

program. It requires nursing facilities to establish an ongoing resident activities program as an adjunct to the treatment program and an integral component of the interdisciplinary plan of care. It outlines the manner in which social services shall be provided by the nursing facilities to their residents and sets forth the social services staffing and qualification requirements. It sets forth the provision of pharmaceutical services including the manner in which prescribed legend drugs and non-legend drugs shall be stored and supplied to each individual nursing facility resident. It outlines the process attending physicians must follow when initiating a request for consultation, referral for examination, or treatment on behalf of a nursing facility resident.

The subchapter provides that all nursing facilities shall assist Medicaid beneficiaries obtain mental health care through a licensed psychiatrist or psychologist who shall provide, or make provision for, routine and emergency services. It provides that all nursing facilities shall assist Medicaid beneficiaries obtain dental care through a licensed dentist and sets forth the required services related thereto. It provides that nursing facilities shall assist Medicaid beneficiaries obtain podiatry care through a licensed podiatrist and sets forth the required services related thereto. It provides that all nursing facilities shall assist Medicaid beneficiaries obtain chiropractic care through a licensed chiropractor who shall provide, or make provision for, routine and emergency services. It provides that all nursing facilities shall assist Medicaid beneficiaries obtain vision care through a licensed ophthalmologist or optometrist who shall provide, or make provision for, routine and emergency services in accordance with the Medicaid Program's Vision Care Manual, N.J.A.C. 10:62.

The subchapter requires all nursing facilities that do not have their own laboratory capabilities, to have written agreements with general hospitals or clinical laboratories in order to promptly receive laboratory services and emergency services, as well as sets forth the laboratory operation requirements. It defines medical supplies and equipment, as well as outlines the manner in which they shall be stored, used, and ordered by the facility and sets forth the circumstances in which reimbursement to the facility is allowed. It requires the nursing facility to provide appropriate consultation services when the facility has significant unresolved or recurring problems. It sets forth the transportation and ambulance services requirements the nursing facility must follow in accordance with the New Jersey Medical Transportation Manual found at N.J.A.C. 10:50-1.3 through 1.6.

The subchapter sets forth the bed and board requirements the nursing facilities must follow for their residents. It requires nursing facilities to provide housekeeping and maintenance services to their residents. It outlines those services for which Medicaid beneficiaries, residing in a nursing facility, shall not be eligible to receive reimbursement. Lastly, this subchapter sets forth the standards for establishing special care nursing facilities (SCNF) and SCNF units within a Medicaid certified conventional nursing facility, as well as the scope of services required to be provided by SCNFs.

Subchapter 3, Cost Report, Rate Calculation and Reporting System for Long-Term Care Facilities, sets forth the purpose and scope of the subchapter and describes the methodology to be used by the Department to establish prospective per diem rates for the provision of nursing facility services to residents pursuant to the State's Medicaid program. It sets forth the requirement that nursing facilities furnish certified cost reports to the Department by May 31 following the end of each calendar year for a cost reporting period ending December 31. It establishes the cost report format and the process for imposing penalties when a nursing facility submits its cost report beyond the date set for the submission timeline.

The subchapter establishes rate classes (Class I and Class II) for nursing facilities for dates of service on or after July 1, 2010. It establishes the process for maintaining resident rosters and the method for determining the case mix index calculation. It sets forth the method for determining fringe costs in all cost reports effective for periods ending before December 31, 2010. It establishes the method for calculating the rate index factor. It establishes the case mix rate components and the costs associated therewith for Class I and Class II nursing facilities for dates of service effective on or after July 1, 2010. It sets forth the requirement that the Department establish a database used to derive the direct care limit and the method for determining the operating and administrative price used in nursing facility rates. It sets forth the requirement that the

Department shall establish a direct care limit, as well as the operating and administrative price for each Class I and Class II nursing facility. It provides that for each cost report identified at N.J.A.C. 8:85-3.8, the Department shall establish the direct care rate component. It provides that the Department shall determine the facility fair rental value allowance for each Class I and Class II nursing facility.

