

i. PAAD shall consider the applicant and spouse separated only when doing so is more favorable to the applicant for PAAD (for example, when the income of an applicant and his **or her** institutionalized spouse is combined at [\$25,060] **\$32,582**, the applicant is ineligible for PAAD, but if the applicant and spouse are considered separated, the applicant could be eligible for PAAD under the single income standard. If the institutionalized spouse was not covered by Medicaid, the spouse could become eligible under the single income standard).

(c) All income, from whatever source derived, is considered in determining eligibility for the purpose of PAAD. Jointly owned income sources, will be allocated according to degree of ownership.

1. (No change.)

2. Sources of income, which are excluded in considering eligibility for PAAD are as follows:

i.-iv. (No change.)

v. Stipends from the Volunteers [to] in Service [in] to America (VISTA), Foster Grandparents programs, Workforce 55+ program, and programs under Title V of the Older Americans Act of 1965;

vi.-xiv. (No change.)

(d)-(n) (No change.)

10:167-6.6 PAAD eligibility application and renewal application forms

(a) [The Pharmaceutical Assistance to the Aged and Disabled Eligibility Application (AP-2) is the only acceptance form to be utilized in determining the applicant's initial eligibility for PAAD. These] **The eligibility application** forms are available to applicants in central and local offices and other convenient locations throughout the State, on the Department's website at [www.state.nj.us/health/seniorbenefits/forms.shtml] www.state.nj.us/humanservices/does/home/ap2.html, and by writing to the New Jersey Department of Human Services, Pharmaceutical Assistance to the Aged and Disabled (PAAD), PO Box 715, Trenton, NJ 08625-0715.

(b) The only acceptable form to be utilized in determining the beneficiary's continuation of eligibility will be the PAAD Eligibility Renewal Application Form (AP-12). This form is automatically mailed to the beneficiary approximately four months prior to the eligibility expiration date.]

(b) Applicants shall apply, or renew their application, for PAAD and/or for Lifeline on forms approved by PAAD.

(c) (No change.)

10:167-6.10 Eligibility period

(a) A PAAD eligibility card is effective for the dates indicated on the card. **PAAD shall automatically renew each beneficiary's eligibility card annually unless PAAD determines, in its sole discretion, that a beneficiary must submit current information by completing a renewal application.** The PAAD beneficiary shall renew his or her eligibility in accordance with the provisions of N.J.A.C. 10:167-5.3(b). [In that case, he or she would receive an updated eligibility card automatically for the second year, and would complete a renewal application every two years. Beneficiaries who are subject to the two year renewal provision will have their eligibility card renewed automatically for one additional year.]

(b) [Approximately four months prior to his or her expiration date,] PAAD will notify the beneficiary if he or she must complete a renewal form. Renewal applications must be returned to the PAAD Program by the beneficiary at least 45 days prior to the expiration date to ensure continuous coverage.

10:167-6.11 Confidentiality and disclosure of information

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

(c) The prohibition of (a) above against unauthorized disclosure shall not be construed to prevent:

1.-5. (No change.)

6. The release of information to the Department of Health and participating licensed veterinarians for the purpose of verifying eligibility for benefits under the Animal Population Control Program.

7. The release of information or files to county welfare agencies for the purpose of determining eligibility for Medicaid or [Food Stamp] **Supplemental Nutrition Assistance** Program benefits or for subsequent verification of Medicaid eligibility.

8.-11. (No change.)

CHILDREN AND FAMILIES

(a)

CHILD PROTECTION AND PERMANENCY

Dispute Resolution

Proposed Readoption with Amendments: N.J.A.C. 10:120A

Authorized By: Allison Blake, Ph.D., L.S.W., Commissioner,
Department of Children and Families.

Authority: N.J.S.A. 9:3A-7g, 9:3A-9, 30:4C-4.d, and 52:14B-9.1.

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

Proposal Number: PRN 2016-015.

Submit written comments by March 19, 2016, to:

Pamela Wentworth, M.S.W., L.S.W.
Department of Children and Families
PO Box 717
Trenton, New Jersey 08625
or rules@dcf.state.nj.us

The agency proposal follows:

Summary

The Department of Children and Families ("Department" or "DCF") proposes to readopt with amendments the rules governing dispute resolution. The rules affect parties contesting actions of the Division of Child Protection and Permanency (Division) and establish procedures for resolution in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

N.J.A.C. 10:120A has been in effect since 1998. Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 10:120A is scheduled to expire on December 9, 2015. As the Department has filed this notice of re adoption with the Office of Administrative Law, the expiration date is extended 180 days to June 6, 2016, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Department has reviewed these rules and has determined that they continue to be necessary, proper, and reasonable for the purpose for which they were originally promulgated.

