313(a)	R. 1983 d.374	15 N.J.R. 1476(a)
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10:85-3.3	GAM: Financial eligibility	12 N.J.R. 16(b)	R. 1981 d.46	13 N.J.R. 147(a)
10:85-3.3	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d.263	13 N.J.R. 433(a)
10:85-3.3	GAM: Boarding rate for residential care	13 N.J.R. 879(a)	R. 1982 d.53	14 N.J.R. 235(d)
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10:85-4.6	GAM: Emergency grants	12 N.J.R. 585(a)	R. 1980 d.538	13 N.J.R. 18(d)
10:85-4.6	GAM: Emergency grants	14 N.J.R. 124(a)	R. 1982 d.135	14 N.J.R. 428(b)
10:85-4.6	GAM: Emergency house furnishings	14 N.J.R. 1342(a)	R. 1983 d.58	15 N.J.R. 340(b)
10:85-4.8	GAM: Funeral and burial contributions	14 N.J.R. 463(a)	R. 1982 d.287	14 N.J.R. 980(c)

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10:85-5.2	GAM: Diagnostic-Related Group payments	12 N.J.R. 585(b)	R. 1980 d.515	13 N.J.R. 18(b)
10:85-5.2	GAM-Payments for inpatients hospital care	13 N.J.R. 433(b)	R. 1981 d.394	13 N.J.R. 768(a)
10:85-5.3	Submission of Form GA-18	12 N.J.R. 586(a)	R. 1980 d.531	13 N.J.R. 18(c)
10:85-5.3	GAM: Recipients in residential health care facilities	12 N.J.R. 662(c)	R. 1980 d.547	13 N.J.R. 100(a).
10:85-5.3	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d.263	13 N.J.R. 433(a)
10:85-5.4	GAM: Procedure for payments of medical bills	13 N.J.R. 499(c)	R. 1981 d.417	13 N.J.R. 768(b)
10:85-5.6, 8.4	GAM: Renal services; child health services	14 N.J.R. 420(b)	R. 1982 d.377	14 N.J.R. 1217(a)
10:85-6.5	GAM: Repayment by SSI recipients	12 N.J.R. 586(b)	R. 1980 d.551	13 N.J.R. 100(d)
10:85-6.5	GAM: Reimbursement authorization and repayment agreement	14 N.J.R. 1342(b)	R. 1983 d.57	13 N.J.R. 340(c)
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10:85-8.2	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d.263	13 N.J.R. 433(a)
10:85-8.2	GAM: Eligibility of refugee groups	14 N.J.R. 815(b)	R. 1982 d.356	14 N.J.R. 1162(b)
10:85-8.3	GAM: Prospective SSI recipients	13 N.J.R. 145(a)	R. 1981 d.160	13 N.J.R. 363(b)
10:85-8.4	GAM: pharmaceutical assistance to disabled	15 N.J.R. 783(b)	R. 1983 d.284	15 N.J.R. 1181(b)
10:85-9.1	GAM: Legally responsible relatives	14 N.J.R. 543(a)	R. 1982 d.284	14 N.J.R. 980(d)
10:85-9.3, 9.5	GAM: Corrections to Administrative Code			15 N.J.R. 1389(b)
10:85-10.3, 10.6, 10.8	GAM: Workfare compliance	13 N.J.R. 929(a)	R. 1982 d.104	14 N.J.R. 344(d)
10:87	Emergency amend Food Stamp Manual	Emergency	R. 1981 d.64	13 N.J.R. 226(b)
10:87	Student participation in Food Stamps	13 N.J.R. 96(c)	R. 1981 d.97	13 N.J.R. 228(a)
10:87	Food Stamp Manual	13 N.J.R. 364(a)	R. 1981 d.316	13 N.J.R. 581(a)
10:87	FSM: Readopted Federal requirements	13 N.J.R. 769(a)	R. 1981 d.517	14 N.J.R. 103(a)
10:87	Correction: FSM-Federal requirements	13 N.J.R. 769(a)	R. 1981 d.517	14 N.J.R. 208(b)
10:87-2.2, 2.3, 2.21	Readopted Food Stamp Program revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-2.3, 2.21	Food Stamp Program: readopted revisions	15 N.J.R. 629(a)	R. 1983 d.223	15 N.J.R. 1033(a)
10:87-2.4, 2.7, 2.8	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-2.7	Food stamp participants and job search	14 N.J.R. 1041(a)	R. 1982 d.437	14 N.J.R. 1462(b)
10:87-2.32, 2.34, 2.35	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-2.34	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-2.38	Readopted FSP revisions	15 N.J.R. 247(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-3.2, 3.12	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-3.10, 3.11	FSP: readopted revisions	15 N.J.R. 629(a)	R. 1983 d.223	15 N.J.R. 1033(a)
10:87-3.15-3.21	Food stamp participants and job search	14 N.J.R. 1041(a)	R. 1982 d.437	14 N.J.R. 1462(b)
10:87-3.19	Readopted FSP revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-3.23, 3.24	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-4.3, 4.8	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-4.4, 4.6, 4.7, 4.14, 4.16	FSP: readopted revisions	15 N.J.R. 629(a)	R. 1983 d.223	15 N.J.R. 1033(a)
10:87-4.4, 4.19	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-4.8, 4.12, 5.5	Food Stamp Program: Resource exclusions	15 N.J.R. 212(a)	R. 1983 d.141	15 N.J.R. 692(b)
10:87-5.4, 5.6	FSP: readopted revisions	15 N.J.R. 629(a)	R. 1983 d.223	15 N.J.R. 1033(a)
10:87-5.5	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-5.10	Readopted FSP revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-5.10	Food Stamp Program income deductions and maximum allotments	Emergency	R. 1983 d.460	15 N.J.R. 1774(a)
10:87-5.10, 12.1, 12.2	FSP: income deductions and maximum allotments	15 N.J.R. 1774(a)	R. 1983 d.579	15 N.J.R. 2170(c)
10:87-6.2, 6.3, 6.16, 6.17, 6.18	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-6.14, 6.15	FSP: Readopted emergency revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-7.14, 7.15	FSP: readopted revisions	15 N.J.R. 629(a)	R. 1983 d.223	15 N.J.R. 1033(a)
10:87-7.16, 7.17	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-7.18	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-9.7	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-9.7	FSP: readopted revisions	15 N.J.R. 629(a)	R. 1983 d.223	15 N.J.R. 1033(a)
10:87-9.16	Replacement of food stamp benefits	14 N.J.R. 1081(b)	R. 1982 d.474	15 N.J.R. 35(a)
10:87-11.1-11.12, 11.15, 11.16, 11.20-11.29	Food Stamp Program: readopted revisions	15 N.J.R. 633(a)	R. 1983 d.224	15 N.J.R. 1034(a)
10:87-12.1	Readopted FSP revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-12.1, 12.2	Food Stamp Manual	Emergency	R. 1980 d.558	13 N.J.R. 100(e)
10:87-12.1, 12.2	FSP: income deductions and maximum allotments	Emergency	R. 1983 d.460	15 N.J.R. 1774(a)

