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REORGANIZATION PLANS

(2703)

**REORGANIZATION PLAN NO. 001-2005
MOTORCYCLE SAFETY EDUCATION PROGRAM--
TRANSFER TO MOTOR VEHICLE COMMISSION
NOTICE OF A PLAN FOR THE REORGANIZATION AND
TRANSFER OF THE MOTORCYCLE SAFETY EDUCATION
PROGRAM**

PLEASE TAKE NOTICE that on January 24, 2005, Acting Governor Richard J. Codey hereby issues the following Reorganization Plan (No. 001-2005) to reorganize the State's motorcycle safety education program by transferring responsibility for the program and all related duties from the Office of Highway Traffic Safety in the Department of Law and Public Safety to the New Jersey Motor Vehicle Commission allocated in, but not of, the Department of Transportation.

GENERAL STATEMENT OF PURPOSE

Pursuant to existing statutory authority, P.L.1991, c.451 (C.27:5F-36 et seq.), the Director of the Office of Highway Traffic Safety in the Department of Law and Public Safety has established a motorcycle safety education program. The program consists of a motorcycle safety education course of instruction and training that meets or exceeds the standards and requirements of the rider's course developed by the Motorcycle Safety Foundation. The course is open to any person who is an applicant for or who has been issued a New Jersey motorcycle license or endorsement. The Director offers courses to the public and may assign employees of the Office to serve as course instructors. He may also contract with other persons qualified to serve as instructors. The Motorcycle Safety Education Fund supports the program and is established in the Office of Highway Traffic Safety to be used exclusively by the Office to defray the costs of the program. Five dollars of the fee collected by the New Jersey Motor Vehicle Commission for the issuance of each motorcycle license or endorsement is deposited in the Fund and any other moneys which may become available for motorcycle safety education. The Director is also authorized to approve public or private educational institutions to provide the course. Additionally, the Director is charged with certifying that an instructor of the motorcycle safety education course has been qualified by the Motorcycle Safety Foundation and has the riding experience and driving record required by statute. Pursuant to its statutory authority, section 6 of P.L.1991, c.452 (C.39:3-10.31), the New Jersey Motor Vehicle Commission is authorized to grant a waiver of the road test portion of the examinations required for a

motorcycle license or endorsement for the holder of a motorcycle examination permit who has successfully passed the motorcycle safety education course established by the Director.

This Plan provides for the transfer of the functions, powers, and duties of the Director of the Office of Highway Traffic Safety in the Department of Law and Public Safety with respect to the program, and the offering of the course by the State and others to the Motor Vehicle Commission allocated in, but not of, the Department of Transportation. The transfer will allow the same agency responsible for issuing motorcycle licenses and endorsements, depositing monies in the Motorcycle Safety Education Fund, and granting the road test waiver to schedule and staff classes in the motorcycle safety education course open to the public. It will also transfer oversight of the public and private educational institutions approved to offer the course and the certification of instructors of the course to the Commission, the same agency that regulates driver's schools and instructors. These schools may also offer the motorcycle safety education course through instructors who apply to the Commission for an endorsement as an instructor of the motorcycle safety education course. Furthermore, the Plan provides for the transfer of the Motorcycle Safety Education Fund to the Commission and continues the Motorcycle Safety Education Advisory Committee as an advisory body to the Commission. The overall effect of the transfer will be to consolidate the State's motor vehicle and motorcycle education, testing and licensing activities in one agency, thereby eliminating unnecessary duplication of effort and promoting overall efficiency, effectiveness, and economy by realigning similar functions in one agency.

NOW, THEREFORE, in accordance with the provisions of the "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.), I find with respect to the reorganization and transfers included in this Plan that each is necessary to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. Promote more effective management of the Executive Branch and of its agencies by grouping similar motorcycle licensing and education activities and related functions within one agency;
2. Promote better and more efficient execution of the laws and expeditious administration of the public business by consolidating and integrating within one agency similar regulatory functions, particularly the

licensing of persons to operate motorcycles and the regulating of motorcycles, instructors, and motorcycle training programs;

3. Group, coordinate and streamline regulatory functions in a more consistent and practical way;

4. Reduce expenditures and promote economy to the fullest extent consistent with the efficient operations of the Executive Branch;

5. Increase the efficiency of the operations of the Executive Branch to the fullest extent practicable; and

6. Eliminate overlapping and duplication of effort by consolidating certain functions which will result in a savings of State funds.

PROVISIONS OF THE REORGANIZATION PLAN:

I. The functions, powers and duties assigned to the Director of the Office of Highway Traffic Safety in the Department of Law and Public Safety by P.L.1991, c.452 (C.27:5F-36 et seq.) and the motorcycle safety education program established by the Director pursuant thereto are continued and hereby transferred to the New Jersey Motor Vehicle Commission allocated in, but not of, the Department of Transportation (hereinafter the "Motor Vehicle Commission").

II. The Motorcycle Safety Education Fund established in the Office of Highway Traffic Safety by P.L.1991, c.248, s. 4 (C.27:5F-39) is continued and hereby transferred to and established in the Motor Vehicle Commission, to be used exclusively by the Motor Vehicle Commission to defray the costs of the motorcycle safety education program and any other costs permitted by the terms of P.L.1991, c.248, s.4 (C.27:5F-39). Any unobligated balances of the Motorcycle Safety Education Fund and any unexpended funds shall be transferred to the Commission on the effective date of this Reorganization Plan. The Motor Vehicle Commission shall continue to deposit in the Fund five dollars of the fee collected for a motorcycle license or endorsement and any other funding that becomes available for the program.

III. Full-time employees of the Office of Highway Traffic Safety whose positions are funded by Federal and State funds in accordance with the State's Federally funded highway safety program, 23 U.S.C. s.402, perform chiefly supervisory duties related to the motorcycle safety education

program. Employees, including temporary service employees, whose compensation is provided by the Motorcycle Safety Education Fund perform program-related duties such as serving as course instructors in the classes offered by the Office. Accordingly, the following transfers shall occur:

A. Any person employed by the Office of Highway Traffic Safety on a full or part-time basis whose position is funded by the Motorcycle Safety Education Fund is hereby transferred to and shall become, as the case may be, a full time or part time employee of the Motor Vehicle Commission. The transfer of such employees shall not deprive any person of any tenure rights or any right or protection provided the person by Title 11A, Civil Service, of the New Jersey Statutes, or any pension law or retirement system.

B. Any temporary employment service positions funded by the Motorcycle Safety Education Fund established or continued in the Office of Highway Traffic Safety with the approval of the Department of Personnel for the purpose of employing temporary services employees at an hourly rate to perform functions and duties pertaining to the motorcycle safety education responsibilities of the Office are hereby transferred to the Motor Vehicle Commission until such time as the term for which the positions have been established expires.

IV. All records belonging to the Office of Highway Traffic Safety related to the motorcycle safety education program and the functions, powers, and duties of the Director and Office pursuant to P.L.1991, c.452 (C.27:5F-36 et seq.), including records related to public and private educational institutions approved to provide the motorcycle safety education course and the certification of instructors of the course, and any personal property, including motorcycles, equipment or supplies, purchased with monies from the Motorcycle Safety Education Fund or otherwise obtained to offer the motorcycle safety education program to the public or to support, approve or oversee motorcycle safety education courses offered by public and private educational institutions and their instructors, shall be transferred to the Motor Vehicle Commission in accordance with the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

V. The Motorcycle Safety Education Advisory Committee established pursuant to P.L.1991, c.452, s.3 (C.27:5F-38) and its membership are continued and are transferred to the Motor Vehicle Commission, and the

Committee's advisory functions on behalf of the Director shall be performed on behalf of the Motor Vehicle Commission.

