

13:30-8.20 Nitrous oxide/oxygen inhalation analgesia; duties of a licensed dentist, delegation to licensed dental hygienist and registered dental assistant

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

(c) A supervising dentist may delegate the monitoring of the nitrous oxide/oxygen inhalation analgesia to a licensed dental hygienist during the performance of dental hygiene procedures provided that the patient is stabilized and that the licensed dental hygienist satisfies the requirements set forth in N.J.A.C. 13:30-[1A.2]1A.3.

(d) (No change.)

(e) If a supervising dentist delegates the monitoring of the nitrous oxide/oxygen inhalation analgesia to a licensed dental hygienist pursuant to N.J.A.C. 13:30-[1A.2]1A.3, or to a registered dental assistant pursuant to N.J.A.C. 13:30-2.4, the supervising dentist shall ensure that:

1.-2. (No change.)

(f)-(h) (No change.)

(i) The delegation of the monitoring of nitrous oxide/oxygen inhalation analgesia to a licensed dental hygienist pursuant to N.J.A.C. 13:30-[1A.2]1A.3 or registered dental assistant pursuant to N.J.A.C. 13:30-2.4 who has not yet met the minimum standards of training and procedures as stated therein shall constitute a deviation from normal standards of practice required of a licensee.

**13:30-8.25 Prohibited acts**

(a) Except as otherwise provided in N.J.S.A. 45:6-16.1 et seq., 45:6-19, and 45:6-20, no person other than a person duly licensed to practice dentistry in this State shall:

1. Make any diagnosis or develop any treatment plan with respect to the dental condition or treatment of any living person in this State;
2. Perform any surgical or irreversible procedure, including but not limited to, the cutting of hard or soft tissue or the extraction of any tooth on any living person in this State;
3. Either bill or submit a claim for any service rendered involving the practice of dentistry or dental hygiene in this State; or
4. Receive payment for the performance of dental or dental hygienist services from any source other than an employer authorized by law to practice dentistry in this State or any dental clinic, institution, or employment agency, as defined pursuant to N.J.S.A. 34:8-43, that employs licensed dental hygienists to provide temporary dental hygiene services.

**13:30-8.26 Emergency protocol**

(a) Each dental office, facility, dental clinic, or institution at which there is patient contact, at a minimum, shall:

1. Have a written protocol for managing medical or dental emergencies;
2. Have equipment to maintain adult and pediatric airways;
3. Have an ambu bag (bag-valve-mask resuscitator); and
4. Ensure that all staff are trained upon hire, and at least annually thereafter, to implement the emergency protocol.

**PUBLIC UTILITIES**

**(a)**

**BOARD OF PUBLIC UTILITIES**

**Service Connections  
Extensions of Service**

**Proposed Amendments: N.J.A.C. 14:3-8.5 and 8.14**

Authorized By: New Jersey Board of Public Utilities, Richard S. Mroz, President, Joseph L. Fiordaliso, Mary-Anna Holden, and Dianne Solomon, Commissioners.  
 Authority: N.J.S.A. 48:2-13, 16, 16.1 through 16.4, 17, 20, 23, 24, 25, and 27; 48:3-2.3, 3, 4, and 7.8; and N.J.S.A. 48:19-17.  
 Calendar Reference: See Summary below for explanation of exception to calendar requirement.  
 BPU Docket Number: AX15111248.  
 Proposal Number: PRN 2015-166.

Comments may be submitted through February 19, 2016, by e-mail in **Microsoft Word format**, or in a format that can be easily converted to Word, to: [rule.comments@bpu.state.nj.us](mailto:rule.comments@bpu.state.nj.us) or on paper to:

Irene Kim Asbury, Secretary  
 New Jersey Board of Public Utilities  
 ATTN: BPU Docket Number: AX15111248.  
 44 S. Clinton Ave., 9th floor  
 PO Box 350  
 Trenton, NJ 08625-0350

The agency proposal follows:

**Summary**

The Board of Public Utilities (“Board” or “BPU”) is proposing amendments to N.J.A.C. 14:3-8.5 and 8.14, providing basic requirements for all utilities regulated by the Board, which include water, wastewater, electricity, gas, and telephone utilities. The herein proposed amendments are in response to comments received on the Board’s rulemaking published elsewhere in this issue of the New Jersey Register. While the Board regulates cable television operators, these are not governed by this chapter.

