

HEALTH

(a)

DIVISION OF CERTIFICATE OF NEED AND LICENSING

CERTIFICATE OF NEED AND HEALTH CARE FACILITY LICENSURE PROGRAM

Notice of Readoption

Rules for Licensing Nursing Home Administrators and Rules Regulating the Nursing Home Administrator's Licensing Board

Readoption: N.J.A.C. 8:34

Authority: N.J.S.A. 26:2H-1 et seq., particularly 26:2H-27 and 28, and 30:11-11 et seq., particularly 30:11-13 and 21.

Authorized By: Kaitlan Baston, MD, MSc, DFASAM, Commissioner, Department of Health (in consultation with the Nursing Home Administrator's Licensing Board).

Effective Date: October 2, 2024.

New Expiration Date: October 2, 2031.

Take notice that, pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 8:34, Rules for Licensing Nursing Home Administrators and Rules Regulating the Nursing Home Administrator's Licensing Board, were scheduled to expire on December 26, 2024. N.J.A.C. 8:34 governs the licensure of nursing home administrators and the responsibilities and obligations of the Nursing Home Administrator's Licensing Board (Board).

Subchapter 1, General Provisions, addresses the scope and purpose of the chapter, the scope of individual practice, the scope of administrator responsibility, definitions, severability of invalid provisions, and a waiver process. Subchapter 2, Nursing Home Administrator's Licensing Board, describes the general powers of the Board and the standards governing the confidential nature of certain information to which Board members have access.

Subchapter 3, License Requirements, establishes the requirements for licensure and the process for obtaining a license as a nursing home administrator through application and examination. Subchapter 4, Administrative Experience Requirement, describes the requirements for the administrative intern experience and training program, the preceptor for an administrative intern, the equivalent to the internship requirement, and the written plans and reports to complete for participation in the administrative intern program. Subchapter 5, Examination, describes the examination requirements, schedule, fee, subject matter tested, grading of examinations, retention of examination results, re-examination, and the appeal procedure for an individual whom the Board has disqualified from taking an examination. Subchapter 6, Licensure, establishes standards to apply for and obtain a license, renew a license, use the title "Licensed Nursing Home Administrator," display a license, obtain a duplicate license, notify the Board of changes to a licensee's name, address, or place of employment, and obtain licensure by equivalency. Subchapter 7, Continuing Education, establishes standards for continuing education, the scope of continuing education programs, the approval process for programs, recordkeeping requirements for continuing education credits, extending a waiver of the requirement, and waiving of the requirement.

Subchapter 8, Administrative Practice Violations, Sanctions, and Due Process, provides for Board review of nursing home administrators' compliance with the chapter, specifies violations and penalties, and sets forth the due process rights of licensed nursing home administrators. Subchapter 9, Fees, lists the fees that the Board charges.

The Department of Health (Department) is working with internal and external stakeholders to develop rulemaking to update and revise the chapter to reflect new statutory requirements and updated best practices. The Department anticipates filing this rulemaking with the Office of Administrative Law for processing in the ordinary course; however, this rulemaking would not be concluded before the expiration of N.J.A.C. 8:34. The Commissioner has reviewed existing N.J.A.C. 8:34 and

determined that, pending the finalization of the anticipated rulemaking described above, the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive for the purposes for which it was originally promulgated, as amended and supplemented over time, and should be readopted. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:34 is readopted and shall continue in effect for seven years.

HUMAN SERVICES

(b)

DIVISION OF DEVELOPMENTAL DISABILITIES

Notice of Readoption

Life-Threatening Emergencies

Readoption: N.J.A.C. 10:42A

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

Authority: N.J.S.A. 30:6D-5.1 et seq.

Effective Date: September 30, 2024.

New Expiration Date: September 30, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1 and N.J.A.C. 1:30-6.4, the rules at N.J.A.C. 10:42A were scheduled to expire on November 17, 2024. N.J.A.C. 10:42A implements Danielle's Law, P.L. 2003, c. 191. Danielle's Law requires staff members working with persons with developmental disabilities or traumatic brain injury to contact 911 in the event of a life-threatening emergency.

Subchapter 1 sets forth the purpose and the scope of the rules, which is to provide guidelines for direct care staff who serve individuals in facilities for persons with developmental disabilities or traumatic brain injury. The rules require staff to call the 911 emergency telephone service in a life-threatening emergency. Subchapter 1 also provides the definitions used in the chapter.

Subchapter 2 sets forth the general standards applicable to the requirement to call 911 in the event of a life-threatening emergency.

Subchapter 3 provides that the Department of Human Services will maintain a record of incidents that require staff to contact 911. Subchapter 3 also sets forth penalties for violations and the process for the direct care staff to appeal the penalty.

While the Division of Developmental Disabilities (Division) is readopting these rules, it recognizes that further rulemaking may be necessary to update these rules in the future. Thus, the Division will continue to review the rules and may consider making substantial amendments prior to the next scheduled expiration.

The Division has reviewed the rules and determined that they are necessary and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 10:42A is readopted and shall continue in effect for seven years.

(c)

DIVISION OF DEVELOPMENTAL DISABILITIES

Notice of Readoption

Family Support Service System

Readoption: N.J.A.C. 10:46A

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

Authority: N.J.S.A. 30:6D-33 et seq.