The subchapter outlines the method for calculating the provider tax pass through and sets forth the Department's approval process for a request made by a nursing facility for an interim rate adjustment during a prospective rate period on the basis of financial hardship. It sets forth the methods for calculating, for each rate year, the total adjusted case mix rate and the Statewide Medicaid day weighted average comparison rate for Class I and Class II nursing facilities, as well as the target rate. It provides the manner in which the Department shall calculate the full cost rates for publicly owned or operated governmental nursing facilities and SCNFs. It sets forth the method for the calculation of rates for SCNFs. It sets forth the method for determining the phase in of case mix rates for Class I and Class II nursing facilities.

The subchapter establishes a two-level rate appeal process for nursing facilities. It describes the rate applied to a nursing facility where a transfer of ownership occurs and sets forth the process for determining the rates for new Class I and Class II nursing facilities. It provides for the effect of applicable Federal rules and the fact that these rules are incorporated into this chapter by reference. Lastly, the subchapter provides that certain information maintained by the Department as described shall not be considered public records subject to public access or inspection within the meaning of the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

Subchapter 4, Audit Cycle, establishes the audit cycle, required audit process, and the method for calculating the final audited rate adjustments for nursing facilities.

Subchapter 5, Provider Tax Reimbursement, establishes the method for determining the provider tax reimbursement for nursing facilities.

N.J.A.C. 8:85 Appendices A through W are included at the end of this chapter, setting forth various forms.

While the Department is readopting these rules, it recognizes that further rulemaking may be necessary to update these rules to reflect current practices. Thus, the Department will continue to review the rules and may consider making substantial amendments prior to the next scheduled re adoption.

Through P.L. 2012, c. 17, § 398 (N.J.S.A. 30:1A-14), the Division of Aging Services and its programs were transferred from the Department of Health to the Department of Human Services. The Department is administratively transferring this chapter from Title 8, Health, to Title 10, Human Services, specifically within the Division of Aging Services. References to N.J.A.C. 8:85 will be updated to reflect the new chapter codification, N.J.A.C. 10:166.

The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purposes for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are re adopted and shall continue in effect for seven years.

(a)

DIVISION OF FAMILY DEVELOPMENT

Notice of Re adoption

Social Services Programs for Individuals and Families

Re adoption: N.J.A.C. 10:123

Authority: N.J.S.A. 30:1-12.

Authorized By: Sarah Adelman, Commissioner, Department of Human Services.

Effective Date: October 17, 2024.

New Expiration Date: October 17, 2031.

Take notice that, in accordance with N.J.S.A. 52:14B-5.1, the Social Services Programs for Individuals and Families rules at N.J.A.C. 10:123, are re adopted and shall continue in effect for a seven-year period. The

rules were scheduled to expire on November 17, 2024. The Division of Family Development (“DFD” or “Division”) has reviewed the rules and determined that the rules should be readopted because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted without change.

N.J.A.C. 10:123 provides policy and procedures for the DFD and the county social service agencies (CSSAs) to follow in the ongoing implementation of the Rooming and Boarding House Act (Act) of 1979, P.L. 1979, c. 496 (N.J.S.A. 30:1A-1 et seq., and 30:11A-1 et seq.). DFD is responsible for maintaining a Central Registry that provides information about abuse, exploitation, and unsafe and unsanitary conditions in rooming houses, boarding houses, and residential health care facilities. DFD also provides statistical data based on Central Registry cases and follows up on these cases to ensure that remedial action has been taken. DFD is also responsible for setting standards, policies, and procedures for services to residents, as well as monitoring services provided by the CSSA to eligible residents of rooming houses, boarding houses, and residential health care facilities.

The following is a description of the subchapters at N.J.A.C. 10:123.

N.J.A.C. 10:123-1 provides the rules for receipt of Federal Social Services Block Grant funds.

N.J.A.C. 10:123-2 provides policy and procedures that DFD and the CSSAs must follow in the ongoing implementation of the Rooming and Boarding House Act (Act) of 1979, P.L. 1979, c. 496 (N.J.S.A. 30:1A-1 et seq., and 30:11A-1 et seq.). Pursuant to the Act, DFD is responsible for maintaining a Central Registry of abuse, exploitation, and unsafe as well as unsanitary conditions, in rooming houses, boarding houses, and Residential Health Care Facilities (RHCs). DFD also provides statistical data based on Central Registry cases and follows up on these cases to ensure that remedial action has been taken. DFD is also responsible for setting standards, policies, and procedures for services to residents, as well as monitoring services provided by the CSSA to eligible residents.

