

accountability plan, submitted pursuant to N.J.A.C. 9A:8-2.4(a), and the progress reports submitted pursuant to N.J.A.C. 9A:8-2.4(b). The State monitor shall provide oversight of the institution until the Secretary determines that the transition plan has been successfully executed and the necessary capacity and fiscal accountability controls have been restored to institution operations. The transition plan shall include plans on maintaining financial stability following the cessation of the State monitor's appointment.

(b) The State monitor shall certify an institution to be financially stable when the State monitor determines that the following criteria are met:

1. The conditions that necessitated the appointment of the State monitor are resolved;

2. The fiscal accountability plan submitted pursuant to section 6(b)(1) at P.L. 2023, c. 115, has been successfully implemented; and

3. The leadership of the institution, including the governing board, is capable of maintaining the financial stability of the institution following the departure of the State monitor.

(c) After certification by the State monitor has been made pursuant to (b) above, the governing board of the institution may submit an application to the Secretary for removal of the State monitor that includes the following:

1. A report that shows the successful execution of the transition plan and that the necessary capacity and fiscal accountability controls should be restored to the institution;

2. Letters of support from the president, State monitor, chairperson of the governing board of the institution, and chief financial officer; and

3. Statements attesting to the accuracy of the information provided in the application from the president, chairperson of the governing board of the institution, chief financial officer, and State monitor.

(d) Absent an application by the governing board of the institution, the Secretary reserves the right to remove the State monitor at any time.

### SUBCHAPTER 3. CHIEF FINANCIAL OFFICERS

#### 9A:8-3.1 Chief financial officer responsibilities and liability

(a) Certain duties and responsibilities of a chief financial officer may require coordination and collaboration with other members of an institution's leadership team and, thus, constitute shared duties and responsibilities not solely reflective of chief financial officer oversight.

(b) The governing board of an institution shall appoint a chief financial officer who shall report to the president in the normal course and the president of the institution shall be responsible for the regular formal evaluation of the chief financial officer.

(c) The responsibilities of the chief financial officer shall include, but are not limited to:

1. Acting as the lead agent on matters pertaining to financial reporting and planning, budget preparation, and management of investments and debt;

2. Ensuring the short-term and long-term fiscal health of the institution;

3. Providing oversight of the business practices of the institution;

4. Aligning the institution's budget with the strategic plan(s); and

5. Attending all scheduled meetings of the institution's governing board and, as requested, meetings of a formal committee of the board, and making oneself available to answer questions at such meetings.

(d) A chief financial officer shall report the financial condition of the institution to the Secretary, the institution's governing board, and the president of the institution at least \*twice\* \*once\* per fiscal year. \*[One of the two reports to the Secretary may be satisfied by the submission of the annual fiscal monitoring report required by section 2 at P.L. 2023, c. 115.]\*

1. The report of the financial condition shall consist of both a narrative portion and, at a minimum, the following information, as applicable:

i. Composite Financial Index score;

ii. Debt-to-liquidity ratios;

iii. Audit reports;

iv. Days cash-on-hand;

v. Financial reserves;

vi. Tuition reliance;

vii. Debt covenant compliance;

viii. Credit rating;

ix. Debt capacity;

x. Revenue trends; and

xi. Cost control for expenses.

2. The report shall be submitted electronically to all receiving parties.

Chief financial officers may submit hard copies of the report\*[s]\* in addition to the electronic submission\*[s]\*, but not in the place thereof.

(e) If, at any time, a negative material change in the institution's financial status occurs, the chief financial officer should immediately notify the president, the chairperson of the governing board of the institution, and the Secretary.

(f) When ensuring the short-term and long-term fiscal health of the institution as required by section 8(a)(2) at P.L. 2023, c. 115, the obligation of the chief financial officer is to equip the president and the governing board of the institution with accurate financial data necessary to make informed decisions for both the short-term and long-term future of the public institution of higher education.

(g) A chief financial officer may be held responsible for any and all action taken in breach of the fiduciary obligations of the position, regardless of whether such action was taken at the direction of an institution's president, the governing board of the institution, or other employee of the institution.

#### 9A:8-3.2 Chief financial officer training

(a) The training required by the Secretary pursuant to section 9 at P.L. 2023, c. 115, may be provided by OSHE or by a third party pursuant to contract with OSHE, including another State agency.

(b) The required training shall be offered twice annually or at a frequency that allows chief financial officers to comply with the timeline outlined at P.L. 2023, c. 115.