VI. Whenever in P.L.1991, c.452 (C.27:5F-36 et seq.) or in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise reference is made to the Director of the Office of Highway Traffic Safety or the Office of Highway Traffic Safety pertaining to the functions, powers or duties of the Director of the Office of Highway Traffic Safety or the Office of Highway Traffic Safety set forth in P.L.1991, c.452 (C.27:5F-36 et seq.) or the motorcycle safety education program established pursuant thereto, the same shall mean and refer to the Motor Vehicle Commission or the motorcycle safety education program transferred to the Motor Vehicle Commission by this Plan, as the case may be. Whenever in P.L.1991, c.452 (C.27:5F-36 et seq.) or in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise reference is made to the Motorcycle Safety Education Fund established in the Office of Highway Traffic Safety or to the Motorcycle Safety Education Advisory Committee, the same shall mean and refer to the Motorcycle Safety Education Fund established in the Motor Vehicle Commission or the Motorcycle Safety Education Advisory Committee continued by this Plan and transferred to the Motor Vehicle Commission whose advisory functions are performed on behalf of the Motor Vehicle Commission, as the case may be.

VII. All regulations promulgated by the Director of the Office of Highway Traffic pursuant to P.L.1991, c.452, s.5 (C.27:5F-40) shall remain in effect as if promulgated by the Motor Vehicle Commission until such time as they may be amended or repealed or new regulations are promulgated by the Motor Vehicle Commission. Whenever reference in the regulations is made to the Director of the Office of Highway Traffic Safety, the same shall mean and refer to the Chief Administrator of the Motor Vehicle Commission.

VIII. Nothing in this Reorganization Plan shall affect provisions 1e through 1f of Reorganization Plan No. 002-1995, effective July 22, 1995. These provisions require the approval of the Attorney General prior to the Motor Vehicle Commission's engaging in certain activities, including the promulgation of regulations, related to civil or criminal law enforcement. The requirement is based on the close connection between the criminal, regulatory and administrative authority of the Attorney General and the authority and functions of the Commission with respect to motor vehicles.

GENERAL PROVISIONS

1. All acts and parts of acts inconsistent with any of the provisions of this Reorganization Plan are superseded to the extent of such inconsistencies.

2. Unless otherwise specified in this Reorganization Plan, all transfers directed by this Reorganization Plan shall be effected pursuant to the State Agency Transfer Act, P.L.1971, c.375 (C.52:14D-1 et seq.).

3. If any provisions of this Reorganization Plan or the application thereto to any persons, or circumstances, or the exercise of any power or authority hereunder is held invalid or contrary to law, such holding shall not affect other provisions or applications of the Plan, which can be given effect without the invalid provisions or applications, or affect other exercises of power or authority under said provisions not contrary to law. To this end, the provisions of this Reorganization Plan are declared to be severable.

A copy of this Reorganization Plan was filed on January 24, 2005 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days on March 25, 2005 unless disapproved by each House of the Legislature by passage of a Concurrent Resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a later date should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Reorganization Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under a heading of "Reorganization Plans."

Filed January 24, 2005.
Effective March 25, 2005.

**REORGANIZATION PLAN NO. 002-2005
A PLAN TO PROVIDE FOR THE TRANSFER,
CONSOLIDATION AND REORGANIZATION OF THE**

LICENSING AND REGULATION OF RESIDENTIAL HEALTH CARE FACILITIES FROM THE DEPARTMENT OF HEALTH AND SENIOR SERVICES TO THE DEPARTMENT OF COMMUNITY AFFAIRS

PLEASE TAKE NOTICE that on March 14, 2005, Acting Governor Richard J. Codey hereby issues the following Reorganization Plan No. 002-2005 to provide for the transfer, consolidation and reorganization of the licensing and regulation of residential health care facilities from the Department of Health and Senior Services to the Department of Community Affairs.

GENERAL STATEMENT OF PURPOSE

This Plan transfers responsibility for all license, regulatory and enforcement activities related to residential health care facilities, as defined in P.L.1953, c.212, s.1, as amended (C.30:11A-1), from the Department of Health and Senior Services to the Department of Community Affairs. The Department of Community Affairs currently has jurisdiction over the regulation of rooming and boarding houses, facilities that are similar in nature to residential health care facilities, and serve a population with similar needs. The health, safety and rights of residents of residential health care facilities can be most effectively and efficiently protected by consolidating the oversight of such facilities with the regulation of rooming and boarding houses.

THE RATIONALE FOR RELOCATING THE LICENSING AND REGULATION OF RESIDENTIAL HEALTH CARE FACILITIES WITHIN THE DEPARTMENT OF COMMUNITY AFFAIRS

The purpose of the Reorganization Plan is to consolidate oversight of residential health care facilities, P.L.1953, c.212, as amended (C.30:11A-1 et seq.), and rooming and boarding houses, P.L.1979, c.496, as amended (C.55:13B-1 et seq.), within a single executive department, the Department of Community Affairs. Such consolidation is appropriate given the similarities between residential health care facilities and boarding houses. Both residential health care facilities and boarding houses provide services to similar populations, and also provide roughly equivalent levels of services. Specifically, in addition to the basic provision of food and shelter, both types of facilities provide assistance to residents in terms of coping with issues of daily living. The level of such services, however, does not

generally rise in either case to the point where skilled nursing care is required. Currently the Department of Community Affairs regulates and inspects boarding houses. The Department of Community Affairs currently performs two separate yearly inspections on each boarding house in the State. One inspection, designated as the property maintenance inspection, is to insure that the physical facility itself is in compliance with all requirements. The second inspection is to insure that all social services offered by that particular boarding house are being appropriately provided. The Department of Health and Senior Services' staff currently regulating and inspecting residential health care facilities also oversee and/or inspect nursing homes, assisted living facilities, intermediate care facilities, and medical day care facilities, all of which provide skilled healthcare services to the population they serve. Transferring all licensing, regulatory and enforcement activities involving residential health care facilities to the Department of Community Affairs will enable the Department of Health and Senior Services to focus on the regulation of those facilities that provide skilled healthcare services.

NOW, THEREFORE, in accordance with the provisions of the Executive Reorganization Act of 1969, P.L.1969, c.203 (C.52:14C-1 et seq.), I find, with respect to the transfer, consolidation and reorganization provided for in this Plan, that they are necessary in order to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. Promote more effective management of the Executive Branch by combining similar functions and activities within one agency, thus eliminating overlapping and duplication of effort;
2. Promote better and more efficient execution of the laws and expeditious administration of the public business by consolidating and integrating within one agency similar functions;
3. Group, coordinate and consolidate functions in a more consistent and practical manner according to major purposes;
4. Promote economy to the fullest extent consistent with the efficient operation of the Executive Branch; and
5. Increase the efficiency of the operations of the Executive Branch to the fullest extent possible.