Following is the summary of the proposal:

Amendments are proposed at N.J.A.C. 14:3-8.5(d), to state that if an applicant elects to dig the portion of the trench located on the property to be served, the applicant is responsible for ensuring that the excavation is done in accordance with utility/utilities standards and that the resulting trench complies with utility/utilities standards. It further states that utilities should inspect any excavation prior to placing utility lines in the trench.

Amendments are also proposed at N.J.A.C. 14:3-8.14(c)6 to require the party requesting a refund of a contribution paid for an extension built from March 20, 2005 through December 30, 2009, to serve an area not designated for growth, to agree in writing to hold harmless and indemnify the utility, as to the amount of the refund, against any competing claim for a refund.

The Board has provided a 60-day comment period on this notice of proposal, therefore, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

**Social Impact**

The proposed amendments at N.J.A.C. 14:3-8, will have a beneficial social impact because they clarify issues raised in comments submitted in response to the Board’s rulemaking published elsewhere in this issue of the New Jersey Register and continue a policy previously implemented by Board Order.

**Economic Impact**

The proposed amendments are not likely to have a significant economic impact, in that they continue existing requirements that ensure that public utilities provide safe, adequate, and proper service at a reasonable rate. The rules codify policies already in place, including the process for certain customers to receive a refund of their deposit. The Board believes that the obligations imposed by the rules are reasonable and necessary to ensure that utilities continue to provide safe, adequate, and proper service, both on near-term and long-term bases. Finally, the clarification of the rules will provide a minor economic benefit to utilities and customers by increasing predictability, reducing confusion, and minimizing time spent interpreting the rules.

**Federal Standards Statement**

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-22 through 24 require State agencies that adopt, readopt, or amend State rules that exceed any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. The proposed amendments are not promulgated under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal law, Federal standards, or Federal requirements. Accordingly, Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq., do not require a Federal standards analysis for the proposed amendments.

**Jobs Impact**

The Board does not anticipate that the proposed amendments at N.J.A.C. 14:3-8.5 and 8.14 will have any impact on jobs in New Jersey. The rules when adopted will continue existing programs, which require utilities to meet minimum standards for service, billing, recordkeeping and reporting, extensions, and audits. While a public utility may need staff to ensure compliance with the rules, the rules are necessary to ensure proper utility service to customers, and any staff needed will already be in place as the rules have been in effect for some time.

**Agriculture Industry Impact**

The Board does not expect proposed amendments at N.J.A.C. 14:3-8.5 and 8.14 to have an impact on the agriculture industry in New Jersey, except by ensuring that public utilities continue to provide safe, adequate, and proper service. The rules apply Statewide and are not expected to affect agriculture any differently than other energy consumers.

**Regulatory Flexibility Analysis**

The proposed amendments at N.J.A.C. 14:3-8.5 and 8.14 will impose some recordkeeping, reporting, and other compliance requirements on small businesses. A "small business," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. is a business that has fewer than 100 full-time employees. None of the electric utilities or gas utilities regulated by the rules are small businesses. Approximately 44 of the water and wastewater utilities governed by the rules are small businesses. Some telephone utilities are small businesses, but it is impossible to accurately estimate their number, as companies enter and exit the telecommunications market without notice to the Board.

The refund requirements include a requirement that the party requesting the refund has agreed in writing to hold harmless and indemnify the utility, as to the amount of the refund, against any competing claim for a refund. This requirement will not impose additional recordkeeping requirements beyond those required in the current rule.