(c) From time to time, the Secretary may convene, either virtually or in-person, all chief financial officers of public institutions of higher education throughout the State to, among other things, review the training requirements applicable at that time, as well as any updates or changes to existing training requirements.

## HUMAN SERVICES

### (a)

#### DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES

##### Notice of Readoption Intoxicated Driving Program

##### Readoption with Technical Changes: N.J.A.C. 10:162

Authority: N.J.S.A. 26:2B-9.2 et seq., 30:1-12, and 39:4-50 et seq., especially 39:4-50(b), (d), and (f); and Reorganization Plan Nos. 002-2004 and 001-2018.

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

Effective Dates: May 5, 2025, Readoption;  
June 2, 2025, Technical Changes.

New Expiration Date: May 5, 2032.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:162, Intoxicated Driving Program, were scheduled to expire on June 5, 2025.

This chapter applies to all county-designated intoxicated driver resource centers (IDRCs), all affiliated treatment programs, the Department of Human Services ("Department" or "DHS"), and all individuals convicted in New Jersey or New Jersey licensees convicted in other states of a drug or alcohol offense related to the operation of a motor vehicle or vessel after May 25, 1977, and individuals subject to N.J.A.C. 13:20-31, adopted December 15, 1972. The chapter sets forth standards related to the operation and provision of services at county-designated IDRCs, by affiliated treatment agencies, and by the Intoxicated Driving Program (IDP) within the DHS. The chapter also sets forth standards

related to client attendance and compliance with IDRC and IDP requirements.

N.J.A.C. 10:162 is comprised of the 11 subchapters described below.

Subchapter 1 sets forth the scope and purpose of the chapter, definitions, and covers the establishment of IDRCs by counties.

Subchapter 2 sets forth the procedures to be followed by the courts, the IDP, and the IDRCs subsequent to a client's conviction pursuant to the relevant statutes, including court and IDRC reporting requirements, referrals to the IDP, fees, recommendations for restoration or suspension of driver licenses, conflict of interest requirements, IDRC income and expenditure reports, the educational curriculum utilized by the IDRCs, confidentiality of client information, and data collection.

Subchapter 3 describes the scheduling of and attendance of clients at the IDRCs.

Subchapter 4 establishes client evaluation and referral procedures related to screening, evaluation, and treatment for substance use disorders (SUD).

Subchapter 5 establishes rules concerning SUD treatment programs utilized by the IDRCs for client treatment services, minimum standards for these programs, and handling of complaints about these programs.

Subchapter 6 delineates the operational requirements for SUD treatment programs utilized by the IDRCs, including intake, treatment, treatment planning, treatment costs and payment, and client noncompliance.

Subchapter 7 establishes standards for the handling of intoxicated clients or improper conduct by clients.

Subchapter 8 sets forth standards and procedures related to noncompliance by clients with IDRC, IDP, and/or treatment programs, or other requirements.

Subchapter 9 establishes procedures for the handling of miscellaneous offenders, such as: multiple offenders, out-of-State offenders, New Jersey residents convicted out-of-State, and intoxicated boaters.

Subchapter 10 describes the grant application procedures, eligibility criteria, and funding priorities for the Alcohol Treatment Program Fund.

Subchapter 11 establishes criteria and standards for fee increases requested by the IDRCs.

In addition to readopting the existing rules, the Department is making technical changes throughout N.J.A.C. 10:162, such as to ensure consistent use of terminology, and updates to names and contact information, including updates to agency names reflecting changes consistent with Reorganization Plan No. 001-2018, pursuant to which the Division of Mental Health and Addiction Services (Division) retained responsibility for the IDP on transfer to the Department from the Department of Health (DOH), and the DOH retained responsibility for licensing of addiction services programs and facilities.

While the Department is readopting these rules with technical changes, 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 expiration.

The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated, as required by Executive Order No. 66 (1978). Therefore, pursuant to N.J.S.A. 30:1-12 and 30:4-27.5, and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

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

#### SUBCHAPTER 1. INTOXICATED DRIVING PROGRAM/INTOXICATED DRIVER RESOURCE CENTER

##### 10:162-1.1 Purpose and scope

The purpose of this chapter is to improve the driving behavior of individuals who have been identified as having some alcohol or drug involvement in connection with the operation of a motor vehicle or vessel. The chapter applies to all county Intoxicated Driver Resource Centers, all affiliated treatment programs, and the Department of [Health] **Human Services**, and all individuals convicted in New Jersey or New Jersey

licensees convicted in other states of a drug or alcohol offense related to the operation of a motor vehicle or vessel after May 25, 1977, and individuals subject to N.J.A.C. 13:20-31, adopted December 15, 1972.