PROVISIONS OF THE REORGANIZATION PLAN

THEREFORE, I hereby order the following reorganization:

1. All of the powers, functions and duties exercised by the Commissioner of Health and Senior Services, or any division, bureau or office within the Department of Health and Senior Services (collectively DHSS), to the extent they relate to residential health care facilities, except those located with, and operated by, licensed health care facilities including, but not limited to, the powers, functions and duties relating to residential health care facilities under:

- a) L.1971, c.136, as amended (C.26:2H-1 et seq.)
- b) L.1979, c.496, as amended (C.26:2H-5.1 et seq.)
- c) L.1999, c.154, s.14 (C.26:2H-12.12)
- d) L.2003, c.246, s.13 (C.26:2H-12.22)
- e) L.1988, c.113, s.2 (C.26:2H-13.1)
- f) L.1988, c.114, as amended (C.26:2H-14.2 et seq.)
- g) L.1989, c.173, s.2 (C.26:2H-14.4)
- h) L.1993, c.282 (C.26:2H-14.5 et seq.)
- i) L.1977, c.238, as amended (C.26:2H-36 et seq.)
- j) L.1991, c.201, as amended (C.26:2H-53 et seq.)
- k) L.1979, c.496, as amended (C.30:1A-2 et seq.)
- l) L.1986, c.205, as amended (C.30:1A-4 et seq.)
- m) L.1997, c.258, s.3 (C.30:4-177.55)
- n) L.1953, c.212, as amended (C.30:11A-1 et seq.)

are continued, transferred to, and established within, the Department of Community Affairs, and shall henceforth be exercised by the Commissioner of Community Affairs, provided, however, that all powers, functions and duties exercised by DHSS relating to all other health care facilities that are not residential health care facilities, and all DHSS personnel, shall remain with DHSS; and provided further that all penalties imposed and collected by the Department of Community Affairs from residential health care facilities shall be retained by the Department of Community Affairs for the purpose of the enforcement of the responsibilities transferred to the Department pursuant to this Plan.

2. The powers, functions and duties hereby transferred shall be organized and implemented within the Department of Community Affairs as determined by the Commissioner of Community Affairs.

3. All records held by the Department of Health and Senior Services for purposes of the program hereby transferred are transferred to the Department of Community Affairs, pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

4. Whenever any law, rule, regulation, contract, order, document, judicial or administrative proceeding or otherwise, expressly references residential health care facilities and refers to the Department of Health and Senior Services or the Commissioner of Health and Senior Services, the same shall mean the Department of Community Affairs or the Commissioner of Community Affairs, respectively, except where the context clearly requires otherwise.

5. The Commissioners of the Department of Community Affairs and the Department of Health and Senior Services shall enter into inter-agency agreements, as necessary and appropriate, to effectuate the provisions of this Plan.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L.1969, c.203. Specifically, this reorganization will promote the more effective management of the Executive Branch and its agencies, and it will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions. This Plan will provide greater protection for the residents of residential health care facilities and for the public at large.

2. Any section or part of this Plan that conflicts with Federal law or regulations shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver or other means.

3. All acts and parts of acts and plans or parts of plans inconsistent with the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan, or the application thereof to any person, or circumstance, or the exercise of any power or authority thereunder, is

held invalid or contrary to law, such holding shall not affect other provisions or applications of the Plan, or affect other exercises or power or authority under such provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

5. This Plan is intended to protect and promote public health, safety and welfare, and shall be liberally construed to attain the objectives and effect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

7. A copy of this Reorganization Plan was filed on March 15, 2005 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days on May 13, 2005 unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than May 13, 2005, should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed March 15, 2005.
Effective May 13, 2005.

**REORGANIZATION PLAN NO. 003-2005
A PLAN FOR THE TRANSFER OF CERTAIN FUNCTIONS,
POWERS AND DUTIES OF THE PUBLIC HEALTH COUNCIL
TO THE DEPARTMENT OF HEALTH AND
SENIOR SERVICES**

PLEASE TAKE NOTICE that on June 27, 2005, Acting Governor Richard J. Codey hereby issues this Reorganization Plan No. 003-2005 (Plan), providing for the transfer of certain functions, powers and duties of the Public Health Council to the Department of Health and Senior Services.

GENERAL STATEMENT OF PURPOSE

The Commissioner of the Department of Health and Senior Services is the chief public health official directly responsible to the Governor on all matters relating to the public health. The Commissioner supervises and directs the Department of Health and Senior Services in carrying out its public health functions, including in times of emergency. As such, it is vitally important that the Commissioner have direct responsibility for and control of health policy and practices as well as the ability to respond quickly to any changes necessary to meet public needs and to ensure that policies are coordinated throughout the State.

The Public Health Council has been created in the Department of Health and Senior Services and been given authority independent of the Commissioner on matters affecting the public health. Specifically, the Council is vested with the responsibility to establish the State Sanitary Code which may cover any subject affecting public health, or the preservation and improvement of public health and the prevention of disease in this State, including the immunization of school children. In addition, the State Sanitary Code may contain, among other things, sanitary regulations prohibiting nuisances hazardous to human health, regulating the detection, reporting, prevention and control of communicable and preventable diseases, regulating the conduct of public funerals, and regulating the preparation, handling, transportation, burial or other disposal, disinterment and reburial of dead human bodies. While the Commissioner is available to the Governor at all times, the Council meets monthly.

The current structure of the Council does not afford the Commissioner the necessary level of coordination of and control over these fundamentally important public health activities. In current times, it is imperative that the Commissioner have the ability to control and direct all matters relating to the public health so as to ensure that the Commissioner and the Governor are able to respond to immediate and changing public health needs, particularly those relating to domestic security preparedness, planning and response.

The transfer of power will ensure effective and coordinated exercise of powers in a way that is directly responsible to the Governor as the Chief Executive. In light of its experience in considering and addressing issues of public health, the Public Health Council will continue to serve the Commissioner and the Department in an advisory capacity.

NOW, THEREFORE, pursuant to the "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.) (Act), I find, with respect to the transfer, reorganization and consolidation provided for in this Plan, that each aspect of the Plan is necessary to accomplish the purposes set forth in Section 2 of the Act and that each aspect will: 1. Promote the better execution of the laws, the more effective management of the Executive Branch and of its agencies and functions, and the expeditious administration of the public business; 2. Reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Executive Branch; 3. Increase the efficiency of the operations of the Executive Branch to the fullest extent practicable; 4. Group, coordinate and consolidate agencies and functions of the Executive Branch, as nearly as may be, according to major purposes; 5. Reduce the number of agencies by consolidating those having similar functions under a single head and abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Executive Branch; and 6. Eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

THEREFORE, I hereby order the following reorganization:

1. The functions, powers and duties of the Public Health Council under P.L.1947, c.177, as amended (C.26:1A-5 et seq.), other than the Council's advisory and consultative functions, are continued and are transferred to the Department of Health and Senior Services to be allocated within the Department as determined by the Commissioner.

GENERAL PROVISIONS

1. I find this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L.1969, c.203. Specifically, this reorganization will promote the more effective management of the Executive Branch and its agencies, and it will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate and consolidate functions in a more consistent and practical manner, improve services and service delivery to New Jersey citizens and businesses, and eliminate overlapping and duplication of functions.

2. All acts and parts of acts and plans or parts of plans inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies.

3. If any provision of this Plan or the application thereof to any person, or circumstance, or the exercise of any power or authority hereunder is held invalid or contrary to law, such holding shall not affect other provisions or applications of the Plan, which can be given effect without the invalid provisions or applications of the Plan, or affect other exercises of power or authority under said provisions not contrary to law. To this end, the provisions of the Plan are declared to be severable.

4. This Plan is intended to protect and promote the public health, safety and welfare and shall be liberally construed to attain the objectives and effect the purposes thereof.

5. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

A copy of this Reorganization Plan was filed on June 27, 2005 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days on August 26, 2005 unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than August 26, 2005, should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed June 27, 2005.
Effective August 26, 2005.