The name of the Division of Youth and Family Services was changed to the Division of Child Protection and Permanency pursuant to N.J.S.A. 9:3A-10, effective June 29, 2012. The Department proposes to amend N.J.A.C. 10:120A-1.1(a)1 and 1.3(b), definitions of "Division" and "Division representative," to reflect the current name of the Division. The Division also proposes to amend N.J.A.C. 10:120A-1.3(a), definition of "Institutional Abuse Investigation Unit (IAIU)," to replace the acronym "DYFS" with the acronym "CP&P." The definitions of "Division service issue," "service provider," and "status issue" at N.J.A.C. 10:120A-1.3(a) refer to the "DYFS Legal Guardianship Subsidy Program." That term is also proposed to be amended to the "CP&P Legal Guardianship Subsidy Program" to reflect the updated terminology used in statute and in N.J.A.C. 10:132A, Legal Guardianship, which was proposed for re adoption with amendments, new rules, and repeals at 47 N.J.R. 3094(a) on December 21, 2015.

Finally, the Division proposes to amend the definition of "Office of Administrative Law (OAL)" to indicate that the OAL is in, but not of, the Department of the Treasury, not the Department of State.

N.J.A.C. 10:120A-1.1 states the purpose of the chapter.

N.J.A.C. 10:120A-1.2 states the scope of the chapter.

N.J.A.C. 10:120A-1.3 states the definitions used in the chapter.

N.J.A.C. 10:120A-1.4 states how the chapter is construed.

N.J.A.C. 10:120A-1.5 states how time is computed in the chapter.

N.J.A.C. 10:120A-2.1 states information about giving notice of an action to a service provider.

N.J.A.C. 10:120A-2.2 states information about giving notice of an action to a parent.

N.J.A.C. 10:120A-2.3 states information about giving notice of a finding of substantiated abuse or neglect to a perpetrator.

N.J.A.C. 10:120A-2.4 states information about preliminary efforts to resolve a dispute.

N.J.A.C. 10:120A-2.5 states how to request a dispositional review and administrative hearing.

N.J.A.C. 10:120A-2.6 states information about eligibility for continued service and status after requesting a dispositional review or administrative hearing.

N.J.A.C. 10:120A-2.7 states information on the final agency decision.

N.J.A.C. 10:120A-2.8 states where to appeal the final agency decision.

N.J.A.C. 10:120A-2.9 states information about the accessibility of records.

N.J.A.C. 10:120A-3.1 states when to hold a dispositional review.

N.J.A.C. 10:120A-3.2 states the procedures related to a dispositional review.

N.J.A.C. 10:120A-4.1 states the general provisions regarding a request for an administrative hearing.

N.J.A.C. 10:120A-4.2 states information about a Motion for Summary Disposition.

N.J.A.C. 10:120A-4.3 states information about cases transmitted to the Office of Administrative Law.

N.J.A.C. 10:120A-4.4 states information about withdrawing an administrative hearing request.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements set forth at N.J.A.C. 1:30-3.2 and 3.3, in accordance with N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Department believes that this chapter will continue to have a positive impact in that it establishes and clearly conveys the system of due process in place for the contesting of Department actions.

Economic Impact

The dispute resolution procedures outlined in this chapter have no negative financial impact upon Division clients, applicants, or service providers. The Department and the Office of Administrative Law provide dispute resolution opportunities at no cost to the participants, although the participants are allowed to retain an attorney at their own expense. The expense of holding administrative hearings and dispositional reviews is part of State appropriations.

The rules assist the Department to meet Federal requirements regarding dispute resolution, in order to claim Federal funds.

Federal Standards Statement

The rules are in compliance with New Jersey’s State Plan, required by the Federal Child Abuse Prevention and Treatment Act. The state plan must include provisions, procedures, and mechanisms by which individuals who disagree with an official finding of child abuse or neglect can appeal the finding. See 42 U.S.C. § 5106a(b)(2)(A)(xv)(II). New Jersey’s basic State grant appropriation, including the Children’s Justice Act grant, for Fiscal Year (FY) 2011 is \$4,405,000.

The rules are also in compliance with New Jersey’s State Plan for Title IV-E of the Social Security Act. The state plan must include an opportunity for a fair hearing for any individual whose claim for benefits is denied or not acted on with reasonable promptness, pursuant to 42 USC § 671(a)12. Since these rules establish opportunities for dispute resolution, they assist New Jersey to be eligible for Title IV-E funds. The Division’s FY 2016 appropriation is \$157,461,000.

Jobs Impact

The Department anticipates that the rules proposed for readoption with amendments will not result in the generation or loss of any jobs.

Agriculture Industry Impact

The rules proposed for readoption with amendments have no impact on the agriculture industry.

