

SUBCHAPTER 8. PERMITS AND CERTIFICATES FOR MINOR FACILITIES (AND MAJOR FACILITIES WITHOUT AN OPERATING PERMIT)

7:27-8.8 General permits

- (a)-(b) (No change.)
- (c) A general permit is available for the following sources:
 - 1.-16. (No change.)
 17. Manufacturing and Materials Handling Equipment (GP-016A);
- and
- 18. Temporary Equipment (GP-019A)[; and].
- [19. Equipment used for research and development meeting the applicability requirements specified in the General Permit.]
- (d)-(o) (No change.)

(a)

**PINELANDS COMMISSION
Notice of Administrative Correction
Minimum Standards for Point and Non-Point Source Discharges
N.J.A.C. 7:50-6.84**

Effective Date: April 11, 2022.

Take notice that the Pinelands Commission (Commission) has discovered errors in the text at N.J.A.C. 7:50-6.84(a)6vii(2) and (3), as published in the New Jersey Register and continued in the January 18, 2022 New Jersey Administrative Code update.

The sections in question are part of the Commission’s amended stormwater management rules, which were proposed at N.J.A.C. 7:50-6.84(a)6 on July 19, 2021 (see 53 N.J.R. 1195(a)) and adopted effective January 18, 2022 (see 54 N.J.R. 138(b)).

Both errors involve incorrect cross-references to other sections of the Commission’s stormwater management rules. At N.J.A.C. 7:50-6.84(a)6vii(2), the cross-reference should be to N.J.A.C. 7:50-6.84(a)6vii(1), rather than to N.J.A.C. 7:50-6.84(a)6iv(1)(A). Similarly, at N.J.A.C. 7:50-6.84(a)6vii(3), the cross-reference should be to N.J.A.C. 7:50-6.84(a)6vii(1) and (2), not to N.J.A.C. 7:50-6.84(a)6iv(1) and (2).

Both cross-references were correct in the notices authorized by the Commission and transmitted to the Office of Administrative Law; however, errors were inadvertently made upon publication.

This notice of administrative correction is published in accordance with N.J.A.C. 1:30-2.7.

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

SUBCHAPTER 6. MANAGEMENT PROGRAMS AND MINIMUM STANDARDS

7:50-6.84 Minimum standards for point and non-point source discharges

- (a) The following point and non-point sources may be permitted in the Pinelands:
 - 1.-5. (No change.)
 6. Surface water runoff in accordance with N.J.A.C. 7:8-4.6, 5, and 6, as amended, except as modified and supplemented as follows:
 - i-vi. (No change.)
 - vii. Exceptions:
 - (1) (No change.)
 - (2) For applications submitted pursuant to N.J.A.C. 7:50-4.51 through 4.60, the Commission may grant an exception in accordance with the standards described at N.J.A.C. 7:8-4.6, as amended, from the on-site design and performance standards for green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quality at N.J.A.C. 7:8-5.3, 5.4, 5.5, and 5.6 and on-site recharge standards set forth at (a)6iv above, provided the conditions set forth at [(a)6iv(1)(A)] **(a)6vii(1)** above are met.

(3) Unless specifically included at [(a)6iv(1) and (2)] **(a)6vii(1) and (2) above**, the exemptions, exceptions, applicability standards, and waivers of strict compliance for stormwater management described at N.J.A.C. 7:8 shall not apply.

- (4) (No change.)
- viii-ix. (No change.)

HUMAN SERVICES

(b)

DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES

**Notice of Readoption
Short-Term Care Facility Standards
Readoption with Technical Changes: N.J.A.C. 10:37G**

Authority: N.J.S.A. 30:1-12; 30:4-27.8, 27.9, and 27.10; and Reorganization Plan 001-2018.

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

Effective Dates: April 14, 2022, Readoption;
May 16, 2022, Technical Changes.

New Expiration Date: April 14, 2029.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:37G, Short-Term Care Facility Standards, were scheduled to expire on May 21, 2022. This chapter contains the rules of the Department of Human Services (Department), Division of Mental Health and Addiction Services (Division), that govern the provision of mental health services at inpatient psychiatric hospital units known as short-term care facilities (STCFs).

This chapter applies to all Department-designated STCFs for adults that provide assessment services and short-term, intensive psychiatric care to individuals with acute mental illness. The rules delineate general requirements applicable to STCFs, including operational standards regarding admission, assessment, and service planning, provision of services, the termination, transfer, and referral of patients, administration and staffing, quality assurance activities, designation and re-designation, and determination of STCF bed need.

While the Department is readopting these rules before expiration, 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 substantive amendments, as deemed necessary.

In addition to readopting the existing rules, the Department is making technical changes throughout N.J.A.C. 10:37G. The technical changes include changes to update the Division’s current table of organization, the Division’s address, and to reflect operational changes between the Department and the Division.

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 30:4-27.8-10, 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. GENERAL PROVISIONS

10:37G-1.2 Definitions

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

...
“Department” or “DHS” means the **New Jersey** Department of Human Services.

...
 “DOH” means the **New Jersey** Department of Health.
 ...
 [“OOL” means the Office of Licensing within the Department of Human Services.]
 ...

“Special psychiatric hospital” means a public or private hospital licensed by the Department of Health to provide voluntary and involuntary mental health services, including assessment, care, supervision, treatment, and rehabilitation services to persons [who are mentally ill] **with mental illness**.
 ...