**REORGANIZATION PLAN NO. 004-2005
A PLAN FOR THE TRANSFER OF THE RESPONSIBILITIES
FOR DEBT COLLECTION FUNCTIONS FROM VARIOUS**

**STATE AGENCIES AND CONSOLIDATING THEM WITHIN
THE DEPARTMENT OF THE TREASURY**

PLEASE TAKE NOTICE that on June 27, 2005, Acting Governor Richard J. Codey hereby issues this Reorganization Plan No. 004-2005 (the Plan), to provide for the transfer of responsibilities for certain debt collection functions from State agencies in the Executive Branch of government to the Department of the Treasury.

This Plan furthers an ongoing effort to streamline and make more effective the operations of the Executive Branch in the interests of efficiency by consolidating certain debt collection functions into a single organization.

GENERAL STATEMENT OF PURPOSE

In 1997-1998, the State began the process of consolidating the debt collection and receipts processing functions of the Executive Branch of government by creating a Division of Revenue in the Department of the Treasury and assigning to it responsibility for revenue management of many programs in the Executive Branch. That process was continued in 2004 under Reorganization Plan 004-2004, which reassigned overall responsibility for the Division of Revenue's debt collection and receipts processing functions to the Department of the Treasury. This move gave the Treasurer the flexibility to assign various revenue management functions to the unit in that Department able to carry out those responsibilities most efficiently.

The current Plan is designed to further this process of consolidating in a single organization all responsibility for revenue management, in particular, debt collection, by transferring the remaining debt collection responsibilities of State departments and agencies in the Executive Branch to the Department of the Treasury, after those departments and agencies have had an opportunity to collect the fee, fine, costs, penalties and assessments owed to the department or agency. This Plan does not, however, affect the debt collection responsibilities of independent authorities and instrumentalities allocated to departments in the Executive Branch, but otherwise independent of the operational and budgetary control of the department to which they are allocated. Also, this Plan recognizes that, with respect to matters that are the subject of litigation in which representation is provided by or on behalf of the Attorney General, the State may profit from the prompt application by the Attorney General of the legal tools for

the collection of debt. Accordingly, with respect to this select category of outstanding debt, it is appropriate to reserve to the Attorney General the first opportunity to exhaust lawful and appropriate measures to collect outstanding fees, fines, costs, penalties and assessments before such debt is referred to the Department of the Treasury for collection.

There are several reasons why consolidation of debt collection functions is in the best interest of the State. Centralizing debt collection responsibility in the Department of the Treasury has allowed that Department to define and control the policies and procedures governing the processing of collections and to approach collections in an organized, systematic way. Centralizing collections processing and related data entry functions in the Treasury will assist the State by taking advantage of Treasury's specialized collections services in an efficient and cost-effective manner. This consolidation will improve the State's overall ability to collect revenue and improve service to citizens. Moreover, the consolidation will eliminate duplication of effort in the area of collections.

NOW, THEREFORE, pursuant to the "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.) I find with respect to the reorganization, transfer and consolidation provided for in this Plan, that each aspect of the Plan is necessary to accomplish the purposes set forth in Section 2 of the Act and that each aspect will:

1. promote the better execution of the laws, the more effective management of the Executive Branch and of its agencies and functions and the expeditious administration of the public business;
2. reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Executive Branch;
3. increase the efficiency of the operations of the Executive Branch to the fullest extent practicable;
4. group, coordinate and consolidate agencies and functions of the Executive Branch, as nearly as may be, according to major purposes; and
5. eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

THEREFORE, I hereby order the following reorganization:

1. For purposes of this Plan the term "debt" means a fee, fine, cost, penalty or assessment owed to a State department or agency in the Executive Branch, other than an independent authority or instrumentality that is independent of the operational and budgetary control of the department to which it is allocated. The term "debt" does not include interagency debts and debts associated with loans, notes, grants and contracts. For purposes of the transfer of responsibility under this Plan, a fee, fine, cost, penalty or assessment constitutes a "debt" three months after it becomes due and owing.

2. Except as provided in paragraph 4, the functions, powers and duties relating to collection of debt are continued and are transferred to the Department of the Treasury.

3. All functions, powers and duties not transferred to the Department of the Treasury by this Plan remain with the department or agency of origin. Nothing in the Plan shall be construed to diminish or modify the Attorney General's powers, duties or role pursuant to the Constitution, the common or statutory law, including but not limited to the Attorney General's powers, duties and role pursuant to P.L.1944, c.20, as amended (C.52:17A-1 et seq.) to act as sole legal advisor, attorney and counsel for all officers, departments, boards, bodies, commissions and instrumentalities of the State government and to represent them in all proceedings or actions of any kind which may be brought for or against them in any court of this State; to interpret all statutes and legal documents, inspect and approve contracts -- and titles and otherwise control their legal activities; to attend generally to all legal matters in which the State or any officer, department, board, body, commission or instrumentality of the State government is a party or in which its rights or interests are involved; and to appoint, employ, supervise and dismiss special counsel.

4. The functions, powers and duties for the collection of a debt owed to a department or agency in the Executive Branch in any matter in which: (i) the Attorney General or special counsel approved by the Attorney General has participated in the negotiation or approval of the debt; or (ii) the debt arises from litigation or administrative action shall be transferred to the Department of the Treasury six months after the fee, fine, cost, penalty or

assessment becomes a debt, if the Attorney General has taken no action to collect that debt within that time; provided, the Attorney General may determine at any time to transfer a debt to Treasury for collection.

5. Each Executive Branch department or agency shall be responsible for ensuring that its internal systems for collecting any fees, fines, costs, penalties or assessments owed to it are adequate and effective. Account records for all debts shall be transferred promptly from the department or agency of origin to the Department of the Treasury three months after the fine, fee, cost, penalty or assessment is due and owing. Once such records are transferred, the Department of the Treasury shall be the legal custodian thereof and shall be responsible for conducting all collection operations on the accounts using all available methods, and for the maintenance and disposition of the records as required by law.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203. Specifically, this reorganization will more efficiently direct, administer and control the State's revenue management functions, in particular the collections functions. This Plan provides for the consolidation and coordination of this activity into a single organization, the Department of the Treasury. This consolidation will improve the State's overall ability to collect revenue. Moreover, the consolidation will eliminate duplication of effort in the area of collections.

2. Monies collected or received by the Department of the Treasury shall be deposited in such accounts or funds and shall otherwise be disposed of as may be provided by State or Federal law for deposit or disposition of such monies.

3. All acts or parts of acts or Plans or parts of Plans inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies.

4. Unless otherwise specified in this Plan all transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

5. If any provisions of this Plan or the application thereof to any person or circumstances or the exercise of any power or authority hereunder are held invalid or contrary to law, such holding shall not affect other provisions or applications of this Plan, which can be given effect without the invalid provisions or applications of the Plan, or affect other exercises of power or authority under said provision not contrary to law. To this end, the provisions of this Plan are declared to be severable.

6. This Plan is intended to make the operations of the Executive Branch more efficient and effective with regard to revenue management practices and shall be liberally construed to attain the objectives and effect the purposes thereof.

A copy of this Reorganization Plan was filed on June 27, 2005 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days, on August 26, 2005, unless disapproved by each House of the Legislature by the passage of a Concurrent Resolution stating in substance that the Legislature does not favor this Plan, or at a date later than August 26, 2005, should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed June 27, 2005.
Effective August 26, 2005.

