

RULE PROPOSALS INTERESTED PERSONS

The Department of Corrections provides notices of rule proposals in the New Jersey Register (N.J.R.), a semi-monthly official publication of the Office of Administrative Law which contains all State agency rule proposals and adoptions. The following paragraph is quoted from the Proposal section of the New Jersey Register: Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal. The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30- day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B3. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register. At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30 6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

CORRECTIONS

THE COMMISSIONER

Medical Co-Payment

Proposed Amendment: N.J.A.C. 10A:16-1.5

Authorized By: Victoria L. Kuhn Esq., Commissioner, Department of Corrections.

Authority: N.J.S.A. 2A:154-3 and 4, 2C:58-15, 30:1B-6, 30:1B-10, 30:4-123.47.c, and 52:17B-169.

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

Proposal Number: PRN 2026-064.

Submit written comments by January 1, 2027, to:

Kathleen Cullen
Administrative Rules Unit
New Jersey Department of Corrections
PO Box 863
Trenton, New Jersey 08625-0863
or by email to ARU@doc.nj.gov

The agency proposal follows:

Summary

The Department of Corrections (Department) is mandated by statute, N.J.S.A. 30:7E-1 et seq., to charge inmates co-payments for medical care and medications. Those charges were suspended during the COVID-19 Pandemic pursuant to the state of emergency provisions of Executive Order (EO) 103 (2000). With termination of that order at EO 415 (2026), the state of emergency provisions expired on February 16, 2026. The Department is in the process of reinstating the co-payments and the rate is being reduced by relaxing medical co-payment rules at N.J.A.C. 10A:16-1.5(a) and notification letters are being posted, as required by statute, in State correctional facilities. The Department proposes to codify the reduced medical co-payments. While there will be no reduction in the \$1.00 medication co-payments, the Department also proposes to clarify the application of co-payments for medications.

At N.J.A.C. 10A:16-1.5(a), the Department proposes to clarify when a medication co-pay applies to non-prescription medications and supplements. This subsection is further clarified to reduce the co-pay from \$5.00 to \$2.00, so that inmates are more likely to seek care when needed and to clarify that the \$1.00 co-pay is for medication per month when filled or when non-prescription drugs, medication, or dietary supplements are dispensed.

At N.J.A.C. 10A:16-1.5(e), the Department proposes to further clarify that co-pays apply to prescriptions when first filled and for each refill.

As the Department has provided a 60-day comment period on this notice of proposal, 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 provide a reduced rate for medical co-payments and clarification for the application of medication co-payments provided by medical staff to incarcerated persons while assigned to a correctional facility. The Department anticipates a positive social impact as the proposed amendments are necessary and intended to encourage inmates to seek medical care when needed and to encourage good health habits.

Economic Impact

Additional funding is not necessary to implement the proposed amendments. The cost of meeting and maintaining the requirements of the proposed amendments is met by the Department through the established budget with funds allocated by the State and has no external economic impact.

Federal Standards Statement

The proposed amendments are promulgated pursuant to the authority of the rulemaking requirements of the Department, as established at N.J.S.A. 30:1B-6 and 10. The proposed amendments are not subject to any Federal statutes, requirements, or standards; therefore, a Federal standards analysis is not required.

Jobs Impact

The proposed amendments will cause neither the generation of nor the loss of any jobs.

Agriculture Industry Impact

The proposed amendments will have no impact on the agriculture industry.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments affect the co-payments paid by inmates in New Jersey correctional facilities.

Housing Affordability Impact Analysis

The proposed amendments will have no impact on housing affordability and there is an extreme unlikelihood that the proposed amendments would evoke a change in the average costs associated with housing, as the proposed amendments concern inmate health care co-payments for medical care and medication.

Smart Growth Development Impact Analysis

The proposed amendments will have no impact on the achievement of smart growth and there is an extreme unlikelihood the proposed amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the proposed amendments concern health care co-payments for medical care and medication.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention or sentencing. Health care co-payments do not directly impact probation and potential parole and have been implemented and updated in compliance with related State laws. Accordingly, no further analysis is required.

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

SUBCHAPTER 1. GENERAL PROVISIONS

10A:16-1.5 Medical co-payment

(a) Pursuant to N.J.S.A. 30:7E-1 et seq., inmates shall be liable for the cost of, and charged a nominal co-payment as determined by the State Treasurer for health care to include surgery, dental care, hospitalization, or treatment; and medication to include prescription or nonprescription drugs, medicine, or dietary supplements, **not available in the commissary**. The medical co-payment shall be [\$5.00] **\$2.00** and the medication co-payment shall be \$1.00 **per month for each medication and will be applied when the prescription is filled or when the nonprescription drugs, medicine, or dietary supplements are dispensed**. If fees for inmate co-payments change in accordance with N.J.S.A. 30:7E-1 et seq., these changes shall be published as a notice of administrative change in the New Jersey Register.

(b)-(d) (No change.)

(e) All medications shall be ordered by qualified health care professionals in the largest quantities and longest durations that are medically appropriate and in accordance with all applicable laws and pharmaceutical regulations. The inmate is charged [for a prescription when a health care professional writes an initial order and is then required to rewrite the medication order] **a co-pay when prescriptions are first filled and for each refill**; therefore, **prescriptions** for maintenance medications, [prescriptions] shall be written for as long a period of time as is medically acceptable.

(f) (No change.)