“Wellness” means [an] a conscious, deliberate, active, and ongoing process of becoming aware of, and making choices toward, a more successful existence. It includes physical, emotional, intellectual, social, environmental, occupational-leisure, and spiritual dimensions, and incorporates disease prevention and health promotion approaches. A wellness lifestyle leads to positive outcomes that can be measured in terms of improved health status, greater productivity, enhanced social relationships, and participation in purposeful activity — all of which provide meaningful opportunities for healing, personal growth, and an improved quality of life.
 ...

SUBCHAPTER 2. OPERATIONAL STANDARDS

10:37G-2.1 Admission

(a)-(d) (No change.)

(e) All the affiliation agreements shall be approved by the Division’s Assistant Director [responsible for the geographical area served by the STCF], or his or her designee, biannually during the re-designation process. Affiliation agreements between STCFs and State or county hospitals shall comply with the requirements set forth at N.J.A.C. 10:37G-2.4(d) and (e).

(f)-(i) (No change.)

10:37G-2.7 Designation and redesignation

(a) A candidate for STCF designation shall submit a certificate of need application to the [New Jersey Department of Health] **DOH** and respond to whatever follow-up application questions DOH and the Division may have. DOH and the Division shall review all statements and responses by the applicant. Pursuant to the certificate of need rules and subsequent to consultation with the Division, DOH shall approve or disapprove the application and shall so notify the applicant.

(b)-(e) (No change.)

(f) On behalf of the Commissioner of the Department [of Human Services], the Assistant Commissioner for Mental Health and Addiction Services, in consultation with the Division Assistant Director [responsible for the geographical area served by the STCF], shall make the determination for designation or redesignation and shall notify the STCF of the determination.

(g)-(k) (No change.)

10:37G-2.9 Waiver

(a) The Division may grant a time-limited waiver of staff requirements described [under] **in** this section, provided that the following conditions are satisfied:

1. The provider agency shall submit a written request for a waiver of staffing requirements to the Assistant Commissioner for Mental Health and Addiction Services, or his or her designee, at the following address:

Assistant Commissioner
 Division of Mental Health and Addiction Services
 [PO Box 700]
5 Commerce Way, Suite 100, PO Box 362
 Trenton, New Jersey [08625-700] **08625**;

2. - 3. (No change.)

4. Waivers of specific staffing standards shall be granted at the discretion of the Assistant Commissioner for Mental Health and Addiction Services[, in consultation with the DHS Office of Licensing,] provided that the waiver does not adversely affect the health, safety, welfare, or rights of patients;

5. All waiver requests must be reviewed and approved by the Assistant Commissioner for Mental Health and Addiction Services[, in consultation with the DHS Office of Licensing];

6.-7. (No change.)

INSURANCE

(a)

DEPARTMENT OF BANKING AND INSURANCE

OFFICE OF PROPERTY CASUALTY

Notice of Readoption

Commercial Lines Insurance

Readoption with a Technical Change: **N.J.A.C. 11:13**

Authority: N.J.S.A. 17:1-8.1, 17:1-15.e, and 17:29AA-1 et seq.

Authorized By: Marlene Caride, Commissioner, Department of Banking and Insurance.

Effective Dates: April 12, 2022, Readoption;
 May 16, 2022, Technical Change.

New Expiration Date: April 12, 2029.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 11:13 were scheduled to expire on July 21, 2022. The rules in this chapter were promulgated to implement and interpret the Commercial Insurance Deregulation Act of 1982, N.J.S.A. 17:29AA-1 et seq. (the Act). The Act establishes requirements for rates and forms for commercial lines insurance separate from the provisions of the existing property/liability rating law, N.J.S.A. 17:29A-1 et seq., except as specifically provided in the Act. By establishing a separate law for commercial lines insurance, the Act affords insurers greater flexibility in the underwriting and rating of commercial risks while maintaining appropriate regulatory oversight by the Department of Banking and Insurance (Department). Pursuant to the Act, at N.J.S.A. 17:29AA-29, the Commissioner of Banking and Insurance (Commissioner) is required to promulgate rules and regulations in order to implement and enforce its provisions. This chapter includes rules related to commercial lines insurance. The Department has established rules concerning the following subjects codified in this chapter, listed by subchapter.

Subchapter 1, General Provisions, including the purpose, scope, and definitions for this chapter, and its rate and policy form requirements.

Subchapter 2, Commercial Lines Filings, which provides requirements for rate, rule, and policy form submissions.

Subchapter 3 is reserved.

Subchapter 4, Special Risks, which interprets the statutory definition of “special risks” and provides statistical reporting requirements.

Subchapter 5, Procedure for the Regulation of Consent to Higher Rate Filings, which incorporates into this chapter by reference N.J.A.C. 11:4-7, Procedure for the Regulation of Consent to Higher Rate Filings.

Subchapter 6, Commercial Insurance Rating Plans, provides for commercial insurance rating plans and establishes standards for rating plans that modify rates for specific risks.

Subchapter 7, Commercial Lines Insurance: Policy Form Standards, provides standards for the acceptance or disapproval of policy forms.

Subchapter 8, Commercial Lines Insurance: Prospective Loss Costs Filing Procedures, provides requirements for prospective loss cost filings.

These rules implement essential provisions at N.J.S.A. 17:29AA-1 et seq., related to the regulation of commercial lines insurance. The Department has undertaken a review of the rules to determine their current effectiveness and viability. The Department examined the continuing relevance of the rules and considered whether they require unnecessary time and expense.

The Department finds that the rules at Chapter 13 continue to provide the insurance industry, other regulated entities, business enterprises, and consumers with appropriate and useful regulatory standards concerning many aspects of commercial lines insurance. The Department has reviewed N.J.A.C. 11:13 and has determined the existing rules continue to be necessary, reasonable, and proper for the purpose for which they