**REORGANIZATION PLAN NO. 005-2005
A PLAN TO PROVIDE FOR THE TRANSFER,
CONSOLIDATION AND REORGANIZATION OF THE OFFICE
OF MANAGED CARE FROM THE DEPARTMENT OF
HEALTH AND SENIOR SERVICES TO THE DEPARTMENT
OF BANKING AND INSURANCE**

PLEASE TAKE NOTICE that on June 30, 2005, Acting Governor Richard J. Codey hereby issues the following Reorganization Plan No. 005-2005 to provide for the transfer, consolidation and reorganization of the

Office of Managed Care from the Department of Health and Senior Services to the Department of Banking and Insurance.

GENERAL STATEMENT OF PURPOSE

This Plan transfers responsibility for the licensing and regulation of health maintenance organizations (HMOs), the regulation of other carriers licensed by the Department of Banking and Insurance that offer managed care plans subject to the Health Care Quality Act, P.L.1997, c.192 (C.26:2S-1 et seq.), and the certification and regulation of entities subject to the Organized Delivery System Act, P.L.1999, c.409 (C.17:48H-1 et seq.), from the Department of Health and Senior Services to the Department of Banking and Insurance. The Department of Banking and Insurance currently has jurisdiction over the regulation of various types of insurance carriers, including HMOs, with respect to certain aspects of their operations, such as marketing, claims processing, and financial examination and solvency. Transferring the Office of Managed Care to the Department of Banking and Insurance will create a more centralized, coordinated and integrated approach to the oversight of all managed care entities.

THE RATIONALE FOR RELOCATING THE LICENSING AND REGULATION OF HEALTH MAINTENANCE ORGANIZATIONS AND ORGANIZED DELIVERY SYSTEMS WITHIN THE DEPARTMENT OF BANKING AND INSURANCE

The Office of Managed Care (OMC) is a unit in the Department of Health and Senior Services (DHSS) responsible for licensing and regulating HMOs, regulating certain aspects of managed care plans offered by carriers subject to the Health Care Quality Act and certifying and regulating entities subject to the Organized Delivery System Act, with respect to certain aspects of such entities' business, including, but not limited to, adequacy of provider networks, utilization management systems, and the Independent Health Care Appeals Program. OMC has regulatory authority with respect to both risk-bearing and non-risk bearing entities seeking the status of an Organized Delivery System (ODS). Risk-bearing ODSs are licensed by the Department of Banking and Insurance (DOBI); however, because those entities must comply with the majority of OMC's requirements for certification, OMC currently works in a consultative capacity with DOBI, providing licensing recommendations to it regarding risk-bearing ODSs. OMC currently certifies non-risk bearing ODSs.

OMC handles managed care complaints and tracks external appeal requests processed through the Independent Health Care Appeals Program and the outcomes of such appeals. OMC produces a semi-annual report regarding the activities of the Independent Health Care Appeals Program, which it provides to the Legislature and the Governor, pursuant to P.L.1997, c.192, s.14 (C.26:2S-14). OMC compiles an annual HMO Report Card, which contains information on the performance of New Jersey's HMOs with respect to their commercial plans, including how well the plans deliver important health care services, and how members rate the services they receive, in accordance with N.J.S.A.26:2S-15.

DOBI regulates the banking, insurance, and real estate industries in order to protect and educate consumers and promote the growth, financial stability, and efficiency of those industries. DOBI consists of two Divisions: the Division of Banking and the Division of Insurance. The Division of Insurance is further divided into units that oversee Consumer Protection Services, Solvency Regulation, Life and Health Insurance, and Property and Casualty Insurance.

Within the Life and Health unit, the Health Insurance Bureau ("HIB") is responsible for the review and approval of individual and group health insurance forms and those rates, which are within DOBI's jurisdiction. HIB reviews all dis-ability income, long term care, Medicare supplement, accident-only, hospital confinement indemnity, dental care and vision care health insurance contracts sold to individuals. HIB also reviews and approves rates for such coverages in the individual market. With the exception of group hospital-medical contracts sold to individuals and small employers, HIB is responsible for the review of all group health insurance policies, group term life insurance policies, and health maintenance organization contracts.

Also within the Life and Health unit is the Valuation Bureau ("VB"), which is responsible for the licensing of all health insurance companies and service corporations, dental plan organizations, prepaid prescription service organizations and ODSs. The VB also licenses and/or registers third party administrators and self-funded multiple employer welfare arrangements. Moreover, the VB regulates health joint insurance funds operated by local governments and school boards.

The Actuarial Bureau within the Life and Health unit reviews prompt pay reports submitted by all health carriers as well as rate filings.

The Office of Solvency Regulation (OSR) monitors the financial solvency of insurers and HMOs doing business in New Jersey. The OSR performs a detailed financial analysis on all domestic insurers and HMOs on at least a quarterly basis and on-site financial examinations of these entities every three to five years. The OSR is accredited by the National Association of Insurance Commissioners Financial Standards and Accreditation Program and must perform these analyses and reviews in accordance with the standards of the Program in order to maintain such accreditation.

In 1992, the New Jersey Legislature created two programs to guarantee access to health coverage for individuals and employees of small employers, regardless of health status, age, claims history, or any other risk factor. The Individual Health Coverage Program ("IHC") and the Small Employer Health Benefits Program ("SEH") have reformed the individual and small employer (employers with 2-50 employees) health insurance markets.

The Consumer Protection Services unit in DOBI responds to complaints and inquiries on all aspects of the business of insurance, including the activities of insurance producers; payment disputes involving "clean claims;" the carriers' implementation of internal and external appeals procedures mandated by N.J.A.C.11:22-1 et seq., regarding the payment of claims to participating providers; financial and contractual matters; and medical and dental claim disputes. The CPS unit also performs market conduct examinations of health claims which reviews, among other things, the carrier's payment of claims, provisions of mandated benefits and compliance with appeal procedures. Moreover, a sub-unit within CPS, Enforcement, investigates and initiates sanctioning proceedings against carriers and producers that commit violations involving health and dental insurance matters.

NOW, THEREFORE, in accordance with the provisions of the Executive Reorganization Act of 1969, P.L.1969, c.203 (C.52:14C-1 et seq.), I find, with respect to the transfer, consolidation and reorganization provided for in this Plan, that they are necessary in order to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. Promote more effective management of the Executive Branch by combining similar functions and activities within one agency, thus eliminating overlapping and duplication of effort;

2. Promote better and more efficient execution of the laws and expeditious administration of the public business by consolidating and integrating within one agency similar functions;
3. Group, coordinate and consolidate functions in a more consistent and practical manner according to major purposes;
4. Promote economy to the fullest extent consistent with the efficient operation of the Executive Branch; and
5. Increase the efficiency of the operations of the Executive Branch to the fullest extent possible.