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10:87-12.1, 12.3, 12.4, 12.6	Readopted: Food Stamp Program adjustments	14 N.J.R. 757(d)	R. 1982 d.318	14 N.J.R. 1057(a)
10:87-12.1, 12.2, 12.6	Food Stamp Program: Readopted revisions	14 N.J.R. 1170(a)	R. 1982 d.442	14 N.J.R. 1463(a)
10:87-12.3	Food Stamp Program maximum net income levels	13 N.J.R. 500(a)	R. 1981 d.400	13 N.J.R. 772(a)
10:87-12.3, 12.4	Food Stamp income levels	Emergency	R. 1981 d.278	13 N.J.R. 500(a)
10:87-12.3, 12.4, 12.7	FSP: Maximum income eligibility limits	15 N.J.R. 1185(a)	R. 1983 d.382	15 N.J.R. 1583(b)
10:87-12.4	Food Stamp Manual	Emergency	R. 1980 d.558	13 N.J.R. 100(e)
10:87-12.5, 12.6	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-12.7	Readopted FSP revisions	15 N.J.R. 247(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:88	Repealed: Food Stamp Plan of Operation Manual	15 N.J.R. 611(a)	R. 1983 d.246	15 N.J.R. 1034(b)
10:89	Readopted Home Energy Assistance rules	13 N.J.R. 888(a)	R. 1982 d.62	14 N.J.R. 281(c)
10:89-Fwd, 2.3, 3.2, 3.4, 3.6, 4.1	Home Energy Assistance	15 N.J.R. 1338(a)	R. 1983 d.465	15 N.J.R. 1768(c)
10:89-2.3, 3.1, 3.2, 3.4, 3.5, 3.6, 4.1, 5.2, 5.3	Readopted: Home Energy Assistance Handbook	14 N.J.R. 1311(a)	R. 1982 d.497	15 N.J.R. 92(c)
10:89-3.6	Emergency rule on Home Energy Assistance	Emergency	R. 1980 d.548	13 N.J.R. 100(b)
10:90	Monthly Reporting Policy Handbook	14 N.J.R. 958(a)	R. 1982 d.399	14 N.J.R. 1302(a)
10:90-2, 2.4 4.1-4.4, 4.6, 5.3, 5.6, 6.1	Monthly Reporting Policy Handbook	15 N.J.R. 1162(a)	R. 1983 d.398	15 N.J.R. 1584(a)
10:90-2.3	Monthly Reporting Policy Handbook	15 N.J.R. 849(a)	R. 1983 d.326	15 N.J.R. 1381(a)
10:91	Repealed: Services to families and children	14 N.J.R. 744(a)	R. 1982 d.317	14 N.J.R. 1057(b)
10:93	Repealed: obsolete rules on refugee assistance programs	15 N.J.R. 611(b)	R. 1983 d.245	15 N.J.R. 1035(a)
10:94-3	Medicaid Only: readopted nonfinancial eligibility criteria	15 N.J.R. 948(a)	R. 1983 d.317	15 N.J.R. 1382(a)
10:94-4, -5	Medicaid Only: Income and resource eligibility	12 N.J.R. 663(a)	R. 1981 d.177	13 N.J.R. 364(b)
10:94-4, -5	Medicaid Only: readopted financial eligibility standards	15 N.J.R. 999(b)	R. 1983 d.373	15 N.J.R. 1477(a)
10:94-4.4, 5.3	Medicaid Only: exclusion of burial spaces and funds	15 N.J.R. 422(a)	R. 1983 d.167	15 N.J.R. 925(b)
10:94-5.4, 5.5, 5.6	Readopt Medicaid Only computation amounts	13 N.J.R. 501(a)	R. 1981 d.385	13 N.J.R. 773(a)
10:94-5.4, 5.5, 5.6	Correction: Medicaid Only computation amounts	13 N.J.R. 501(a)	R. 1981 d.385	13 N.J.R. 846(a)
10:94-5.4, 5.5, 5.6	Readopted: Medicaid Only computation amounts	14 N.J.R. 758(a)	R. 1982 d.314	14 N.J.R. 1058(a)
10:94-5.4, 5.5, 5.6	Medicaid Only: eligibility computation amounts	Emergency	R. 1983 d.289	15 N.J.R. 1187(a)
10:94-5.4, 5.5, 5.6	Medicaid Only: eligibility computation amounts	15 N.J.R. 1733(a)	R. 1983 d.593	15 N.J.R. 2171(a)
10:94-7.5	Medicaid Only: Burial and funeral expenses	14 N.J.R. 816(a)	R. 1982 d.354	14 N.J.R. 1162(c)
10:94-8	Medicaid Only	12 N.J.R. 663(a)	R. 1981 d.177	13 N.J.R. 364(b)
10:94-9	Medical Assistance for Aged Continuation	14 N.J.R. 1084(a)	R. 1982 d.461	14 N.J.R. 1463(b)
10:98	State Plan for blind and visually impaired	14 N.J.R. 745(a)	R. 1982 d.311	14 N.J.R. 1058(b)
10:98	State Plan for Vocational Rehabilitation Services	14 N.J.R. 1193(a)	R. 1983 d.149	15 N.J.R. 807(b)
10:100-1	Service Programs: Organization and Administration rules	_____	_____	15 N.J.R. 1966(a)
10:100-1.23	Readopt SSI payment levels	13 N.J.R. 502(a)	R. 1981 d.386	13 N.J.R. 773(b)
10:100-1.23	Readopted: SSI payment levels	14 N.J.R. 760(a)	R. 1983 d.315	14 N.J.R. 1059(a)
10:100-1.23	SSI payment levels (recodified as 10:100-App. A)	Emergency	R. 1983 d.290	15 N.J.R. 1188(a)
10:100-3.6	Special Payments Handbook: Funeral contributions	14 N.J.R. 463(b)	R. 1982 d.285	14 N.J.R. 981(a)
10:100-App. A	SSI payment levels	15 N.J.R. 1188(a)	R. 1983 d.383	15 N.J.R. 1586(a)
10:100-App. A	Supplemental Security Income payment levels	15 N.J.R. 1734(a)	R. 1983 d.594	15 N.J.R. 2171(b)
10:109-1	Ruling 11	13 N.J.R. 581(b)	R. 1981 d.445	13 N.J.R. 846(b)
10:109-1.4	Ruling 11: Tuition Aid	14 N.J.R. 375(b)	R. 1982 d.227	14 N.J.R. 837(b)
10:109-2, 3, App I, II	Readopted: Ruling 11 classification and leave rules	15 N.J.R. 1546(a)	R. 1983 d.552	15 N.J.R. 2042(c)
10:109-2, 3	Ruling 11 rules: expiration date correction	15 N.J.R. 1546(a)	R. 1983 d.552	16 N.J.R. 49(b)
10:109-3.2, 3.4	Ruling 11-Sick leave and leave without pay	13 N.J.R. 515(a)	R. 1981 d.395	13 N.J.R. 774(a)
10:109-App. I, II	Ruling 11: Salary increases for CWA employees	13 N.J.R. 741(a)	R. 1981 d.498	14 N.J.R. 46(b)
10:109-App. II	County welfare agencies: Salary parity with State	14 N.J.R. 630(a)	R. 1982 d.319	14 N.J.R. 1060(a)
10:120-3	Youth and Family Services: readopted fair hearing rules	15 N.J.R. 1340(a)	R. 1983 d.442	15 N.J.R. 1769(a)
10:121-2	Adoption subsidy	14 N.J.R. 746(a)	R. 1982 d.321	14 N.J.R. 1060(b)
10:121-3	Adoption complaint investigation fees	15 N.J.R. 1341(a)	R. 1983 d.509	15 N.J.R. 1865(b)
10:121-5.1	Medical information form	12 N.J.R. 703(c)	R. 1981 d.63	13 N.J.R. 226(a)
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10:122-1.1-1.3, 2.1, 2.2, 2.4,	Child care centers for ages 2 1/2-5	15 N.J.R. 214(a)	R. 1983 d.179	15 N.J.R. 926(a)

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10:122-4.1, 4.3-4.7	Child care centers: Staff requirements	14 N.J.R. 816(b)	R. 1982 d.384	14 N.J.R. 1218(a)
10:122-4.1, 4.3-4.7	Correction: Child care centers	14 N.J.R. 816(b)	R. 1982 d.384	14 N.J.R. 1307(a)
10:122-4.2	Standards for child care centers	14 N.J.R. 82(a)	R. 1982 d.136	14 N.J.R. 428(c)
10:122-4.2-4.7, 5.1-5.4, 6.1-6.6, 6.9, 7.3	Combined standards for child care centers	15 N.J.R. 850(a)	R. 1983 d.372	15 N.J.R. 1586(b)
10:122-4.4, 4.6, 5.1-5.4, 6.1-6.9, 7.1,7.2,7.6,7.7	Child care centers for ages 2 1/2-5	15 N.J.R. 214(a)	R. 1982 d.179	15 N.J.R. 926(a)
10:122-7.1-7.7	Child care centers	14 N.J.R. 82(a)	R. 1982 d.136	14 N.J.R. 428(c)
10:123-1	Repealed (see 10:5)	15 N.J.R. 208(a)	R. 1983 d.587	15 N.J.R. 2172(a)
10:123-2.4	Rooming houses: visits by county welfare staff	15 N.J.R. 1168(a)	R. 1983 d.420	15 N.J.R. 1665(a)
10:123-3.1, 3.2	Personal needs allowance	13 N.J.R. 595(a)	R. 1981 d.423	13 N.J.R. 774(b)
10:123-3.1, 3.2	Personal needs allowance	13 N.J.R. 595(a)	R. 1981 d.423	14 N.J.R. 287(a)
10:123-3.1, 3.2	Personal needs allowance: Residential health care	14 N.J.R. 699(a)	R. 1982 d.301	14 N.J.R. 981(b)
10:123-3.2	Residential health care and boarding homes: personal needs allowance	15 N.J.R. 1735(a)	R. 1983 d.588	15 N.J.R. 2172(b)
10:124	Children's shelter facilities and homes	14 N.J.R. 125(a)	R. 1982 d.222	14 N.J.R. 761(a)
10:125	Repealed (see 10:5)	15 N.J.R. 208(a)	R. 1983 d.587	15 N.J.R. 2172(a)
10:126	Repealed (see 10:5)	15 N.J.R. 208(a)	R. 1983 d.587	15 N.J.R. 2172(a)
10:127	Residential child care facilities	15 N.J.R. 486(a)	R. 1983 d.393	15 N.J.R. 1597(a)
10:130	Shelters for victims of domestic violence	14 N.J.R. 197(a)	R. 1982 d.138	14 N.J.R. 429(a)
10:130	Repealed: Children's shelters manual	14 N.J.R. 125(a)	R. 1982 d.222	14 N.J.R. 761(a)
10:130-3	Funding of shelters for victims of domestic violence	15 N.J.R. 1169(a)	R. 1983 d.399	15 N.J.R. 1603(a)
10:131	Adoption assistance and child welfare	14 N.J.R. 744(a)	R. 1982 d.317	14 N.J.R. 1057(b)
10:132	Court actions and proceedings	13 N.J.R. 595(b)	R. 1981 d.434	13 N.J.R. 846(c)
10:140	1982 State Plan for Services to Developmentally Disabled (Title 10, Transmittal 15 dated November 10, 1980)	14 N.J.R. 699(b)	R. 1982 d.320	14 N.J.R. 1060(c)

#### CORRECTIONS-TITLE 10A

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11:1-5.5	Notice of Cancellation and Nonrenewal: property and casualty insurance			15 N.J.R. 810(a)
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11:2-17.7	Claims settlement practices	14 N.J.R. 966(a)	R. 1982 d.400	14 N.J.R. 1307(b)
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11:2-18.4	Correction: Readable policies	14 N.J.R. 1308	R. 1982 d.410	14 N.J.R. 1398(b)
11:3-6	Readopted: Auto Insurance Identification Card rules	15 N.J.R. 1919(a)	R. 1983 d.648	16 N.J.R. 145(c)
11:3-7.3, 7.7	Additional personal injury protection	14 N.J.R. 543(b)	R. 1982 d.246	14 N.J.R. 917(d)
11:3-8	Nonrenewal of automobile policies	15 N.J.R. 231(a)	R. 1983 d.190	15 N.J.R. 927(a)
11:3-12	Automobile rate filers: flat uniform premium tax and fees	15 N.J.R. 1170(a)	R. 1983 d.424	15 N.J.R. 1666(a)
11:3-13	Auto insurance: collision and comprehensive deductibles	15 N.J.R. 1342(a)	R. 1983 d.467	15 N.J.R. 1769(b)
11:3-13	Options for collision and comprehensive coverages	Emergency	R. 1983 d.537	15 N.J.R. 1961(a)
11:5	Readopted: Real Estate Commission rules	15 N.J.R. 1343(a)	R. 1983 d.471	15 N.J.R. 1865(c)
11:13	Commercial lines insurance	14 N.J.R. 1045(a)	R. 1982 d.423	14 N.J.R. 1398(c)