Effective Date: September 30, 2024.

New Expiration Date: September 30, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1 and N.J.A.C. 1:30-6.4, the rules at N.J.A.C. 10:46A were scheduled to expire on November 14, 2024. N.J.A.C. 10:46A implements the Family Support Act, P.L.

1993, c. 98 (Act). The Act directs the Division of Developmental Disabilities (Division) to coordinate with the New Jersey Council on Developmental Disabilities (NJCDD) to provide supports to families that care for individuals with disabilities in the family home. The family support system permits individuals and their families to define their own needs and select their services within available resources.

Subchapter 1 of the rules sets forth the purpose and scope of the rules, which is to provide a system of family support that is flexible and designed to strengthen and promote families that provide care at home for a family member with a developmental disability. Subchapter 1 also provides the definitions for the words and terms used in the rules.

Subchapter 2 sets forth the eligibility criteria applicable to family support system services. An individual determined eligible for Division services pursuant to N.J.A.C. 10:46A is eligible for family support services if the individual either lives with a family member or an uncompensated caregiver, and other publicly funded agency services are unavailable for the family support sought.

Subchapter 3 provides that the Division will implement the family support service system in conjunction with a Family Support Coordinator who is under the direction of the New Jersey Council on Developmental Disabilities. Subchapter 3 also sets forth the role of the Family Support Coordinator to facilitate and collaborate with the efforts of Regional Family Support Planning Councils and the Statewide Council to assess needs, establish goals, and set priorities for the provision of family supports.

Subchapter 4 provides the membership requirements and responsibilities for the Regional and Statewide Family Support Planning Councils.

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

The Division has reviewed the rules and determined that they are necessary and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 10:46A is re adopted and shall continue in effect for seven years.

(a)

DIVISION OF DEVELOPMENTAL DISABILITIES

Notice of Re adoption Placement

Re adoption: N.J.A.C. 10:46B

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

Authority: N.J.S.A. 30:4-25.4 and 30:4-165.2.

Effective Date: September 30, 2024.

New Expiration Date: September 30, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:46B were scheduled to expire on November 17, 2024. N.J.A.C. 10:46B establishes the standards and criteria for placements for eligible individuals. Pursuant to statute, the Division of Developmental Disabilities (Division) assists eligible individuals with appropriate functional services. See N.J.S.A. 30:4-25.4. Functional services include those services that are provided through a residential placement. See N.J.S.A. 30:4-25.1. The Division determines placements based upon each individual's unique needs and situation.

Subchapter 1 of the rules sets forth the purpose of the rules, authority, as well as establishes the standards and criteria for the placement of eligible persons. The subchapter also sets forth the scope of the rules providing that the chapter applies to eligible individuals and provides the definitions for the words and terms used in the chapter.

Subchapter 2 sets forth the general standards for the administration of placements.

Subchapter 3 provides guidelines and parameters regarding the availability of placements, as well as addresses residential placement and

waiting lists. The subchapter also describes the process for determining whether an individual is in need of emergency services.

Subchapter 4 sets forth general standards for placement decisions, sets forth guidelines for placements in private institutions, and provides guidelines for private out-of-State placements.

Subchapter 5 sets forth the provisions for filing an appeal of a placement decision.

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

The Division has reviewed the rules and determined that they are necessary and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 10:46B is re adopted and shall continue in effect for seven years.

(b)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Notice of Re adoption Prosthetic and Orthotic Services

Re adoption with Technical Changes: N.J.A.C. 10:55

Authority: N.J.S.A. 30:4D-1 et seq., and 30:4J-8 et seq.

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

Effective Dates: September 30, 2024, Re adoption; November 4, 2024, Technical Changes.

New Expiration Date: September 30, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:55, Prosthetic and Orthotic Services, were scheduled to expire on November 20, 2024. N.J.A.C. 10:55 provides provider participation requirements and related information for the provision of prosthetic and orthotic services pursuant to the New Jersey Medicaid/NJ FamilyCare fee-for-service program. The rules also identify covered and non-covered prosthetic and orthotic devices and services.

N.J.A.C. 10:55 provides provider enrollment and participation requirements and related information for the provision of prosthetic and orthotic services pursuant to the Medicaid/NJ FamilyCare fee-for-service programs. The chapter consists of two subchapters and a chapter appendix.

N.J.A.C. 10:55-1 includes the general provisions of the chapter, including an overview of services, pertinent definitions, requirements for participation in the program for providers, policy on footwear, prior authorization requirements, prescription policies, and reimbursement policies.

N.J.A.C. 10:55-2 describes and sets forth the Centers for Medicare & Medicaid Services Healthcare Common Procedure Coding System (HCPCS) codes and the maximum fee allowances for the covered services.

N.J.A.C. 10:55 Appendix A sets forth information regarding the Fiscal Agent Billing Supplement.

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

An administrative review of the rules has been conducted, and a determination has been made that N.J.A.C. 10:55 should be re adopted, with technical changes, because the rules are necessary, reasonable, adequate, efficient, understandable, and responsive to the purposes for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 30:4D-1 et seq., and 30:4J-8 et seq., and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are re adopted and shall continue in effect for a seven-year period.