PROVISIONS OF THE REORGANIZATION PLAN

THEREFORE, I hereby order the following reorganization:

1. All of the powers, functions and duties exercised by the Office of Managed Care, including, but not limited to, the powers, functions and duties under:
 - a) L.1999, c.409, as amended (C.17:48H-1 et seq.)
 - b) L.2001, c.67 (C.17:48H-33.1 et seq.)
 - c) L.1973, c.337, as amended (C.26:2J-1 et seq.)
 - d) L.1990, c.71, s. 6 (C.26:2J-4.1)
 - e) L.1991, c.187, as amended (C.26:2J-4.2 et seq.)
 - f) L.1991, c.279, s. 6, as amended (C.26:2J-4.4)
 - g) L.1993, c.321, s.7 (C.26:2J-4.5)
 - h) L.1993, c.327, s. 8, as amended (C.26:2J-4.6)
 - i) L.1993, c.378, s.6, as amended (C.26:2J-4.7)
 - j) L.1995, c.100, s. 6 (C.26:2J-4.8)
 - k) L.1995, c.138, s. 8 (C.26:2J-4.9)
 - l) L.1995, c.316, s.4, as amended (C.26:2J-4.10)
 - m) L.1995, c.331, s.6 (C.26:2J-4.11)
 - n) L.1995, c.415, s.5, as amended (C.26:2J-4.12)
 - o) L.1996, c.125, s. 5 (C.26:2J-4.13)
 - p) L.1997, c.75, s.6 (C.26:2J-4.14)
 - q) L.1997, c.149, s.8 (C.26:2J-4.15)
 - r) L.1997, c.192 (C.26:2J-4.16 et seq.)
 - s) L.1997, c.338, s.8 (C.26:2J-4.17)
 - t) L.1998, c.97, s. 6 (C.26:2J-4.18)
 - u) L.1999, c.49, s. 6 (C.26:2J-4.19)
 - v) L.1999, c.106, s. 8(C.26:2J-4.20)

- w) L.1999, c.332, s.1 (C.26:2J-4.21)
- x) L.2000, c.121, s. 10 (C.26:2J-4.22)
- y) L.2001, c.236, s. 5 (C.26:2J-4.23)
- z) L.2001, c.295, s. 8 (C.26:2J-4.24)
- aa) L.2001, c.361, s. 6 (C.26:2J-4.25)
- bb) L.2001, c.367, s. 10 (C.26:2J-4.26)
- cc) L.2003, c.246, s.52 (C.26:2J-4.27)
- dd) L.1999, c.154, s. 7 (C.26:2J-8.1)
- ee) L.1995, c.288 (C.26:2J-10.1 et seq.)
- ff) L.1989, c.321, s. 2 (C.26:2J-11.1)
- gg) L.1996, c.126, s. 16 (C.26:2J-15.1)
- hh) L.1992, c.164 (C.26:2J-31 et seq.)
- ii) L.1995, c.73 (C.26:2J-42 et seq.)
- jj) L.1997, c.192, as amended (C.26:2S-1 et seq.)
- kk) L.2001, c.367, s. 2 (C.26:2S-6.1)
- ll) L.2001, c. 88 (C.26:2S-7.1 et seq.)
- mm) L.1999, c.390, s.1 (C.26:2S-9.1)
- nn) L.2000, c.121 (C.26:2S-10.1 et seq.)
- oo) L.2001, c.14 (C.26:2S-19 et seq.)

are continued, transferred to, and established within, the Department of Banking and Insurance.

2. The personnel, support services or funds to purchase such services utilized for the support of the Office of Managed Care within the Department of Health and Senior Services shall be transferred to the Department of Banking and Insurance. These transfers shall be made as determined by mutual agreement between the Commissioner of Health and Senior Services and the Commissioner of Banking and Insurance, as set forth in a Memorandum of Understanding, after considering the number and type of positions presently utilized for support of the Office of Managed Care and the appropriateness of transferring personnel, positions, and/or funding. All records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Department of Health and Senior Services in connection with the administration of the Office of Managed Care shall be transferred to the Department of Banking and Insurance, pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). The transfers of specific resources and personnel shall be operative when, and effectuated as determined by agreement between the Commissioner of Health and Senior Services and the Commissioner of Banking and Insurance, after considering the processes necessary to provide an orderly transition.

3. The powers, functions, duties, and personnel transferred hereunder shall be organized and implemented within the Department of Banking and Insurance, as determined by the Commissioner of Banking and Insurance.

4. Whenever any law, rule, regulation, contract, order, document, judicial or administrative proceeding, or otherwise expressly references the Office of Managed Care or managed care organizations, including HMOs, and refers to the Department of Health and Senior Services or the Commissioner of Health and Senior Services, the same shall mean the Department of Banking and Insurance or the Commissioner of Banking and Insurance, respectively, except where the context clearly requires otherwise.

5. Nothing in the Plan shall be construed to prevent the Department of Banking and Insurance and the Department of Health and Senior Services from including other matters in the Memorandum of Understanding to effectuate with the implementation of the Plan.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203. Specifically, this reorganization will promote the more effective management of the Executive Branch and its agencies, and it will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with federal law or regulations shall be considered null and void unless and until addressed and corrected through an interagency agreement, federal waiver or other means.

3. All acts and parts of acts and plans or parts of plans inconsistent with the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan, or the application thereof to any person, or circumstance, or the exercise of any power or authority thereunder, is held invalid or contrary to law, such holding shall not affect other provisions or applications of the Plan, or affect other exercises of power or authority under such provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

5. This Plan is intended to protect and promote public health, safety and welfare, and shall be liberally construed to attain the objectives and effect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

A copy of this Reorganization Plan was filed on June 30, 2005 with the Secretary of State and with the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days on August 29, 2005 unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than August 29, 2005, should the acting Governor establish such a later date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed June 30, 2005.
Effective August 29, 2005.

**REORGANIZATION PLAN NO. 006-2005
A PLAN TO PROVIDE FOR THE TRANSFER, CONSOLIDATION AND REORGANIZATION OF THE LICENSING OF PRIVATE LICENSED FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES FROM THE DEPARTMENT OF HEALTH AND SENIOR SERVICES TO THE DEPARTMENT OF HUMAN SERVICES**

PLEASE TAKE NOTICE that on June 30, 2005, Acting Governor Richard J. Codey hereby issues the following Reorganization Plan No. 006-2005 to provide for the transfer, consolidation and reorganization of the licensing of private facilities for persons with developmental disabilities from the Department of Health and Senior Services to the Department of Human Services.

GENERAL STATEMENT OF PURPOSE

This Plan concerns health care facilities that are privately owned, licensed facilities for persons with developmental disabilities and subject to N.J.A.C.10:47-1.1 (Facilities) . This Plan transfers responsibility for the licensing of these Facilities from the Department of Health and Senior Services to the Department of Human Services. The Department of Health and Senior Services currently has jurisdiction over the licensing of health care facilities, including the Facilities. The Department of Human Services currently has responsibility for developing the standards for, and inspecting these Facilities. The health, safety and rights of residents of these Facilities can be most effectively and efficiently protected by consolidating the licensure, inspection, and enforcement authority for such facilities within one agency.

THE RATIONALE FOR RELOCATING THE LICENSING OF PRIVATE FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES WITHIN THE DEPARTMENT OF HUMAN SERVICES

The purpose of the Reorganization Plan is to consolidate oversight of these Facilities within a single executive department, the Department of Human Services. Such consolidation is appropriate given the fact that the Department of Human Services, through its Division of Developmental Disabilities (DDD), is responsible for protecting the rights of persons with developmental disabilities, and establishing standards for the provision of services to such individuals, in accordance with the Developmentally Disabled Rights Act, P.L.1977, c.82, as amended (C.30:6D-1 et seq.). DDD's mission is to assist people with developmental disabilities to live as independently as possible. DDD currently serves over 33,000 individuals. The Department of Human Services has responsibility for the development of minimum operating standards for, and the inspection of, private licensed facilities serving persons with developmental disabilities, pursuant to P.L.1918, c.147, s.119, as amended (C.30:1-12), P.L.1918, c.147, s.125, as amended (C.30:1-15), P.L.1965, c.59, s.3, as amended (C.30:1-15.1), and P.L.1977, c.82, as amended (C.30:6D-1 et seq.). Currently, the Department of Health and Senior Services licenses four facilities as private licensed facilities for persons with developmental disabilities.