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12:15-1.3	1983 unemployment and disability benefits	14 N.J.R. 969(a)	R. 1982 d.383	14 N.J.R. 1218(b)
12:15-1.3	Unemployment and disability: 1984 maximum weekly rates	15 N.J.R. 1434(a)	R. 1983 d.521	15 N.J.R. 1944(c)
12:15-1.4	1983 wage base for unemployment contributions	14 N.J.R. 970(a)	R. 1982 d.382	14 N.J.R. 1219(a)
12:15-1.4	Unemployment compensation: 1984 taxable wage base	15 N.J.R. 1435(a)	R. 1983 d.522	15 N.J.R. 1944(d)
12:15-1.5	1983 contribution rates for government entities	14 N.J.R. 970(b)	R. 1982 d.381	14 N.J.R. 1219(b)
12:15-1.5	1984 unemployment contribution rates; governmental entities	15 N.J.R. 1829(a)	R. 1983 d.612	16 N.J.R. 50(a)
12:17-10.3, 10.4	Repayment of unemployment benefits	15 N.J.R. 74(a)	R. 1983 d.83	15 N.J.R. 447(a)
12:17-11.3	Unemployment benefits: lump sum pension reduction	15 N.J.R. 1436(a)	R. 1983 d.602	16 N.J.R. 51(a)
12:45	Vocational Rehabilitation Services: legal authority	14 N.J.R. 1438(b)	R. 1983 d.82	15 N.J.R. 693(a)
12:46	Vocational Rehabilitation Services: Administration	14 N.J.R. 1438(b)	R. 1983 d.82	15 N.J.R. 693(a)
12:47	Vocational Rehabilitation Services: advisory councils	14 N.J.R. 1438(b)	R. 1983 d.82	15 N.J.R. 693(a)
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12:50	Repealed: Disability Determinations Service	14 N.J.R. 1438(b)	R. 1983 d.82	15 N.J.R. 693(a)
12:51-2.1, 3.5, 4.1	Vocational Rehabilitation Facilities	15 N.J.R. 1548(a)	R. 1983 d.600	16 N.J.R. 51(b)
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12:56-3.2	Correction to Code: Exemptions from minimum wage rates			15 N.J.R. 43(b)
12:56-7.2	Wage and hour: "Administrative" defined	14 N.J.R. 1145(a)	R. 1982 d.468	15 N.J.R. 36(a)
12:175	Ski lift safety standards	15 N.J.R. 1553(a)	R. 1983 d.613	16 N.J.R. 51(c)
12:190	Safety standards for explosives	13 N.J.R. 517(b)	R. 1982 d.229	14 N.J.R. 837(c)
12:191	Repealed	13 N.J.R. 517(b)	R. 1982 d.229	14 N.J.R. 837(c)
12:192	Repealed	13 N.J.R. 517(b)	R. 1982 d.229	14 N.J.R. 837(c)
12:193	Repealed	13 N.J.R. 517(b)	R. 1982 d.229	14 N.J.R. 837(c)
12:195	Readopted: rules on Carnival-Amusement Rides	15 N.J.R. 1002(a)	R. 1983 d.364	15 N.J.R. 1477(b)
12:235-1.5	1983 workers' compensation benefits	14 N.J.R. 971(a)	R. 1982 d.380	14 N.J.R. 1219(c)
12:235-1.5	1984 workers' compensation benefit rates	15 N.J.R. 1437(a)	R. 1983 d.520	15 N.J.R. 1945(a)
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<b>LAW AND PUBLIC SAFETY--TITLE 13</b>				
13:1	Readopted: Police Training Commission rules	15 N.J.R. 866(a)	R. 1983 d.316	15 N.J.R. 1382(b)
13:2-7.10, 24.4	ABC: wholesaler to retailer credit controls	15 N.J.R. 1557(a)	R. 1983 d.545	15 N.J.R. 1945(b)
13:2-8.1	Correction to ABC rules: Definition of club member			15 N.J.R. 1876(b)
13:2-23.16	ABC: exceptions to prohibited promotions	15 N.J.R. 1558(a)	R. 1983 d.527	15 N.J.R. 1946(a)
13:2-24.11	ABC: manufacturers' rebates and coupons	15 N.J.R. 1003(a)	R. 1983 d.361	15 N.J.R. 1478(a)
13:2-24.11	ABC: manufacturers' rebates and coupons	15 N.J.R. 1830(a)	R. 1983 d.644	16 N.J.R. 146(a)
13:3-1.2, 1.11	Amusement games control	15 N.J.R. 680(a)	R. 1983 d.303	15 N.J.R. 1254(b)
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13:3-1.10, 1.14, 2.2, 3.9, 4.3	Amusement games licensing forms, fees	14 N.J.R. 1194(a)	R. 1982 d.498	15 N.J.R. 93(a)
13:3-2.2, 3.4, 3.5, 3.6, 3.8, 3.9, 3.10, 3.15, 4.3, 7.1, 7.2, 7.9	Amusement games control	15 N.J.R. 680(a)	R. 1983 d.303	15 N.J.R. 1254(b)
13:3-8.1-8.7	Repealed	14 N.J.R. 1194(a)	R. 1982 d.498	15 N.J.R. 93(a)
13:4-2.3	Fact-finding conferences on discrimination complaints	15 N.J.R. 500(a)	R. 1983 d.385	15 N.J.R. 1604(a)
13:4-12.1	Discrimination complaints and hearings before OAL	15 N.J.R. 501(a)	R. 1983 d.347	15 N.J.R. 1481(a)
13:4-12.1, 12.3	Readopted: certain rules on civil rights hearings	15 N.J.R. 1922(a)	R. 1983 d.650	16 N.J.R. 146(b)
13:3-8.1-8.7	Repealed	14 N.J.R. 1194(a)	R. 1982 d.498	15 N.J.R. 93(a)
13:18-10	Readopted: Unsatisfied claim and Judgment Fund rules on excess medical benefits	15 N.J.R. 872(a)	R. 1983 d.387	15 N.J.R. 1604(b)
13:19-2	Repealed: Probationary Driver Licenses	15 N.J.R. 501(b)	R. 1983 d.242	15 N.J.R. 1035(b)
13:19-10	Point system; motorized bicycle offenses	15 N.J.R. 1004(a)	R. 1983 d.360	15 N.J.R. 1481(b)
13:19-11	Out-of-state conviction for drunk driving	15 N.J.R. 1009(a)	R. 1983 d.352	15 N.J.R. 1481(c)
13:20-7.3, 7.4	Readopted: Motor vehicle inspection	14 N.J.R. 918(a)	R. 1982 d.364	14 N.J.R. 1162(e)
13:20-7.4	Motor vehicle inspection: repeal odd-even system	Emergency	R. 1983 d.294	15 N.J.R. 1261(a)
13:20-17.3	Attendance fee for driver improvement school	14 N.J.R. 1145(b)	R. 1982 d.485	15 N.J.R. 93(b)
13:20-31.3	Fee for driver alcohol education program	14 N.J.R. 1195(a)	R. 1983 d.19	15 N.J.R. 156(b)
13:20-32.4, 32.14, 32.15	Motor vehicle reinspection centers: mechanic certification	Emergency	R. 1983 d.404	15 N.J.R. 1608(a)
13:20-32.4, 32.14,	Motor vehicle reinspection centers: mechanic certification	15 N.J.R. 1608(a)	R. 1983 d.525	15 N.J.R. 1946(b)
13:20-32.6, 32.9, 32.11	Motor vehicle reinspection centers: Fees	14 N.J.R. 1196(a)	R. 1983 d.20	15 N.J.R. 156(c)
13:20-33.1, 33.2, 33.50, 33.51	Licensed motor vehicle reinspection centers	Emergency	R. 1983 d.547	15 N.J.R. 1963(a)
13:21-4.5	Repealed: "Title only" motor vehicle certification	14 N.J.R. 632(a)	R. 1982 d.370	14 N.J.R. 1163(a)
13:21-8	Driver license: law-knowledge tests; test for hearing impaired	15 N.J.R. 1437(b)	R. 1983 d.609	16 N.J.R. 51(d)
13:21-9.3	Restoration fee for motor vehicle license	14 N.J.R. 1146(a)	R. 1982 d.484	15 N.J.R. 94(a)
13:21-19	Motor Vehicle Franchise Committee: procedural rules	15 N.J.R. 1232(a)	R. 1983 d.621	16 N.J.R. 146(c)
13:25-6	Repeal (see 13:19-10)	15 N.J.R. 1004(a)	R. 1983 d.360	15 N.J.R. 1481(b)
13:25-8	Motorized bicycles: readopted operation rules	15 N.J.R. 1440(a)	R. 1983 d.608	16 N.J.R. 52(a)
13:25-9	Approved helmets for motorized bicycle operators	15 N.J.R. 684(a)	R. 1983 d.489	15 N.J.R. 1865(d)
13:26	Readopted: Transportation of Bulk Commodities rules	15 N.J.R. 1116(a)	R. 1983 d.441	15 N.J.R. 1770(a)