Regulatory Flexibility Statement

The rules proposed for readoption with amendments will not impact small businesses, and, therefore, do not require an analysis under the terms of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The

rules address the dispute resolution process available to the clients, applicants, and service providers of the Division of Child Protection and Permanency. Therefore, a regulatory flexibility analysis is not necessary.

Housing Affordability Impact Analysis

There is an extreme unlikelihood that the rules proposed for readoption with amendments would evoke a change in the affordability of housing or the average costs associated with housing because the rules address dispute resolution opportunities for the Division of Child Protection and Permanency’s clients, applicants for services, and service providers.

Smart Growth Development Impact Analysis

The rules proposed for adoption with amendments 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 in New Jersey. The rules pertain to the right of the Division of Child Protection and Permanency’s clients, applicants, and service providers to dispute a Division decision.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:120A.

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

SUBCHAPTER 1. INTRODUCTION AND OVERVIEW

10:120A-1.1 Purpose

(a) The purposes of this chapter are to:

1. Describe the procedures for a client, or specified service provider of the Division, to resolve disputes with the Division of [Youth and Family Services] **Child Protection and Permanency**;

2.-4. (No change.)

10:120A-1.3 Definitions

(a) The definitions in N.J.A.C. 10:122B-1.3 and 10:133-1.3 are hereby incorporated by reference. In addition, the following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

...
 “Division service issue” means a Division action affecting a case goal or a case plan necessary to achieve a case goal, as allowed in N.J.A.C. 10:133D-1, and limited to: the denial of a request for, or the reduction, suspension, or termination by a Division representative of the following services, as defined in N.J.A.C. 10:133-1.3 and listed in N.J.A.C. 10:133E-2: adoption subsidy, child care, discharge planning and aftercare services, domestic violence services, [DYFS] **CP&P** Legal Guardianship Subsidy Program, educational support, emergency maintenance service, family preservation services, health care services, homemaker service, mentor services, out-of-home placement, post-adoption services, pre- and post-natal services, psychological/therapeutic services, respite care, self-sufficiency skills, substance abuse services, Title XIX Medicaid, **or** transportation; [or] parent and child visitation as described in N.J.S.A. 9:6B-4 and N.J.A.C. 10:122D-1; or the failure of a Division representative to act with reasonable promptness on a request for any of the above services.

...
 “Institutional Abuse Investigation Unit (IAIU)” means the Department unit charged with the responsibility of investigating allegations of abuse or neglect in out-of-home settings, excluding [DYFS] **CP&P**-operated facilities.

...
 “Office of Administrative Law (OAL)” means the office in, but not of, the Department of [State] **the Treasury**, in which an administrative law judge presides over administrative hearings, established under N.J.S.A. 52:14F-1 et seq.

...
 “Service provider” means:
 1. (No change.)
 2. A relative or family friend caregiver or applicant in the [DYFS] **CP&P** Legal Guardianship Subsidy Program; or

3. (No change.)

“Status issue” means:

1. (No change.)

2. The denial or termination of a relative or family friend caregiver to participate or continue to participate in the [DYFS] CP&P Legal Guardianship Subsidy Program in accordance with N.J.A.C. 10:132A.

(b) The following terms shall have the following meanings within N.J.A.C. 10:120A-1, 2, and 3, unless the context clearly indicates otherwise:

“Division” means the Division of [Youth and Family Services] **Child Protection and Permanency**, the Institutional Abuse Investigation Unit in the Department of Children and Families, or the Office of the Public Defender acting as the Division’s agent in conflict matters.

“Division representative” means a professional employee of the Division of [Youth and Family Services] **Child Protection and Permanency**, the Institutional Abuse Investigation Unit, or of the Office of the Public Defender acting as the Division’s agent in conflict matters.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF EXAMINERS OF MASTER PLUMBERS

Renewal of License; License Reactivation; License Reinstatement; Renewal of Certificates; Certificate Reactivation; Certificate Reinstatement

Proposed Amendments: N.J.A.C. 13:32-2.6 and 7.7

Proposed New Rules: N.J.A.C. 13:32-2.6A, 2.6B, 7.8, and 7.9

Authorized By: State Board of Examiners of Master Plumbers,
Rosemarie Baccile, Acting Executive Director.

Authority: N.J.S.A. 45:14C-7.

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

Proposal Number: PRN 2016-012.

Submit written comments by March 19, 2016, to:

Rosemarie Baccile, Acting Executive Director
New Jersey Board of Examiners of Master Plumbers
PO Box 45008
124 Halsey Street
Newark, New Jersey 07101

or electronically at:

<http://www.njconsumeraffairs.gov/Proposals/Pages/default.aspx>.