##### 10:162-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Affiliated treatment agency" means a [Department-licensed] **DOH-licensed** substance use disorder treatment agency or a licensed healthcare practitioner or professional affiliated with an Intoxicated Driver Resource Center to provide substance use disorder treatment services for the education, rehabilitation, and treatment of clients.

"Affiliation agreement" means a written agreement between an Intoxicated Driver Resource Center and a [Department-licensed] **DOH-licensed** substance use disorder treatment agency or a licensed healthcare practitioner or professional establishing the terms of the relationship and provision of treatment services for individuals with driving under the influence convictions or driving under the influence-related convictions.

...  
"ASAM Criteria" means the criteria developed by the American Society of Addiction Medicine as contained in the ASAM Criteria, Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions, Third Edition, 2013, which is incorporated herein by reference, as amended and supplemented, which can be obtained from the ASAM Publications Center, Tel: [1-800-844-8948] **1-301-656-3920**, [www.asam.org](http://www.asam.org).

...  
"Department" means the New Jersey Department of [Health] **Human Services**.

...  
"**DOH**" means the New Jersey Department of Health.

...  
"Inpatient treatment" means treatment for alcohol and/or drug dependence within a short-term or long-term residential substance use disorder treatment facility licensed by [the Department] **DOH**.

##### 10:162-1.3 Establishment of an Intoxicated Driver Resource Center (IDRC)

(a) Subject to the approval of the Division of Mental Health and Addiction Services, the counties shall, with its cooperation, designate and establish Intoxicated Driver Resource Centers on a county or regional basis as required [by] **pursuant to** N.J.S.A. 39:4-50(f). The counties may establish such a center themselves or in cooperation with other counties. The counties may either operate the IDRCs themselves, or they may contract for the operation of the IDRCs.

1.-2. (No change.)

3. During the Division of Mental Health and Addictions Services review and approval process for the county-designated 12-hour IDRCs, each county shall submit the following information to the Intoxicated Driving Program:

i. (No change.)

ii. Name and qualifications of the IDRC [administrator] **Director**. Documentation verifying the appropriate qualifications shall include, but are not limited to, copies of a current resume and any professional certifications and licenses;

iii.-xi. (No change.)

4. (No change.)

5. The IDRC must be administered by a certified alcohol and drug counselor, or other certified or licensed healthcare [practitioner or professional] **practitioner/professional** with a minimum of five years experience in the treatment of substance use disorders.

6. (No change.)

(b)-(c) (No change.)

#### SUBCHAPTER 2. ACTIONS SUBSEQUENT TO CONVICTION FOR N.J.S.A. 39:4-50 ET SEQ., OR 39:4-50.4(a) OR 39:4-50.14 OR 12:7-57 OR 12:7-34.19 OR 12:7-46 OR 39:3-10.24 OR 39:4-14.3G

## 10:162-2.6 Conflict of interest

The county [freeholders] **commissioners**, through the county counsel or solicitor, shall be responsible for making an initial determination of whether a conflict of interest exists with respect to the management and staff of an Intoxicated Driver Resource Center. The county shall be responsible for eliminating such a conflict of interest, in accordance with N.J.S.A. 40A:9-22.1 et seq., and/or county conflict of interest standards. The county counsel or solicitor shall notify the Intoxicated Driving Program, in writing, customers that the Intoxicated Driver Resource Center treatment referral process is not in conflict of interest. Should there be a change in the treatment referral process, it shall be approved by the county counsel or solicitor and a new letter provided to the Intoxicated Driving Program prior to initiating the change. If an Intoxicated Driver Resource Center wishes to employ staff who are also working for an affiliated treatment program, a procedure to avoid conflict of interest shall be established by the Intoxicated Driver Resource Center and approved by the county counsel or solicitor. If, in its discretion, the Intoxicated Driving Program determines that a conflict of interest still exists after county review and action, it may refer the matter to the Commissioner of [Health] **the Department of Human Services**, to the Local Finance Board in the Department of Community Affairs, or to the Attorney General for advice or action, as appropriate.