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13:27-3.13	Board of Architects examination fees	15 N.J.R. 502(a)	R. 1983 d.271	15 N.J.R. 1102(b)
13:27-7	Pre-prepared plans for single family houses	15 N.J.R. 1010(a)	R. 1983 d.466	15 N.J.R. 1770(b)
13:27A	Price posting in barber shops	14 N.J.R. 749(a)	R. 1982 d.387	14 N.J.R. 1219(d)
13:28-2	Correction: Expiration date for N.J.A.C. 13:28-2			15 N.J.R. 347(a)
13:29-1.6	CPA qualifying requirements	14 N.J.R. 749(b)	R. 1982 d.405	14 N.J.R. 1309(a)
13:29-1.7	Board of Accountancy: conditional credit	14 N.J.R. 1279(a)	R. 1983 d.211	15 N.J.R. 1035(c)
13:29-3.1-3.9, 3.12-3.18	Board of Accountancy: Professional misconduct	14 N.J.R. 895(a)	R. 1982 d.407	14 N.J.R. 1309(b)
13:32-1.5	Plumbing business and bona fide representative	15 N.J.R. 1171(a)	R. 1983 d.580	15 N.J.R. 2172(c)
13:32-1.8	Pressure seal on plumbing permit applications	14 N.J.R. 750(a)	R. 1982 d.388	14 N.J.R. 1219(e)
13:33-1.1-1.7, 1.9-1.13, 1.15-1.19, 1.25, 1.34, 1.39, 1.42	Licensure of ophthalmic dispensers and technicians	14 N.J.R. 545(a)	R. 1983 d.15	15 N.J.R. 157(a)
13:33-1.38	Minimum standards for eyeglass dispensing	14 N.J.R. 1085(a)	R. 1983 d.81	15 N.J.R. 447(b)
13:34-1.1, 1.3-1.7, 2.1, 3.1-3.7, 4.1, 4.2	Marriage counselor practice	15 N.J.R. 1441(a)	R. 1983 d.544	15 N.J.R. 1947(a)
13:35-1-6	Board of Medical Examiners: standards and rules	15 N.J.R. 503(a)	R. 1983 d.314	15 N.J.R. 1255(a)
13:35-1A.4	Standards for out-of-state medical school	15 N.J.R. 1444(a)	R. 1983 d.549	15 N.J.R. 2044(a)
13:35-3.3, 6.13	Medical examiners board: chiropractic endorsement; fees	15 N.J.R. 784(a)	R. 1983 d.510	15 N.J.R. 1865(e)
13:35-6.5	Responsibility for pronouncement of death	14 N.J.R. 90(a)	R. 1982 d.214	14 N.J.R. 767(a)
13:35-6.5	Correction: Responsibility for pronouncement of death	14 N.J.R. 767(a)	R. 1982 d.214	14 N.J.R. 918(b)
13:35-6.7	Medical examiners board: prescribing amphetamines	15 N.J.R. 785(a)	R. 1983 d.490	15 N.J.R. 1866(a)
13:35-7.9,10	Repealed (see 13:35-1-6)	15 N.J.R. 503(a)	R. 1983 d.314	15 N.J.R. 1255(a)
13:35-9	Certified Nurse-Midwife and lay midwife practice	14 N.J.R. 632(b)	R. 1982 d.416	14 N.J.R. 1400(a)
13:35-11	In-State clinical training by foreign medical schools	15 N.J.R. 75(a)	R. 1983 d.97	15 N.J.R. 550(b)
13:36-3.4	Mortuary science examination subjects	14 N.J.R. 897(a)	R. 1982 d.409	14 N.J.R. 1309(c)
13:36-4.1	Mortuary science: License renewals	14 N.J.R. 751(a)	R. 1982 d.333	14 N.J.R. 1110(a)
13:36-5.12	Mortuary advertising requirements	14 N.J.R. 898(a)	R. 1982 d.404	14 N.J.R. 1309(d)
13:37-9.2	Practical nursing licensure by examination	14 N.J.R. 701(a)	R. 1982 d.406	14 N.J.R. 1309(e)
13:37-12.1	Board of Nursing: Licensure fees	14 N.J.R. 635(a)	R. 1982 d.408	14 N.J.R. 1310(a)
13:38-2.1	Optometric practice: minimum examination	15 N.J.R. 1234(a)	R. 1983 d.511	15 N.J.R. 1866(b)
13:38-6.1	Optometric practices: readopted rule on patient records	15 N.J.R. 1011(a)	R. 1983 d.359	15 N.J.R. 1481(d)
13:39-5	Readopted: Rules for registration of pharmacists	15 N.J.R. 1172(a)	R. 1983 d.440	15 N.J.R. 1770(c)
13:39-6.4, 6.5, 6.7, 6.8, 9.13	Computerized recordkeeping in pharmacies	14 N.J.R. 1343(a)	R. 1983 d.22	15 N.J.R. 157(b)
13:39-8.14, 9.14	Pharmacist-in-Charge; in-store pharmacies	14 N.J.R. 898(b)	R. 1983 d.341	15 N.J.R. 1482(a)
13:39-9.16	Board of Pharmacy examination fee	14 N.J.R. 1280(a)	R. 1983 d.21	15 N.J.R. 157(c)
13:39-9.16	Board of Pharmacy fees	15 N.J.R. 78(a)	R. 1983 d.95	15 N.J.R. 553(a)
13:40-1.1, 2.1	Engineers and surveyors: Sealing of documents	14 N.J.R. 1345(a)	R. 1983 d.36	15 N.J.R. 157(d)
13:40-3.1	Engineers and land surveyors: Misconduct	14 N.J.R. 1196(b)	R. 1983 d.16	15 N.J.R. 158(a)
13:40-6	Engineers and Land Surveyors: readopted licensing fee schedule	15 N.J.R. 1077(a)	R. 1983 d.418	15 N.J.R. 1667(a)
13:40-6.1	Examination fees for engineers and surveyors	15 N.J.R. 78(b)	R. 1983 d.148	15 N.J.R. 807(c)
13:41-3.2	Professional planning examination fees	15 N.J.R. 79(a)	R. 1983 d.114	15 N.J.R. 626(a)
13:42	Readopted: Licensure of psychologists; misconduct	15 N.J.R. 1497(a)	R. 1983 d.543	15 N.J.R. 1947(b)
13:43-3.3	Certified Shorthand Reporter disclosure	15 N.J.R. 80(a)	R. 1983 d.122	15 N.J.R. 626(b)
13:43-4	Certified Shorthand Reporting: examination and licensure fees	15 N.J.R. 873(a)	R. 1983 d.414	15 N.J.R. 1667(b)
13:44-2.9	Veterinary board: Temporary permits	15 N.J.R. 130(a)	R. 1983 d.113	15 N.J.R. 626(c)
13:44-4.1	Veterinary Medical Examiners fee schedule	14 N.J.R. 1281(a)	R. 1982 d.502	15 N.J.R. 94(b)
13:44-4.1	Veterinary Medical Examiners: registration fees	15 N.J.R. 612(a)	R. 1983 d.252	15 N.J.R. 1035(d)
13:45A-18.1	Fee for consumer contract review	14 N.J.R. 464(a)	R. 1982 d.221	14 N.J.R. 767(b)
13:46-1.1	Boxing and wrestling programs: Definitions	14 N.J.R. 751(b)	R. 1982 d.389	14 N.J.R. 1220(a)
13:46-1.2-1.4	Weights and classes: Recodified as subchapter 1A	14 N.J.R. 751(b)	R. 1982 d.389	14 N.J.R. 1220(a)
13:46-4	Boxing and wrestling programs: Licenses and permits	14 N.J.R. 751(b)	R. 1982 d.389	14 N.J.R. 1220(a)
13:46-15.15-15.18	Complimentary tickets for boxing and wrestling events	14 N.J.R. 971(b)	R. 1982 d.398	14 N.J.R. 1220(b)
13:46-18.12, 18.18	Repealed	14 N.J.R. 635(b)	R. 1982 d.271	14 N.J.R. 919(a)
13:46-18.15	Same day boxing programs	14 N.J.R. 635(b)	R. 1982 d.271	14 N.J.R. 919(a)
13:47A-3.1	Securities industry: Nonduplication of fingerprinting	14 N.J.R. 550(a)	R. 1982 d.304	14 N.J.R. 981(c)
13:47A-5.2	Broker-dealer registration	14 N.J.R. 551(a)	R. 1982 d.265	14 N.J.R. 919(b)
13:47A-9.13	Repealed exemption restriction for private offering to sophisticated investors	14 N.J.R. 552(a)	R. 1982 d.266	14 N.J.R. 919(c)
13:47B-1.1	Correction to Code: Liquid measuring devices			14 N.J.R. 1315(b)
13:49-1-8	State Medical Examiner: death investigations	15 N.J.R. 1351(a)	R. 1983 d.589	15 N.J.R. 2172(d)

<b>N.J.A.C. CITATION</b>		<b>PROPOSAL NOTICE (N.J.R. CITATION)</b>	<b>DOCUMENT CITATION</b>	<b>ADOPTION NOTICE (N.J.R. CITATION)</b>
13:70-3,14, 15, 29, 29	Readopted: Thoroughbred rules	15 N.J.R. 685(a)	R. 1983 d.295	15 N.J.R. 1256(a)
13:70-3.47	Thoroughbred rules	14 N.J.R. 1146(b)	R. 1983 d.14	15 N.J.R. 158(b)
13:70-4.1	Thoroughbred racing: License fees	14 N.J.R. 1444(a)	R. 1983 d.103	15 N.J.R. 553(b)
13:70-6.55, 6.56, 18.6	Thoroughbred rules	14 N.J.R. 1146(b)	R. 1983 d.14	15 N.J.R. 158(b)
13:70-9.18	Jockey fees	15 N.J.R. 518(a)	R. 1983 d.512	15 N.J.R. 1866(c)
13:70-19.43	Repealed (see 13:70-3,14,15,19,29)	15 N.J.R. 685(a)	R. 1983 d.295	15 N.J.R. 1256(a)
13:71-1.23	Harness racing: No smoking in barn areas	15 N.J.R. 873(b)	R. 1983 d.337	15 N.J.R. 1383(a)
13:71-5.9, 21,23	Readopted: Harness rules	15 N.J.R. 685(a)	R. 1983 d.295	15 N.J.R. 1256(a)
13:71-6.24, 11.9	Harness racing: Vaccination; respiratory bleeding	14 N.J.R. 1147(a)	R. 1983 d.13	15 N.J.R. 158(c)
13:71-7.1	Harness racing: License fees	14 N.J.R. 1445(a)	R. 1983 d.104	15 N.J.R. 554(a)
13:76	Arson investigators: training requirements	15 N.J.R. 1078(a)	R. 1983 d.365	15 N.J.R. 1482(b)