The Health Care Facilities Planning Act, P.L.1971, c.136, as amended (C.26:2H-1 et seq.), vests responsibility for the licensing of health care

facilities, including these Facilities, within the Department of Health and Senior Services.

This Plan will allow the same agency to assume all regulatory authority, including licensure, inspection and enforcement authority, over these Facilities, and to incorporate the regulation of such Facilities into the comprehensive program of residential services administered by the Department of Human Services. This will provide more efficient and effective protection for those persons with developmental disabilities who require such residential supervision, and will provide for overall improvement in the quality of life for those residents.

NOW, THEREFORE, in accordance with the provisions of the Executive Reorganization Act of 1969, P.L.1969, c.203 (C.52:14C-1 et seq.), I find, with respect to the transfer, consolidation and reorganization provided for in this Plan, that they are necessary in order to accomplish the purposes set forth in section 2 of that Act and will do the following:

1. Promote more effective management of the Executive Branch by combining similar functions and activities within one agency, thus eliminating overlapping and duplication of effort;
2. Promote better and more efficient execution of the laws and expeditious administration of the public business by consolidating and integrating within one agency similar functions;
3. Group, coordinate and consolidate functions in a more consistent and practical manner according to major purposes;
4. Promote economy to the fullest extent consistent with the efficient operation of the Executive Branch; and
5. Increase the efficiency of the operations of the Executive Branch to the fullest extent possible.

PROVISIONS OF THE REORGANIZATION PLAN

THEREFORE, I hereby order the following reorganization:

1. All of the powers, functions and duties exercised by the Commissioner of Health and Senior Services, or any division, bureau or office within the Department of Health and Senior Services (collectively DHSS),

to the extent they relate to private licensed facilities for persons with developmental disabilities, including, but not limited to, the powers, functions and duties relating to private licensed facilities for persons with developmental disabilities under:

- a) L.1971, c.136, as amended (C.26:2H-1 et seq.)
- b) L.1979, c.496, as amended (C.26:2H-5.1 et seq.)
- c) L.1999, c.154, s.14 (C.26:2H-12.12)
- d) L.2003, c.246, s.13 (C.26:2H-12.22)
- e) L.1988, c.113, s.2 (C.26:2H-13.1)
- f) L.1988, c.114, as amended (C.26:2H-14.2 et seq.)
- g) L.1989, c.173, s.2 (C.26:2H-14.4)
- h) L.1993, c.282 (C.26:2H-14.5 et seq.)
- i) L.1977, c.238, as amended (C.26:2H-36 et seq.)
- j) L.1991, c.201, as amended (C.26:2H-53 et seq.)

are continued, transferred to, and established within, the Department of Human Services, and shall henceforth be exercised by the Commissioner of Human Services, provided, however, that all powers, functions and duties exercised by DHSS relating to all other health care facilities that are not private licensed facilities for persons with developmental disabilities shall remain with DHSS; and provided further that all penalties collected by the Department of Human Services from these Facilities pursuant to the powers, duties and functions transferred herein and specifically, pursuant to P.L.1971, c.136, s.16, as amended (C.26:2H-16), shall be paid to the Department of Human Services.

2. The personnel, support services or funds to purchase such services utilized for the support of the licensing of these Facilities within the Department of Health and Senior Services shall be transferred to the Department of Human Services. These transfers shall be made as determined by mutual agreement between the Commissioner of Health and Senior Services and the Commissioner of Human Services, as set forth in a Memorandum of Understanding, after considering the number and type of positions presently utilized for support of the licensing of these facilities and the appropriateness of transferring personnel, positions, and/or funding. All records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Department of Health and Senior Services in connection with the licensing of these Facilities shall be transferred to the Department of Human Services, pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). The transfers of specific resources and personnel shall be effectuated as determined by agreement between the Commissioner of Health and Senior Services and

the Commissioner of Human Services, after considering the processes necessary to provide an orderly transition.

3. The powers, functions, duties and personnel hereby transferred shall be organized and implemented within the Department of Human Services as determined by the Commissioner of Human Services.

4. Whenever any law, rule, regulation, contract, order, document, judicial or administrative proceeding or otherwise, expressly references private facilities for persons with developmental disabilities and refers to the Department of Health and Senior Services or the Commissioner of Health and Senior Services, the same shall mean the Department of Human Services or the Commissioner of Human Services, respectively, except where the context clearly requires otherwise.

5. The Commissioners of the Department of Human Services and the Department of Health and Senior Services shall enter into inter-agency agreements, as necessary and appropriate, to effectuate the provisions of this Plan.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203. Specifically, this reorganization will promote the more effective management of the Executive Branch and its agencies, and it will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions. This Plan will provide greater protection for the residents of private licensed residential facilities for persons with developmental disabilities, and for the public at large.

2. All acts and parts of acts and plans or parts of plans inconsistent with the provisions of this Plan are superseded to the extent of such inconsistencies.

3. If any provision of this Plan, or the application thereof to any person, or circumstance, or the exercise of any power or authority thereunder, is held invalid or contrary to law, such holding shall not affect other provisions or applications of the Plan, or affect other exercises or power or authority

under such provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

4. This Plan is intended to protect and promote public health, safety and welfare, and shall be liberally construed to attain the objectives and effect the purposes thereof.

5. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L.1971, c 375 (C.52:14D-1 et seq.).

A copy of this Reorganization Plan was filed on June 30, 2005 with the Secretary of State and with the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days on August 29, 2005 unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than August 29, 2005, should the acting Governor establish such a later date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed June 30, 2005.
Effective August 29, 2005.

REORGANIZATION PLAN NO. 007-2005
A PLAN TO PROVIDE FOR THE TRANSFER WITHIN THE
DEPARTMENT OF HUMAN SERVICES OF THE OFFICE OF
LICENSING FROM THE DIVISION OF YOUTH AND FAMILY
SERVICES, THE DIVISION OF DEVELOPMENTAL DISABILI-
TIES, AND THE DIVISION OF MENTAL HEALTH SERVICES
TO THE OFFICE OF PROGRAM INTEGRITY AND AC-
COUNTABILITY; AND FURTHER PROVIDING FOR THE
TRANSFER WITHIN THE DEPARTMENT OF HUMAN SER-
VICES OF THE INSTITUTIONAL ABUSE INVESTIGATIONS
UNIT OF THE OFFICE OF CHILDREN'S SERVICES

PLEASE TAKE NOTICE that on November 10, 2005, Acting Governor Richard J. Codey hereby issues this Re-organization Plan No. 007-2005 (the

Plan), providing for the transfer within the Department of Human Services (DHS) of the division level Office of Licensing (OOL), and all of its functions, powers, duties and personnel, from the Division of Youth and Family Services (DYFS), the Division of Developmental Disabilities (DDD), and the Division of Mental Health Services (DMHS) to the Office of Program Integrity and Accountability (OPIA) within DHS; and further providing for the transfer within DHS of the Institutional Abuse Investigations Unit (IAIU) and all of its functions, powers, duties and personnel to the Office of Children's Services (OCS).

Recent data and assessments of the child welfare system in this State demonstrated the need for a new approach to delivering services to abused and neglected children. A comprehensive child welfare reform plan was issued in June, 2004 by DHS as part of a federal class action settlement. This Reorganization Plan is consistent with that child welfare reform plan. It furthers DHS' intention to effectively manage OOL and IAIU, which license and handle allegations of maltreatment in facilities providing out of home placements for children. It also prevents potential conflicts of interest between OOL and IAIU, on the one hand, and DYFS, the primary user of out of home placements being licensed or investigated, on the other hand. The transfer of OOL and the IAIU allows DYFS to focus its mission on abused and neglected children and to allow responsibilities for licensure and investigating institutional abuse to be met by the DHS' OPIA and OCS. P.L.2004, c.130.