The CSSAs are assigned various responsibilities including, but not limited to: providing information and referrals, the investigation of complaints involving residents, the provision of services to eligible residents, the coordination of services provided by various State and local agencies, and visiting facilities on a periodic basis.

N.J.A.C. 10:123-3 provides the rules governing the monthly personal needs allowance, to be reserved by owners and operators of RHCs and boarding homes, to be used by Supplemental Security Income or Work First New Jersey/General Assistance recipient residents. The personal needs allowance may be adjusted annually through public notice in the New Jersey Register.

N.J.A.C. 10:123-4 provides the financial eligibility standards for individuals and families who receive social services provided by the CSSA that are funded through the Social Services Block Grant program.

While the Division is readopting these rules, it recognizes that further rulemaking may be necessary to update these rules. Therefore, the Division will continue to review the rules and may consider making substantial amendments prior to the next scheduled re adoption.

In accordance with N.J.S.A. 52:14B-5.1.c(1), the new expiration date for readopted N.J.A.C. 10:123 is seven years from submission of notice with the Office of Administrative Law.

LAW AND PUBLIC SAFETY

(a)

STATE ATHLETIC CONTROL BOARD

Rules Governing Boxing, Extreme Wrestling, and Sparring Exhibitions and Performances

Readoption with Amendments: N.J.A.C. 13:46

Adopted Repeals: N.J.A.C. 13:46-13.3 and 13.6

Proposed: May 6, 2024, at 56 N.J.R. 744(a).

Adopted: October 15, 2024, by the State Athletic Control Board, Larry Hazard Sr., Commissioner.

Filed: October 18, 2024, as R.2024 d.110, **without change**.

Authority: N.J.S.A. 5:2A-4.a and 7.c.

Effective Dates: October 18, 2024, Readoption;

November 18, 2024, Amendments and Repeals.

Expiration Date: October 18, 2031.

Summary of Public Comment and Agency Response:

The official comment period ended July 5, 2024. **No comments were received.**

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal standards or requirements applicable to the rules readopted with amendments and repeals. The rules readopted with amendments and repeals pertain solely to New Jersey law and policy.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:46.

Full text of the adopted amendments follows:

CHAPTER 46.

RULES GOVERNING BOXING, WRESTLING, EXTREME WRESTLING, KICK BOXING, AND COMBATIVE SPORTS EXHIBITIONS, EVENTS, PERFORMANCES, AND CONTESTS

SUBCHAPTER 1. DEFINITIONS

13:46-1.1 Definitions

In addition to the definitions set forth at N.J.S.A. 5:2A-1, the following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

...

“Broadcast” means telecast, televised, or broadcast in any manner, including, but not limited to, television, radio, or any transmission through a cable television system, as defined at N.J.S.A. 48:5A-3, or any transmission through microwave, closed circuit, satellite, fiber optic link, any other method of limited distribution, or transmitted by any means.

...

“Regulated event” means boxing, wrestling, extreme wrestling, kick boxing, and combative sports exhibitions, events, performances, and contests or any other event subject to the authority of the Board pursuant to N.J.S.A. 5:2A-1 et seq.

...

SUBCHAPTER 13. BROADCASTS

13:46-13.1 Broadcast tax

(a) Every person who shall hold any regulated event shall pay to the Commissioner, in addition to the gross receipts tax imposed pursuant to N.J.S.A. 5:2A-20.c(1), a tax on the gross receipts derived from the lease or sale of broadcast rights in connection with any such exhibition or performance. The rate of tax shall be in accordance with N.J.S.A. 5:2A-20.c(2), this tax shall apply to all regulated events that are broadcast.

(b) (No change.)

13:46-13.2 Forms

Special forms to accompany the payment of the broadcast tax shall be provided by the Commission to promoters whose regulated events are broadcast.

13:46-13.3 Copy of agreement furnished to Commissioner

(a) The Commissioner must be furnished with true copies, properly notarized, of any and all agreements between promoters and broadcast sponsors or between promoters and broadcaster authorities at least one week in advance of the broadcast of a regulated event.

(b) Broadcast authorities must submit to the Commissioner any broadcast agreement made with any promoter at least one week in advance of broadcasting the same.