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**PUBLIC UTILITIES-TITLE 14**

14:1-3.3	Board proceedings and ex parte communications	14 N.J.R. 1148(a)	R. 1983 d.415	15 N.J.R. 1667(c)
14:3-3.6	Diversion-of-service disputes	15 N.J.R. 787(a)	R. 1983 d.526	15 N.J.R. 1949(a)
14:3-7.16	Diversion-of-service disputes	15 N.J.R. 787(a)	R. 1983 d.526	15 N.J.R. 949(a)
14:17-18	Cable television: common tariff rate-making	15 N.J.R. 1356(a)	R. 1983 d.435	15 N.J.R. 1673(a)
14:18-11	Readopted: CATV application for municipal consent and certification rules	15 N.J.R. 874(a)	R. 1983 d.346	15 N.J.R. 1483(a)

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**ENERGY-TITLE 14A**

14A:3	Correction: Expiration date of N.J.A.C. 14A:3, Energy Conservation	—————	—————	15 N.J.R. 701(a)
14A:3-1,2, 3,4,6,7, 8,9	Readopted: Energy Conservation rules	15 N.J.R. 789(a)	R. 1983 d.298	15 N.J.R. 1256(b)
14A:3-11.3, 11.5	Designation of used oil collection sites	13 N.J.R. 681(a)	R. 1982 d.262	14 N.J.R. 919(d)
14A:3-15.8	Recycling grants and loans: Supplementary projects	14 N.J.R. 1346(a)	R. 1983 d.119	15 N.J.R. 622(d)
14A:4	Solar energy systems: readopted standards and qualifications for tax exemption	15 N.J.R. 1448(a)	R. 1983 d.487	15 N.J.R. 1867(a)
14A:5	Solar energy systems: readopted sales tax exemption rules	15 N.J.R. 1450(a)	R. 1983 d.486	15 N.J.R. 1867(b)
14A:12-1	Computing cost savings in shared-savings contracts	14 N.J.R. 820(a)	R. 1983 d.10	15 N.J.R. 158(d)

(Title 14A, Transmittal 8 dated June 21, 1982)

**STATE-TITLE 15**

15:2	Commercial recording: Expedited information services	15 N.J.R. 14(a)	R. 1983 d.61	15 N.J.R. 340(d)
15:15-8.1, 8.2	Repeal rules on Register and Code	14 N.J.R. 366(a)	R. 1982 d.339	14 N.J.R. 1163(b)

(Title 15, Transmittal 13 dated March 19, 1981)

**PUBLIC ADVOCATE-TITLE 15A**

(Title 15A, Transmittal 1 dated March 20, 1978)

**TRANSPORTATION-TITLE 16**

16:2	Readopted: Award of Contracts for Professional services	15 N.J.R. 1176(a)	R. 1983 d.410	15 N.J.R. 1668(a)
16:16	Readopted: State aid for municipal operation and construction of roads	15 N.J.R. 1505(a)	R. 1983 d.494	15 N.J.R. 1867(c)
16:17	Readopted: State aid for municipal operation and construction of roads	15 N.J.R. 1505(a)	R. 1983 d.494	15 N.J.R. 1867(c)
16:25-13	Railroad crossing and bridge cases	14 N.J.R. 1197(a)	R. 1983 d.45	15 N.J.R. 341(a)
16:28-1	Readopted: State traffic rules	15 N.J.R. 1450(b)	R. 1983 d.495	15 N.J.R. 1867(d)
16:28-1.2	Speed rate, Route I-80 interchange, Morris County	15 N.J.R. 877(a)	R. 1983 d.329	15 N.J.R. 1868(a)
16:28-1.22	Speed rate on Route 109 in Cape May County	15 N.J.R. 1358(a)	R. 1983 d.438	15 N.J.R. 1868(e)
16:28-1.23	Speed limits along Route 18	13 N.J.R. 744(b)	R. 1981 d.484	13 N.J.R. 947(d)
16:28-1.23	School speed zone on Route 18 in Old Bridge	Emergency	R. 1982 d.465	15 N.J.R. 41(a)
16:28-1.23	Speed rate on Route 18 in East Brunswick	14 N.J.R. 1446(a)	R. 1983 d.51	15 N.J.R. 341(b)
16:28-1.23	Readopted school zone on Route 18 in Old Bridge	15 N.J.R. 41(a)	R. 1983 d.70	15 N.J.R. 448(a)
16:28-1.23	Speed limits on Route 18 in Monmouth and Middlesex Counties	15 N.J.R. 519(a)	R. 1983 d.232	15 N.J.R. 1036(a)
16:28-1.69	Speed rates on US130 in Gloucester County	14 N.J.R. 824(a)	R. 1982 d.323	14 N.J.R. 1060(d)
16:28-1.69	Speed rates on US 130 in North Brunswick	14 N.J.R. 1197(b)	R. 1982 d.499	15 N.J.R. 94(c)