Additionally, the consolidation of the licensing function of DYFS, DDD and DMHS will result in the development of licensing processes that are standardized, consistent and possess intrinsic value to our consumers. The reorganization of these three licensing units will result in the DHS OOL functioning as a single licensing and regulatory authority across DHS that supports the provision of a safe environment in which DHS consumers receive services that sustain, nurture and assist in growth and well-being.

GENERAL STATEMENT OF PURPOSE

The Division of Youth and Family Services (DYFS) was created by P.L.1951, c.138 as the successor to the Bureau of Children's Services as the State agency for the care, custody, guardianship, maintenance and protection of children. P.L.1979, c.309. (C.30:4C-1 et seq.). In accordance with this law, DYFS was authorized to administer for the Department of Human Services and the Commissioner of Human Services, the powers and duties of visitation and inspection with respect to institutions, organizations and

noninstitutional agencies for the care, custody and welfare of children and to issue such reasonable rules and regulations as may be necessary for the purpose of carrying these purposes into effect. The DYFS Director was also authorized to issue final agency decisions concerning licensure and investigation of abuse and neglect allegations arising in these facilities. (See, e.g., N.J.A.C. 10:120-2.13)

The Division of Developmental Disabilities (DDD) was established by P.L.1985, c.145 as a new division that incorporates the existing Division of Mental Retardation (DMR) and expands the population. The DDD Director, as the agency head (see N.J.S.A. 52:14B-2 and N.J.A.C. 1:1-2.1), was authorized to issue final agency decisions concerning DDD licensure of community residences for the developmentally disabled (see N.J.S.A. 30:6D-24 et seq., N.J.S.A 30:11B-1 et seq., and N.J.A.C. 10:44A, B and C).

The Division of Mental Health Services (DMHS) replaced the Division of Mental Health and Hospitals in 1995, pursuant to P.L.1995, c.4, s.11, which had been established by the Commissioner of Institutions and Agencies pursuant to the powers conferred by N.J.S.A. 30:1-9 and transferred to the Department of Human Services in 1976 (see P.L.1976, c.98). The DMHS Director, as the agency head (see N.J.S.A.52:14B-2 and N.J.A.C.1:1-2.1), was authorized to issue final agency decision licensure authority pursuant to P.L.1995, c.321 regarding certain providers of community mental health services (see N.J.A.C.10:37-10.1 et seq.).

In order to promote consistent practice among the licensing units within the Department of Human Services, the Office of Program Integrity and Accountability was created under the direction of an Assistant Commissioner. The OOL, included in the OPIA, renders all administrative licensing decisions concerning DYFS, DDD and DMHS. Pursuant to the child welfare plan, the Office of Children's Services was created under the direction of the Deputy Commissioner for Children's Services within the Department to oversee such entities as are designated by the Commissioner of Human Services including, but not limited to, DYFS, the Division of Child Behavioral Health Services and the Division of Prevention and Community Partnerships. P.L.2004, c.130 (see N.J.S.A.30:4C-2.2).

NOW, THEREFORE, pursuant to the "Executive Reorganization Act of 1969", P.L.1969, c.203 (C.52:14C-1 et seq.) (the Act), I find, with respect to the transfer, reorganization and consolidation provided for in this Plan, that each aspect of the Plan is necessary to accomplish the purposes set forth in Section 2 of the Act and that each aspect will:

1. promote the better execution of the law, the more effective management of the Executive Branch and of its agencies and functions, and the expeditious administration of the public business;
2. reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Executive Branch;
3. increase the efficiency of the operations of the Executive Branch to the fullest extent practicable;
4. group, coordinate and consolidate agencies and functions of the Executive Branch, as nearly as may be, according to major purposes;
5. reduce the number of agencies by consolidating those having similar functions under a single head and abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Executive Branch; and
6. eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

THEREFORE, I hereby order the following reorganization:

1. a) The Bureau of Licensing formerly in the Division of Youth and Family Services and the licensing units the Division of Developmental Disabilities and the Division of Mental Health Services in the Department of Human Services and their functions, powers, duties and personnel are continued and are transferred to the Office of Program Integrity and Accountability in the Department of Human Services.
- b) The functions, powers, and duties of the Director and/or Assistant Commissioner, as applicable, of the Division of Youth and Family Services, the Division of Developmental Disabilities and the Division of Mental Health Services, concerning division related licensing, including authority to serve as final agency decision maker in certain contested cases, are continued and are transferred to the Assistant Commissioner of the Office of Program Integrity and Accountability in the Department of Human Services.
- c) The Institutional Abuse Investigations Unit, formerly in the Division of Youth and Family Services in the Department of Human Services and its

functions, powers, duties and personnel are continued and are transferred to the Office of Children's Services in the Department of Human Services.

d) The functions, powers, and duties of the Director and/or Assistant Commissioner, as applicable, of the Division of Youth and Family Services concerning functions of the IAIU, including authority to serve as final agency decision maker in certain contested cases, are continued and are transferred to the Deputy Commissioner of the Office of Children's Services in the Department of Human Services.

e) The functions, powers, and duties of the Director of the Division of Youth and Family Services, including authority to serve as final agency decision maker in certain contested cases, are continued and are transferred to the Deputy Commissioner of the Office of Children's Services in the Department of Human Services.

f) I find this plan is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203 (C.52:14C-2). In addition to the reasons set forth above, this Plan will result in increased efficiency, due to economies of scale, and also will result in greater coordination and improved functioning of the State's regulation of resource family homes, residential youth treatment centers, licensed child care centers and adoption agencies and other facilities serving children, youth and families. Further, the consolidation of the licensing function of DYFS, DDD and DMHS will result in the development of licensing processes that are standardized, consistent and possess intrinsic value to our consumers. The reorganization of these three licensing units will result in the DHS OOL functioning as a single licensing and regulatory authority across DHS that supports the provision of a safe environment in which DHS consumers receive services that sustain, nurture and assist in growth and well-being. This Plan will streamline State government for the benefit of all New Jersey citizens.

2. All records, property, appropriations, and any unexpended balance of funds appropriated or otherwise available to the OOL, are transferred to the OOL as constituted in the OPIA.

3. Whenever in P.L.2004, c 130, P.L.1985, c.145, P.L.1995, c 4, or in any rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise thereunder, reference is made to the OOL in the Division of Youth and Family Services, the Division of Developmental Disabilities, or the Division of Mental Health Services, it shall now be amended to refer to the OOL in the OPIA in the Department of Human Services.

4. All acts and parts of acts inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies.

5. Unless otherwise specified in this Plan, all transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act", P.L.1971, c.375 (C.52:14D-1 et seq.).

6. If any provision of this Plan or the application thereof to any person, or circumstances, or the exercise of any power or authority hereunder are held invalid or contrary to law, such holding shall not affect other provisions or applications of the Plan, which can be given effect without the invalid provisions or applications of the Plan, or affect other exercises of power or authority under said provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

7. This Plan is intended to protect and promote the public health, safety and welfare, and shall be liberally construed to obtain the objectives and effect the purposes thereof.

A copy of this Reorganization Plan was filed on November 10, 2005 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days, on January 9, 2006, unless disapproved by each House of the Legislature by the passage of a Concurrent Resolution stating in substance that the Legislature does not favor this Plan, or at a date later than January 9, 2006 should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans".

Filed November 10, 2005.
Effective January 9, 2006.