The agency proposal follows:

Summary

The State Board of Examiners of Master Plumbers (Board) proposes amendments and new rules to implement P.L. 2013, c. 182. This statute revises standards for renewal of licensure, reactivation of inactive licenses, and reinstatement of suspended licenses.

Existing N.J.A.C. 13:32-2.6 establishes renewal requirements for licensure. The rule requires licensed master plumbers to renew licenses every two years by submitting renewal applications and renewal fees. Licensed master plumbers are permitted to renew within 30 days of license expiration by paying a late renewal fee. Licensed master plumbers who do not renew a license during this 30-day late period are suspended and cannot practice plumbing until a license is reinstated. The rule provides different requirements for license reinstatement depending on the number of years a license was suspended. The rule permits licensed master plumbers to renew as inactive. Inactive licensed master plumbers cannot practice plumbing until a license is reactivated. The proposed

amendments to N.J.A.C. 13:32-2.6 provide new wording for provisions regarding license renewal, inactive licensure, and suspension of licensure for failure to renew in order conform to wording in P.L. 2013, c. 182. Specifically, subsection (b) is proposed for amendment to allow renewal to be timely if filed with the Board within 60 days of receipt of the Board’s notice to renew or within 30 days following the date of expiration of the license, whichever is later. The proposed amendment to subsection (c) specifies that the effective date of the renewal shall be two years from the last expiration date. Subsection (c) is further proposed for amendment to split the existing subsection into three separate subsections (subsections (c), (e), and (f)). Recodified subsection (d) is proposed for amendment to cross-reference N.J.A.C. 45:1-14 et seq., pertaining to actions that may be taken by the Board for unlicensed practice. Existing subsection (g) is proposed for deletion and relocation as new subsection (d) without any substantive change. Existing subsections (e), (f), and (h), regarding reinstatement and reactivation of licensure, are proposed for deletion, as these provisions are relocated to proposed new N.J.A.C. 13:32-2.6A and 2.6B.

Proposed new N.J.A.C. 13:32-2.6A deals with reactivation of inactive licenses. P.L. 2013, c. 182 changed the reactivation process. In addition to requirements for reactivation relocated from N.J.A.C. 13:32-2.6(h), the proposed new rule requires licensed master plumbers applying for reactivation to submit a certification listing each job held during the period of inactive licensure. The proposed new rule requires licensed master plumbers to submit evidence of completion of the continuing education credits required for the current renewal period. Existing N.J.A.C. 13:32-2.6(e)4 requires licensed master plumbers to complete all of the continuing education credits for every renewal period the license was inactive. The proposed new rule permits licensed master plumbers to satisfy continuing education requirements by showing that they completed the requirements of another state in which they were licensed. The proposed new rule permits the Board to require licensed master plumbers to pass an examination, complete a refresher course, or meet any other Board-imposed requirement, if the Board determines that there is a reason to conclude that the licensed master plumber would not be able to practice safely. The proposed new rule provides criteria for determining if a practice deficiency exists.

Proposed new N.J.A.C. 13:32-2.6B deals with reinstatement of suspended licenses. P.L. 2013, c. 182 changed the reinstatement process. In addition to requirements for reinstatement that are relocated from N.J.A.C. 13:32-2.6(e) and (f), the proposed new rule revises the process so that licensed master plumbers applying for reinstatement need to submit the current renewal fee and the past due fee from the last renewal period. Existing N.J.A.C. 13:32-2.6(f)2 requires licensed master plumbers to submit every past due renewal fee. The proposed new rule requires licensed master plumbers to submit evidence of completion of the continuing education credits required for the current renewal period. Existing N.J.A.C. 13:32-2.6(e)4 requires licensed master plumbers to complete the continuing education credits for every renewal period the license was suspended. The proposed new rule permits a licensed master plumber to satisfy continuing education requirements by showing that he or she completed the requirements of another state in which he or she was licensed. Existing N.J.A.C. 13:32-2.6(f) requires every licensed master plumber who seeks to reinstate a license more than five years after being suspended to pass the licensing examination. The proposed new rule permits the Board to require licensed master plumbers to pass an examination, complete a refresher course, or meet any other Board-imposed requirement, if the Board determines that there is a reason to conclude that the licensed master plumber would not be able to practice safely. The proposed new rule provides criteria for determining if a practice deficiency exists.

Existing N.J.A.C. 13:32-7.7 establishes renewal requirements for individuals certified as medical gas piping installers, instructors, or brazers. The rule requires installers, instructors, and brazers to renew certificates by submitting renewal applications and renewal fees. Certificants are permitted to renew within 30 days of certificate expiration by paying a late renewal fee. Certificants who do not renew a certificate during this 30-day late period are suspended and cannot practice until a certificate is reinstated. The rule provides different requirements for certificate reinstatement depending on the number of