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16:28-1.75	Speed rates on Route 36 in Monmouth County	15 N.J.R. 1236(a)	R. 1983 d.417	15 N.J.R. 1869(d)
16:28-1.90	School zone on Route 166 in Dover Twp.	15 N.J.R. 520(a)	R. 1983 d.231	15 N.J.R. 1036(b)
16:28A-1	Readopted: State traffic rules	15 N.J.R. 1450(b)	R. 1983 d.495	15 N.J.R. 1867(d)
16:28A-1.1, 1.2, 1.4, 1.7	Parking on Routes US1, 1 and 9, 4, US9	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.2	Parking on Routes 1 and 9	13 N.J.R. 239(b)	R. 1981 d.195	13 N.J.R. 452(b)
16:28A-1.2	Parking on Route 1 and 9 in Newark	14 N.J.R. 1049(a)	R. 1982 d.420	14 N.J.R. 1402(a)
16:28A-1.2, 1.7, 1.18, 1.19, 1.25, 1.64	Parking on US1 and 9, US9, Routes 27, 28, 35, 41	15 N.J.R. 1739(a)	R. 1983 d.581	15 N.J.R. 2174(a)
16:28A-1.3, 1.5	Parking on Routes 3 and 5	14 N.J.R. 552(b)	R. 1982 d.247	14 N.J.R. 919(e)
16:28A-1.4	Bus stops on Route 4 in Elmwood Park	14 N.J.R. 825(a)	R. 1982 d.328	14 N.J.R. 1100(b)
16:28A-1.4	Parking on Route 4 in Fair Lawn	15 N.J.R. 1632(a)	R. 1983 d.559	15 N.J.R. 2045(a)
16:28A-1.5, 1.68	Parking on Routes 5 and 93 in Bergen County	15 N.J.R. 1836(a)	R. 1983 d.617	16 N.J.R. 147(a)
16:28A-1.6	Parking on Route 7	14 N.J.R. 424(a)	R. 1982 d.203	14 N.J.R. 710(a)
16:28A-1.7	Parking on US 9 in Dover Twp, Ocean County	15 N.J.R. 686(a)	R. 1983 d.279	15 N.J.R. 1181(c)
16:28A-1.8	Parking and bus stops on Route 10	14 N.J.R. 464(b)	R. 1982 d.223	14 N.J.R. 838(a)
16:28A-1.9	Readopted: Route 17 parking in Mahwah	14 N.J.R. 429(e)	R. 1982 d.201	14 N.J.R. 710(b)
16:28A-1.9	Parking on Route 17 in Paramus	15 N.J.R. 520(b)	R. 1983 d.228	15 N.J.R. 1036(c)
16:28A-1.9, 1.10, 1.11, 1.13, 1.15	Parking on Routes 17, 20, 21, US22, 23	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.13	Parking on US 22	14 N.J.R. 753(a)	R. 1982 d.313	14 N.J.R. 1061(a)
16:28A-1.13	Parking on US 22	14 N.J.R. 1198(a)	R. 1982 d.500	15 N.J.R. 94(d)
16:28A-1.13, 1.31	Parking on US 22 and Route 45	15 N.J.R. 1740(a)	R. 1983 d.577	15 N.J.R. 2175(a)
16:28A-1.15	Parking on Route 23 (Temporary)	14 N.J.R. 1199(a)	R. 1982 d.501	15 N.J.R. 95(a)
16:28A-1.15	Parking on Route 23 in Sussex County	Emergency	R. 1983 d.96	15 N.J.R. 555(a)
16:28A-1.15	Readopted: Parking on Route 23 in Sussex County	15 N.J.R. 555(a)	R. 1983 d.225	15 N.J.R. 1036(d)
16:28A-1.16	Route 24 parking	14 N.J.R. 553(a)	R. 1982 d.248	14 N.J.R. 919(f)
16:28A-1.18	Parking on Route 27	14 N.J.R. 554(a)	R. 1982 d.249	14 N.J.R. 920(a)
16:28A-1.18	Route 27 parking in South Brunswick	15 N.J.R. 317(a)	R. 1983 d.150	15 N.J.R. 807(d)
16:28A-1.18, 1.19	Parking on Routes 27, 28	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.19	Handicapped parking on Route 28 in Elizabeth	15 N.J.R. 1237(a)	R. 1983 d.408	15 N.J.R. 1868(c)
16:28A-1.20, 1.21	Parking on Routes 29 and US 30	14 N.J.R. 554(b)	R. 1982 d.250	14 N.J.R. 920(b)
16:28A-1.21	Parking on US30	14 N.J.R. 825(b)	R. 1982 d.322	14 N.J.R. 1061(b)
16:28A-1.21	Parking on US30 in Atlantic County and Route 94 in Sussex County	15 N.J.R. 1080(a)	R. 1983 d.377	15 N.J.R. 1868(d)
16:28A-1.22	Parking on Route 31	14 N.J.R. 555(a)	R. 1982 d.251	14 N.J.R. 920(c)
16:28A-1.23, 1.24, 1.25	Parking on Routes 33, 34, 35	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.24, 1.26	Parking on Routes 34 and 36	15 N.J.R. 1633(a)	R. 1983 d.557	15 N.J.R. 2045(b)
16:28A-1.25	Route 35 parking	14 N.J.R. 1198(a)	R. 1982 d.500	15 N.J.R. 94(d)
16:28A-1.25	Route 35 parking	14 N.J.R. 1199(a)	R. 1982 d.501	15 N.J.R. 95(a)
16:28A-1.25	Route 35 parking in Dover Township	15 N.J.R. 318(a)	R. 1983 d.151	15 N.J.R. 808(a)
16:28A-1.25	Parking on Route 35 in Old Bridge	15 N.J.R. 792(a)	R. 1983 d.297	15 N.J.R. 1256(c)
16:28A-1.25, 1.61	Parking on Routes 35 and US 9W	15 N.J.R. 1634(a)	R. 1983 d.558	15 N.J.R. 2045(c)
16:28A-1.26, 1.27	Parking on Routes 36, 38	14 N.J.R. 702(b)	R. 1982 d.312	14 N.J.R. 1061(c)
16:28A-1.27	Parking on Route 38	14 N.J.R. 424(a)	R. 1982 d.203	14 N.J.R. 710(a)
16:28A-1.27	Parking on Route 38	14 N.J.R. 753(a)	R. 1982 d.313	14 N.J.R. 1061(a)
16:28A-1.28, 1.31, 1.32	Parking on Routes 40, 45, 46	14 N.J.R. 702(b)	R. 1982 d.312	14 N.J.R. 1061(c)
16:28A-1.31	Bus stops on Routes 45 and 77 in Gloucester County	15 N.J.R. 1358(b)	R. 1983 d.437	15 N.J.R. 1869(a)
16:28A-1.33	Parking on Route 47	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.33	Parking on Route 47 in Glassboro	15 N.J.R. 1559(b)	R. 1983 d.531	15 N.J.R. 1954(a)
16:28A-1.33	Parking on Routes 47 (Deptford) and 73 (Mt. Laurel)	15 N.J.R. 1451(a)	R. 1983 d.478	15 N.J.R. 1869(b)
16:28A-1.34	Parking on Route 49	14 N.J.R. 554(a)	R. 1982 d.249	14 N.J.R. 920(a)
16:28A-1.34	Parking on Route 49 in Millville	14 N.J.R. 1283(a)	R. 1983 d.1	15 N.J.R. 162(a)
16:28A-1.36, 1.37	Parking on Routes 57, 70	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.37	Parking on Route 70 in Lakehurst	15 N.J.R. 426(a)	R. 1983 d.172	15 N.J.R. 929(a)
16:28A-1.37	Parking on Routes 70 and 183 in Camden and Sussex Counties	15 N.J.R. 1560(a)	R. 1983 d.532	15 N.J.R. 1954(b)
16:28A-1.38	Parking on Route 71 in Spring Lake Heights	15 N.J.R. 686(a)	R. 1983 d.279	15 N.J.R. 1181(c)
16:28-1.38, 1.40, 1.41, 1.42, 1.45, 1.46	Parking on Routes 71, 73, 77, 79, 94, US 130	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.40	Parking on Routes 47 (Deptford) and 73 (Mt. Laurel)	15 N.J.R. 1451(a)	R. 1983 d.478	15 N.J.R. 1869(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:28A-1.41	Bus stops on Routes 45 and 77 in Gloucester County	15 N.J.R. 1358(b)	R. 1983 d.437	15 N.J.R. 1869(a)
16:28A-1.43	Parking on Route 82 in Springfield	15 N.J.R. 1452(a)	R. 1983 d.479	15 N.J.R. 1869(c)
16:28A-1.43	Parking on Routes 82 and 208 in Union and Fair Lawn	15 N.J.R. 1562(a)	R. 1983 d.533	15 N.J.R. 1954(c)
16:28A-1.45	Parking on US30 in Atlantic County and Route 94 in Sussex County	15 N.J.R. 1080(a)	R. 1983 d.377	15 N.J.R. 1868(d)
16:28A-1.50, 1.51	Parking on Routes 166, 168	14 N.J.R. 702(b)	R. 1982 d.312	14 N.J.R. 1061(c)
16:28A-1.52, 1.55, 1.57	Parking on Routes 173, US 202, US 206	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-153	Parking on Route 179 in E. Amwell	15 N.J.R. 1929(a)	R. 1983 d.645	16 N.J.R. 147(b)