**Housing Affordability Impact Analysis**

The proposed amendments will have no impact on the affordability of housing in New Jersey and will not evoke a change in the average costs associated with housing because the rules clarify requirements already in place through rules and prior Board orders.

**Smart Growth Development Impact Analysis**

The Board anticipates that the proposed amendments will have no impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan because the rules clarify requirements already in place through rules and prior Board orders.

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

## SUBCHAPTER 8. EXTENSIONS TO PROVIDE REGULATED SERVICES

14:3-8.5 General provisions regarding costs of extensions

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

(d) Regulated entities, customers, applicants, developers, builders, municipal bodies, and other persons shall cooperate fully in order to facilitate construction of an extension at the lowest reasonable cost consistent with system reliability and safety. This includes sharing trenches, where practicable, allowing the applicant, where practicable, to dig the portion of the trench located on the property to be served, and coordinating scheduling and other aspects of construction to minimize delays and to avoid difficult conditions, such as frozen or unstable soils. **If the applicant elects to dig the portion of the trench located on the property to be served, the applicant is responsible for ensuring that the excavation is done in accordance with utility/utilities standards and that the resulting trench complies with utility/utilities standards. Whether using an individual trench, a shared trench, or applicant-dug trench, a utility shall not place an extension within a trench unless the trench complies with the appropriate utility/utilities standards.** A municipality shall not impose an ordinance or other

requirement that conflicts with this subchapter or which would prevent or interfere with another person's compliance with this subchapter.

(e)-(j) (No change.)

14:3-8.14 Refunds of contributions paid for extensions built from March 20, 2005 through December 30, 2009, to serve areas not designated for growth

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

(c) The refund process is as follows:

1.-5. (No change.)

**6. The party requesting the refund shall agree in writing to hold harmless and indemnify the utility, as to the amount of the refund, against any competing claim for a refund.**

Recodify existing 6. and 7. as **7. and 8.** (No change in text.)

(d) (No change.)

**OTHER AGENCIES**

(a)

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY****Authority Assistance Programs; Grow New Jersey Assistance Program****Proposed Amendments: N.J.A.C. 19:31-18.2, 18.3, 18.5, 18.8, 18.11, 18.15, and 18.16**

Authorized By: New Jersey Economic Development Authority, Melissa Orsen, Chief Executive Officer.

Authority: P.L. 2011, c. 149.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2015-167.

Submit written comments by February 19, 2016, to:

Jacob Genovay, Senior Legislative and Regulatory Officer  
New Jersey Economic Development Authority  
PO Box 990  
Trenton, NJ 08625-0990  
[jgenovay@njeda.com](mailto:jgenovay@njeda.com)

The agency proposal follows:

**Summary**

The New Jersey Economic Development Authority ("EDA" or "Authority") is proposing amendments to the rules implementing the Grow New Jersey Assistance (Grow NJ) Program to address greater efficiencies in administration of the program involving successor and affiliate entities of a business, factors considered by the EDA when determining whether to allow a different period of time by full-time employees at the qualified business facility, clarification of minimum capital investment, and job eligibility for certain proximate buildings and subleasing of a qualified business facility.

**N.J.A.C. 19:31-18.2 Definitions**

The proposed amendments revise the definition for "business" to provide that after approval by the EDA Board of the incentive, a business shall include a successor, as determined by the Authority, to the business and a successor, as determined by the Authority, to an affiliate of the business if the business applied for a credit based upon any capital investment made by or full-time employees of the affiliate, provided any successor must execute the incentive agreement and comply with its requirements. In addition, the incentive agreement shall include the following requirements: the obligation to not reduce the number of full-time employees in the successor's Statewide employment in the last tax period prior to the approval of the award; an agreement that all parties to the incentive agreement are jointly and severally liable under the incentive agreement; and an acknowledgment that the tax credit will be allocated to each party to the incentive agreement in accordance with the