## 10:162-2.7 Intoxicated Driver Resource Center Income and Expenditure Report

(a) No later than April 1 of each calendar year, each Intoxicated Driver Resource Center shall submit to the Intoxicated Driving Program and their county-designating authority (for example, Board of [Freeholders] **County Commissioners**) a detailed income and expenditure report for the previous calendar year, which shall include:

1.-14. (No change.)

## 10:162-2.9 Confidentiality

(a) (No change.)

(b) The Intoxicated Driver Resource Center shall establish and implement policies and procedures for the maintenance, preservation, and safeguarding of client records and information, which shall be reviewed at least bi-annually by the **IDRC** Director. These policies and procedures shall address, at a minimum, the following: protection of client records and information from loss, tampering, alteration, and unauthorized use or disclosure; retention and destruction of client records and information; and the transfer of client records and information to other Intoxicated Driver Resource Centers, affiliated providers, or other health care entities.

## SUBCHAPTER 5. TREATMENT PROGRAM AFFILIATION REQUIREMENTS

## 10:162-5.1 Affiliation and treatment program standards

(a) In order for an Intoxicated Driver Resource Center client to receive substance use disorder treatment at a [Department-licensed] **DOH-licensed** substance use disorder treatment agency or by a licensed healthcare practitioner/professional, the IDRC and the [Department-licensed] **DOH-licensed** substance use disorder treatment agency or licensed health care practitioner/professional must execute an affiliation agreement.

(b) The affiliation agreement between the IDRC and the [Department-licensed] **DOH-licensed** substance use disorder treatment agency shall include and be facilitated by the IDP.

(c)-(e) (No change.)

## SUBCHAPTER 9. MISCELLANEOUS OFFENDERS

## 10:162-9.1 Multiple offenders

(a) Prior to restoration of a multiple offender's driver's license, the offender shall be evaluated by the Intoxicated Driver Resource Center/Intoxicated Driving Program, and if treatment is complete, a recommendation for license restoration will be made to the [Division of] Motor Vehicles **Commission** providing that:

1. (No change)

2. The client has successfully completed approved treatment requirements [and] **and/or** agrees to complete the remainder of any ordered treatment plan.

(b) (No change.)

## SUBCHAPTER 10. ALCOHOL TREATMENT PROGRAM FUND GRANTS

## 10:162-10.1 Form and manner in which application for provider service contracts to the fund shall be made

(a) (No change.)

(b) Eligible applicants may apply to the Division for funding pursuant to the procedures and requirements indicated [in] **at** (a) above and, upon execution of a provider service contract or sub-contract, will be considered approved grantees. Applicant programs shall apply to:

Division of Mental Health and Addiction Services  
New Jersey Department of [Health] **Human Services**  
**5 Commerce Way**  
PO Box 362  
Trenton, NJ 08625-0362

## SUBCHAPTER 11. INTOXICATED DRIVER RESOURCE CENTER PER DIEM FEE INCREASES

## 10:162-11.1 Criteria for Intoxicated Driver Resource Center per diem fee increases

(a) The Commissioner of [Health] **the Department of Human Services**, in consultation with the Governor's Council on [Alcoholism and Drug Abuse] **Substance Use Disorders**, may entertain and grant a request from the Division, in coordination with the Directors of the Intoxicated Driver Resource Centers, for a per diem fee increase for all Intoxicated Driver Resource Centers, when it has been determined by the Director of the Division that more than 50 percent of the Intoxicated Driver Resource Centers are operating in deficit, based upon the annual income and expenditure reports submitted pursuant to N.J.A.C. 10:162-2.7.

(b)-(c) (No change.)

## CORRECTIONS

(a)

## THE COMMISSIONER

## County Correctional Facilities

## Readoption with Amendments: N.J.A.C. 10A:31-1 through 25, 26.1, 26.3, 26.4, 26.5, and 27 through 30

Proposed: January 21, 2025, at 57 N.J.R. 164(a).

Adopted: April 29, 2025, by Victoria L. Kuhn, Commissioner, Department of Corrections.

Filed: May 6, 2025, as R.2025 d.073, **without change**.

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.

Effective Dates: May 6, 2025, Readoption;  
June 2, 2025, Amendments.

Expiration Date: May 6, 2032.

## Summary of Public Comment and Agency Response:

**No comments were received.**

## Federal Standards Statement

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

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 10A:31. (**Agency Note:** The Department