16:28A-1.55	Parking on US 202 in Morris Township	15 N.J.R. 131(a)	R. 1983 d.111	15 N.J.R. 626(d)
16:28A-1.56, 1.63	Parking on US 202-206 and 202-31	14 N.J.R. 556(a)	R. 1982 d.252	14 N.J.R. 920(d)
16:28A-1.61	Bustops and parking on US 9W	14 N.J.R. 465(a)	R. 1982 d.224	14 N.J.R. 838(b)
16:28A-1.61	Parking on US 9W in Fort Lee	15 N.J.R. 521(a)	R. 1983 d.227	15 N.J.R. 1036(e)
16:28A-1.64	Parking on Route 41	14 N.J.R. 425(a)	R. 1982 d.202	14 N.J.R. 710(c)
16:28A-1.64	Parking on Route 41 in Cherry Hill	14 N.J.R. 1446(b)	R. 1983 d.52	15 N.J.R. 342(a)
16:28A-1.65	Parking on Route 15	14 N.J.R. 466(a)	R. 1982 d.226	14 N.J.R. 838(c)
16:28A-1.65	Route 15 Parking	14 N.J.R. 1198(a)	R. 1982 d.500	15 N.J.R. 94(d)
16:28A-1.67, 1.71	Parking on Routes 63, 67	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.68, 1.70	Parking on Routes 93, 439	14 N.J.R. 702(b)	R. 1982 d.312	14 N.J.R. 1061(c)
16:28A-1.70	Parking on Route 439 in Elizabeth	15 N.J.R. 521(b)	R. 1983 d.226	15 N.J.R. 1037(a)
16:28A-1.70	Handicapped parking on Route 439 in Elizabeth	15 N.J.R. 1012(a)	R. 1983 d.362	15 N.J.R. 1868(b)
16:28A-1.72, 1.73	Parking on Routes 31-57 and 32	14 N.J.R. 555(a)	R. 1982 d.251	14 N.J.R. 920(c)
16:28A-1.74-1.94	Parking on Routes 33-34, 35, 35-71, 37, US 40-50, 53, 59, I-80, 87, US 130, 33, 153, 159, 161, 182, 62, 208, 280, I-280, 287, I-295, US322, US322-45	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.81	Parking along Route 87 in Atlantic City	15 N.J.R. 234(a)	R. 1983 d.130	15 N.J.R. 694(a)
16:28A-1.88	Parking on Routes 82 and 208 in Union and Fair Lawn	15 N.J.R. 1562(a)	R. 1983 d.533	15 N.J.R. 1954(c)
16:28A-1.95	Readopted: Parking on Rising Sun Square Road	14 N.J.R. 825(b)	R. 1982 d.322	14 N.J.R. 1061(b)
16:28A-1.96	Parking on Routes 70 and 183 in Camden and Sussex Counties	15 N.J.R. 1560(a)	R. 1983 d.532	15 N.J.R. 1954(b)
16:28A-2	Readopted: State traffic rules	15 N.J.R. 1450(b)	R. 1983 d.495	15 N.J.R. 1867(d)
16:29	Readopted: State traffic rules	15 N.J.R. 1450(b)	R. 1983 d.495	15 N.J.R. 1867(d)
16:29-1.3, 1.20, 1.24-1.28	No passing zone changes	14 N.J.R. 1283(b)	R. 1983 d.2	15 N.J.R. 162(b)
16:30	Readopted: State traffic rules	15 N.J.R. 1450(b)	R. 1983 d.495	15 N.J.R. 1867(d)
16:30-2.5	Stop intersection on Route 71, Oceanport-Eatontown	15 N.J.R. 318(b)	R. 1983 d.152	15 N.J.R. 808(b)
16:30-2.6	Readopted: Stop sign on Old Yorke Road	14 N.J.R. 990(a)	R. 1982 d.414	14 N.J.R. 1402(b)
16:30-2.6	Stop intersection: Rising Sun Square-Old York Road, Bordertown	15 N.J.R. 1359(a)	R. 1983 d.436	15 N.J.R. 1869(e)
16:30-2.7, 2.8	Yield intersections: Routes 31 (Clinton) and 23 (Wayne)	15 N.J.R. 1636(a)	R. 1983 d.560	15 N.J.R. 2046(a)
16:30-3.4	Readopted: US9 bus and HOV lane	14 N.J.R. 661(b)	R. 1982 d.299	14 N.J.R. 982(c)
16:30-3.6	Repealed: HOV lanes on Parkway	14 N.J.R. 662(a)	R. 1982 d.294	14 N.J.R. 982(d)
16:30-3.7	Bus lane on US 22 in Westfield-Mountainside	15 N.J.R. 522(a)	R. 1983 d.229	15 N.J.R. 1037(b)
16:30-7.5	Exclusion of trucks on US1 and 9, Pulaski Skyway	15 N.J.R. 1506(a)	R. 1983 d.480	15 N.J.R. 1870(a)
16:30-9.1	Drawbridge use on Route 35 in Old Bridge-Sayerville	15 N.J.R. 132(a)	R. 1983 d.106	15 N.J.R. 554(b)
16:30-10.1	Mid-block crosswalk on Route 28 in Somerville	15 N.J.R. 1837(a)	R. 1983 d.616	16 N.J.R. 147(c)
16:31	Readopted: State traffic rules	15 N.J.R. 1450(b)	R. 1983 d.495	15 N.J.R. 1867(d)
16:31-1.1	U turns on US 206 in Bordertown	15 N.J.R. 426(b)	R. 1983 d.173	15 N.J.R. 930(a)
16:31-1.1	Turns on US 206 in Somerset County	15 N.J.R. 522(b)	R. 1983 d.230	15 N.J.R. 1037(c)
16:31-1.3	Turns on Route 46 in Dover, Morris County	15 N.J.R. 319(a)	R. 1983 d.153	15 N.J.R. 808(c)
16:31-1.17	Left turns on Route 73, Winslow Twp.	14 N.J.R. 466(b)	R. 1982 d.225	14 N.J.R. 838(d)
16:31-1.18	Turns on Route 31 in Hunterdon County	14 N.J.R. 826(a)	R. 1982 d.327	14 N.J.R. 1100(c)
16:31-1.19	Turns on Route 33 in Mercer County	14 N.J.R. 973(a)	R. 1982 d.394	14 N.J.R. 1220(c)
16:31-1.20	Left turns on Route 28 in Somerset County	14 N.J.R. 1447(a)	R. 1983 d.53	15 N.J.R. 342(b)
16:31-1.21	Turns on Route 15 in Morris County	15 N.J.R. 319(a)	R. 1983 d.153	15 N.J.R. 808(c)
16:31A	Readopted: State traffic rules	15 N.J.R. 1450(b)	R. 1983 d.495	15 N.J.R. 1867(d)
16:32	Designated routes for special categories of trucks	Emergency	R. 1983 d.124	15 N.J.R. 643(a)
16:32	Readopted: Designated routes for special categories of trucks	15 N.J.R. 643(a)	R. 1983 d.259	15 N.J.R. 1102(c)
16:32	Correction: Designated routes for special categories of trucks	15 N.J.R. 1102(c)	R. 1983 d.259	15 N.J.R. 1182(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:41-2.1, 2.3-2.14, 2.18, 2.19, 3.3	Access driveways along highways	14 N.J.R. 1284(a)	R. 1983 d.530	15 N.J.R. 1955(a)
16:41-7.2	Street intersections	14 N.J.R. 1289(a)	R. 1983 d.529	15 N.J.R. 1957(a)
16:53-1.1-1.3, 1.6-1.9, 1.11, 1.19, 1.21-1.30, 2	Autobus specifications	14 N.J.R. 1347(a)	R. 1983 d.110	15 N.J.R. 694(b)
16:53-1.29, 1.30, 3.23, 3.24, 6.21, 6.30, 7.17, 7.23, 8.22, 8.25	Autobus specifications	15 N.J.R. 877(b)	R. 1983 d.445	15 N.J.R. 1771(a)
16:53-3.1-3.39, 4, 5.1, 6, 7, 8, 9.1, 9.2	Autobus specifications	14 N.J.R. 1347(a)	R. 1983 d.110	15 N.J.R. 694(b)
16:53C	Rail Freight Program	15 N.J.R. 1563(a)	R. 1983 d.601	16 N.J.R. 52(b)
16:55-1	Licensing of aeronautical activities	15 N.J.R. 1453(a)	R. 1983 d.476	15 N.J.R. 1870(b)
16:56	Repealed (See 16:55-1)	15 N.J.R. 1453(a)	R. 1983 d.476	15 N.J.R. 1870(b)
16:58-2	Repealed: Sport parachuting license rules	14 N.J.R. 1289(b)	R. 1983 d.8	15 N.J.R. 162(c)
16:60-1.3	Issuance of summons; peace officers; aircraft accidents	15 N.J.R. 1456(a)	R. 1983 d.477	15 N.J.R. 1870(c)
16:61-1.1, 2.1, 2.2, 2.4	Issuance of summons; peace officers; aircraft accidents	15 N.J.R. 1456(a)	R. 1983 d.477	15 N.J.R. 1870(c)
16:62	Repealed (See 16:55-1)	15 N.J.R. 1453(a)	R. 1983 d.476	15 N.J.R. 1870(b)
16:65	Readopted: Contract Administration rules	15 N.J.R. 1080(b)	R. 1983 d.409	15 N.J.R. 1668(b)
16:65	Contract Administration rules recodified as 16:44			15 N.J.R. 1772(a)
16:75	NJ TRANSIT: bus allocation rules	15 N.J.R. 881(a)	R. 1983 d.371	15 N.J.R. 1484(a)

(Title 16, Transmittal 16 dated June 21, 1982)

#### TREASURY-GENERAL-TITLE 17

17:1	Readopted: General Administration pension rules	15 N.J.R. 523(a)	R. 1983 d.174	15 N.J.R. 930(b)
17:1-1.3	Alternate Benefit Program: monthly report due date	15 N.J.R. 1457(a)	R. 1983 d.546	15 N.J.R. 1957(b)
17:1-1.3, 1.8, 1.18, 1.19	Transfer between retirement systems; hearings	14 N.J.R. 1290(a)	R. 1982 d.491	15 N.J.R. 95(b)
17:1-1.3, 8.9-8.12, 8.14	Public employers: Social Security filing and reporting	15 N.J.R. 1741(a)	R. 1983 d.599	16 N.J.R. 148(a)
17:1-1.5	Pensions: Monthly transmittals and interest charges	15 N.J.R. 80(b)	R. 1983 d.77	15 N.J.R. 448(b)
17:1-1.10	Pensions: Audit differences and minimum adjustments	14 N.J.R. 1200(a)	R. 1982 d.470	15 N.J.R. 36(b)
17:1-1.14	Annual reports of salary changes	14 N.J.R. 200(a)	R. 1982 d.358	14 N.J.R. 1163(c)
17:1-1.24	Pensioners' Group Health Insurance	14 N.J.R. 328(a)	R. 1982 d.346	14 N.J.R. 1163(d)
17:1-2.3	Alternate Benefit Program: Salary agreements and deductions	14 N.J.R. 1149(a)	R. 1982 d.438	14 N.J.R. 1464(a)
17:1-2.22, 2.23	Alternate Benefit Program: Life and disability insurance	14 N.J.R. 1200(b)	R. 1982 d.483	15 N.J.R. 95(c)
17:1-2.36	Alternate Benefit Program: Transfers and interest	14 N.J.R. 1201(a)	R. 1982 d.480	15 N.J.R. 96(a)
17:1-4.6, 4.25	Transfers and hearings	14 N.J.R. 1290(a)	R. 1982 d.491	15 N.J.R. 95(b)
17:1-4.11	Pension purchases and final payments	14 N.J.R. 328(b)	R. 1982 d.347	14 N.J.R. 1163(e)
17:1-4.11	Teachers' Pension: Credit for prior military service	15 N.J.R. 1238(a)	R. 1983 d.416	15 N.J.R. 1668(c)
17:1-4.13, 4.34	Pensions: Service credit; purchases	14 N.J.R. 1201(b)	R. 1982 d.469	15 N.J.R. 36(c)
17:1-5,-7	Hearing request; Adjustment Program	14 N.J.R. 1290(a)	R. 1982 d.491	15 N.J.R. 95(b)
17:1-8.12	Social Security: Employer penalties for late filings	14 N.J.R. 1202(a)	R. 1982 d.471	15 N.J.R. 37(a)
17:1-8.12	Social Security: Late filing penalties	15 N.J.R. 319(b)	R. 1983 d.132	15 N.J.R. 696(a)
17:1-8.14	Social Security late transmittal fee	15 N.J.R. 687(a)	R. 1983 d.265	15 N.J.R. 1104(a)
17:1-12.1	Division of Pensions administrative priorities	14 N.J.R. 329(a)	R. 1982 d.350	14 N.J.R. 1164(a)
17:1-12.2	Loan information	14 N.J.R. 1201(b)	R. 1982 d.469	15 N.J.R. 36(c)
17:1-12.3	Retirement system loans	14 N.J.R. 1447(b)	R. 1983 d.39	15 N.J.R. 245(a)
17:1-12.4	Interfund transfers: court attendants appointed sheriff's officers	15 N.J.R. 525(a)	R. 1983 d.216	15 N.J.R. 1037(d)
17:1-12.5	Interfund transfers and accumulated interest	15 N.J.R. 526(a)	R. 1983 d.217	15 N.J.R. 1037(e)
17:1-12.6	Pension credit for extended maternity leave	15 N.J.R. 1012(b)	R. 1983 d.334	15 N.J.R. 1383(b)
17:2-2.3, 3.3, 7.1, 7.2	PERS: Ineligibility; contributory insurance rates; interfund transfers	14 N.J.R. 1150(a)	R. 1983 d.7	15 N.J.R. 162(d)
17:2-3.3	PERS: Contributory insurance rate	14 N.J.R. 200(b)	R. 1982 d.343	14 N.J.R. 1164(b)
17:2-3.9	Repealed: PERS insurance liability for unenrolled members	15 N.J.R. 16(a)	R. 1983 d.76	15 N.J.R. 449(a)
17:2-3.12, -5	PERS: Beneficiary designation; purchases	14 N.J.R. 1151(a)	R. 1983 d.6	15 N.J.R. 163(a)
17:3	Readopted: Teachers' Pension and Annuity Fund rules	15 N.J.R. 526(b)	R. 1983 d.175	15 N.J.R. 930(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
17:3-1.1	Teachers' Pension: Board meetings	14 N.J.R. 201(a)	R.1982 d.344	14 N.J.R. 1164(c)
17:3-1.4	Teachers' Pension: delegates to annual convention	15 N.J.R. 1360(a)	R.1983 d.483	15 N.J.R. 1870(d)
17:3-1.11, 3.12	Teachers' Pension and Annuity Fund	14 N.J.R. 1202(b)	R.1983 d.78	15 N.J.R. 449(b)
17:3-2.1	Teachers' Pension: eligible positions	15 N.J.R. 1360(b)	R.1983 d.483	15 N.J.R. 1871(a)
17:3-2.8	Teachers' Pension: repealed insurance liability for unenrolled members	15 N.J.R. 1177(a)	R.1983 d.439	15 N.J.R. 1773(a)
17:3-5.5, 6.2	Teachers' Pension	14 N.J.R. 1202(b)	R.1983 d.78	15 N.J.R. 449(b)
17:3-7.1, 7.2	Teachers' Pension	14 N.J.R. 1202(b)	R.1983 d.78	15 N.J.R. 449(b)
17:4-1.12	Police and Firemen's Retirement: Proof of age	14 N.J.R. 1204(a)	R.1983 d.4	15 N.J.R. 163(b)
17:4-2.5	Pensions: age requirements for police and firemen	15 N.J.R. 883(a)	R.1983 d.481	15 N.J.R. 1871(b)
17:4-3.6	Police and Firemen's Retirement: Insurance liability	14 N.J.R. 1291(a)	R.1983 d.47	15 N.J.R. 342(c)
17:4-5.1	Insurance purchases and retirement	13 N.J.R. 310(b)	R.1982 d.292	13 N.J.R. 525(c)
17:4-4.1	Police and Firemen's Retirement: "creditable salary"	15 N.J.R. 1238(b)	R.1983 d.482	15 N.J.R. 1871(c)
17:4-5.1	Insurance purchases and retirement	13 N.J.R. 310(b)	R.1982 d.292	13 N.J.R. 525(c)
17:4-5.3, 5.6	Police and Firemen's Retirement System changes	14 N.J.R. 1204(b)	R.1983 d.3	15 N.J.R. 163(c)
17:4-5.5	Police and Firemen's Retirement: Reinstatement	15 N.J.R. 132(b)	R.1983 d.127	15 N.J.R. 696(b)
17:4-6.2, 6.6	Insurance purchases and retirement	13 N.J.R. 310(b)	R.1982 d.292	13 N.J.R. 525(c)
17:4-6.4	Police and Firemen's Retirement	14 N.J.R. 1204(b)	R.1983 d.3	15 N.J.R. 163(c)
17:4-6.14	Insurance purchases and retirement	13 N.J.R. 310(b)	R.1982 d.292	13 N.J.R. 525(c)
17:4-7.1, 7.2	Police and Firemen's Retirement	14 N.J.R. 1204(b)	R.1983 d.3	15 N.J.R. 163(c)
17:5-1.9	State Police Retirement: Proof of age	14 N.J.R. 1205(a)	R.1983 d.49	15 N.J.R. 342(d)
17:5-2.4	State Police Retirement System	14 N.J.R. 1448(a)	R.1983 d.48	15 N.J.R. 342(e)
17:5-6.1, 6.2	State Police Retirement: Interfund transfers	14 N.J.R. 1292(a)	R.1983 d.46	15 N.J.R. 343(a)
17:6-1.9	Consolidated Police and Firemen's: Interest charge	14 N.J.R. 1293(a)	R.1983 d.35	15 N.J.R. 163(d)
17:6-3.9	Consolidated police and firemen's disability	13 N.J.R. 749(b)	R.1982 d.349	14 N.J.R. 1164(d)
17:7	Readopted: Prison Officers' Pension Fund rules	15 N.J.R. 527(a)	R.1983 d.176	15 N.J.R. 930(d)
17:8-2.6, 3.3	Supplemental Trust: Suspended deductions; withdrawal or retirement	15 N.J.R. 81(a)	R.1983 d.128	15 N.J.R. 697(a)
17:8-4	Supplemental Annuity: Voluntary employee contributions	14 N.J.R. 556(b)	R.1982 d.348	14 N.J.R. 1164(e)
17:9	Readopted: Health Benefits Program rules	15 N.J.R. 529(a)	R.1983 d.177	15 N.J.R. 930(e)
17:9	State Health Benefits Program	15 N.J.R. 792(b)	R.1983 d.330	15 N.J.R. 1383(c)
17:9-1.4, 1.6	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:9-1.5	Health Benefits Program: employer termination of participation	15 N.J.R. 793(a)	R.1983 d.332	15 N.J.R. 1383(d)
17:9-1.7	State Health Benefits Program: local governments	15 N.J.R. 884(a)	R.1983 d.331	15 N.J.R. 1383(e)
17:9-2.1, 2.2, 2.3, 2.6, 2.7, 2.11	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:9-2.10	HMO options for employees who move	15 N.J.R. 81(b)	R.1983 d.129	15 N.J.R. 697(b)
17:9-4.6	State Health Benefits Program: "Local, full time"	14 N.J.R. 1296(a)	R.1983 d.43	15 N.J.R. 343(c)
17:9-5.3, 5.5, 5.6, 5.8, 5.10	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:9-5.11	Health coverage and 10-month employees	14 N.J.R. 36(a)	R.1982 d.341	14 N.J.R. 1165(a)
17:9-6.1-6.6, 7.1, 7.2, 7.4	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:10	Readopted: Judicial Retirement System rules	15 N.J.R. 530(a)	R.1983 d.178	15 N.J.R. 931(a)
17:10-1.3, 1.4	Judicial Retirement System administration	14 N.J.R. 1296(b)	R.1983 d.212	15 N.J.R. 1038(a)
17:10-1.8	Judicial Retirement System: proof of age	14 N.J.R. 1298(a)	R.1983 d.214	15 N.J.R. 1038(b)
17:10-2.1	Judicial Retirement System administration	14 N.J.R. 1296(b)	R.1983 d.212	15 N.J.R. 1038(a)
17:10-3.1	Judicial Retirement: computation of benefits	14 N.J.R. 1299(a)	R.1983 d.213	15 N.J.R. 1038(c)
17:10-3.2	Judicial Retirement System: Maternity leave	14 N.J.R. 201(b)	R.1982 d.345	14 N.J.R. 1165(b)
17:10-3.6, 4.3, 4.4, 4.7, 4.8, 4.9, 5.1, 5.2, 5.3	Judicial Retirement System administration	14 N.J.R. 1296(b)	R.1983 d.212	15 N.J.R. 1038(a)
17:10-5.10	Judicial Retirement System: Disability	14 N.J.R. 140(a)	R.1982 d.342	14 N.J.R. 1165(c)
17:10-6.1	Judicial Retirement System administration	14 N.J.R. 1296(b)	R.1983 d.212	15 N.J.R. 1038(a)
17:12-5.1	Subscription fee for State contract information	14 N.J.R. 1085(b)	R.1982 d.481	15 N.J.R. 96(b)
17:16-5.1, 5.2	Readopted: State Investment Council, classification of funds	15 N.J.R. 531(a)	R.1983 d.233	15 N.J.R. 1038(d)
17:16-5.1-5.6	State Investment Council funds	14 N.J.R. 329(b)	R.1982 d.397	14 N.J.R. 1220(d)
17:16-17.2, 17.3	State Investment Council: Applicable funds; equity investments	15 N.J.R. 133(a)	R.1983 d.107	15 N.J.R. 627(a)
17:16-27.1, 27.2, 27.3	State Investment Council: Certificates of deposit	15 N.J.R. 794(a)	R.1983 d.281	15 N.J.R. 1182(b)
17:16-31.15	Cash Management Fund: Statement correction	14 N.J.R. 899(a)	R.1982 d.363	14 N.J.R. 1166(a)
17:16-37.1-37.4	State Investment Council: repurchase agreements	15 N.J.R. 795(a)	R.1983 d.282	15 N.J.R. 1182(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
17:16-39.1-39.6	State Investment Council: bankers acceptances	15 N.J.R. 796(a)	R. 1983 d.283	15 N.J.R. 1182(d)
17:16-43.1, 43.2	Mortgage-backed securities	14 N.J.R. 652(a)	R. 1982 d.396	14 N.J.R. 1221(a)
17:16-44	State Employees Deferred Compensation Plan	14 N.J.R. 900(a)	R. 1982 d.362	14 N.J.R. 1166(b)
17:16-45	State Investment Council: real estate equity	15 N.J.R. 1457(b)	R. 1983 d.473	15 N.J.R. 1871(d)
17:20	Lottery Commission rules	15 N.J.R. 1361(a)	R. 1983 d.472	15 N.J.R. 1871(e)
17:20-10	Correction to Code: Lottery ticket rules			15 N.J.R. 166(a)
17:27	Readopted: Affirmative Action procedures; public contracts	15 N.J.R. 1459(a)	R. 1983 d.506	15 N.J.R. 1872(a)

(Title 17, Transmittal 17 dated June 21, 1982)

**TREASURY-TAXATION-TITLE 18**

18:5-12.5	Penalty for smuggling unstamped cigarettes	14 N.J.R. 331(a)	R. 1982 d.256	14 N.J.R. 920(e)
18:7-1.1	Corporation Business Tax changes	14 N.J.R. 1206(a)	R. 1983 d.62	15 N.J.R. 343(d)
18:7-3.1, 3.3, 3.4	Corporation Business Tax changes	14 N.J.R. 1206(a)	R. 1983 d.62	15 N.J.R. 343(d)
18:7-3.5	Corporation Business Tax and short table	14 N.J.R. 826(b)	R. 1982 d.395	14 N.J.R. 1221(b)
18:7-3.5	Corporation Business Tax: short tax table	15 N.J.R. 320(a)	R. 1983 d.219	15 N.J.R. 1038(e)
18:7-3.10	Corporation Tax: regulated investment companies	15 N.J.R. 1365(a)	R. 1983 d.496	15 N.J.R. 1872(b)
18:7-4.1, 4.10, 5.2, 8.5	Corporation Business Tax changes	14 N.J.R. 1206(a)	R. 1983 d.62	15 N.J.R. 343(d)
18:7-11.12	Corporation Tax: filing extension; "amount of underpayment"	15 N.J.R. 1366(a)	R. 1983 d.497	15 N.J.R. 1872(c)
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