

review requirements of the Federal Nursing Home Reform Amendments, 42 U.S.C. § 1396r, which require states to screen individuals for mental illness or intellectual disability, regardless of payment source, prior to admission to a Medicaid-certified nursing facility in order to determine whether the specialized needs of such individuals can be met in a nursing facility. The Division of Aging Services, created pursuant to N.J.S.A. 30:1A-14 and transferred from the Department of Health to the Department of Human Services, has determined that the chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which it was originally promulgated, as amended and supplemented over time, and should be readopted without amendment. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:85 is readopted and shall continue in effect for seven years.

(a)**DIVISION OF DEVELOPMENTAL DISABILITIES****Notice of Readoption****Family Support Service System****Readoption: N.J.A.C. 10:46A**

Authorized By: Elizabeth Connolly, Acting Commissioner,
Department of Human Services.

Authority: N.J.S.A. 30:6D-33 et seq., specifically 30:6D-41.

Effective Date: November 14, 2017.

New Expiration Date: November 14, 2024.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:46A were scheduled to expire on February 25, 2018. N.J.A.C. 10:46A implements the Family Support Act, P.L. 1993, c. 98 (Act). The Act recognizes that families provide individuals with disabilities with support, care, training, and other services and that these families act as a critical resource. The Act directs the Division of Developmental Disabilities (Division) to implement the Family Support Service System in coordination with the New Jersey Council on Developmental Disabilities and Regional Family Support Planning Councils. The Family Support Service System provides supports to families that care for individuals with developmental disabilities in the family home.

N.J.A.C. 10:46A implements the Act. The Division has reviewed the rules and determined that they are necessary and proper for the purpose for which they were originally promulgated. The Division intends to continue to collaborate with the New Jersey Council on Developmental Disabilities, the Regional Family Support Planning Councils, and other stakeholders about amendments that may be necessary in the future.

Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 10:46A is readopted and shall continue in effect for a seven-year period.

(b)**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES****Notice of Readoption****Prosthetic and Orthotic Services****Readoption: N.J.A.C. 10:55**

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

Authorized By: Elizabeth Connolly, Acting Commissioner,
Department of Human Services.

Agency Control Number: 17-A-06.

Effective Date: November 20, 2017.

New Expiration Date: November 20, 2024.

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 February 8, 2018. N.J.A.C. 10:55 details provider participation requirements and related information for the provision of prosthetic and orthotic services under the New Jersey Medicaid/NJ FamilyCare fee-for-service program. The rules also identify covered and non-covered prosthetic and orthotic devices and services.

The Department of Human Services 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. 30:4D-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 readopted and shall continue in effect for a seven-year period.

(c)**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES****Notice of Readoption****Advanced Practice Nurse Services****Readoption: N.J.A.C. 10:58A**

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

Authorized By: Elizabeth Connolly, Acting Commissioner,
Department of Human Services.

Agency Control Number: 17-A-07.

Effective Date: November 20, 2017.

New Expiration Date: November 20, 2024.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:58A, Advanced Practice Nurse Services, were scheduled to expire on March 24, 2018. N.J.A.C. 10:58A details provider participation requirements and related information for the provision of advanced practice nurse services under the New Jersey Medicaid/NJ FamilyCare fee-for-service program.

The Department of Human Services 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. 30:4D-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 readopted and shall continue in effect for a seven-year period.

(d)**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES****Notice of Readoption****Accountable Care Organization Demonstration Project****Readoption: N.J.A.C. 10:79A**

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

Authorized By: Elizabeth Connolly, Acting Commissioner,
Department of Human Services.

Agency Control Number: 17-A-08.

Effective Date: November 17, 2017.

New Expiration Date: November 17, 2024.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:79A, Accountable Care Organization Demonstration Project, were scheduled to expire on May 5, 2018.

Pursuant to P.L. 2011, c. 114, the Department adopted rules in order to implement a three-year Medicaid Accountable Care Organization (ACO) demonstration project. The rules generally establish a system by which entities may voluntarily apply to become an ACO and by which to

obtain approval of a plan to distribute gainsharing funds to project participants.

The ACO Demonstration Project is currently scheduled to end June 30, 2018. The Department of Human Services has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose 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 readopted and shall continue in effect for a seven-year period past the end date of the demonstration project, so that the Department will have continuing authority to require reporting of results from the ACOs following the conclusion of the demonstration project, and to oversee any ongoing gainsharing issues arising from the demonstration project.

(a)

COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

Notice of Redoption

Organization and General Provisions

Redoption: N.J.A.C. 10:91

Authority: N.J.S.A. 30:1-12, 30:6-1 et seq., and 52:14B-3(1) et seq.; 29 U.S.C. §§ 3101 et seq., and 34 CFR Parts 74, 76, 77, 79, 80, 82, 85, 86, 361, 363, 395, and 397.

Authorized By: Elizabeth Connolly, Acting Commissioner,
Department of Human Services.

Effective Date: November 17, 2017.

New Expiration Date: November 17, 2024.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:91 were scheduled to expire on April 4, 2018. N.J.A.C. 10:91 establishes the organization and general policy provisions for all service programs administered within the agency, including blindness education, independent living, business enterprise, and prevention. Vocational Rehabilitation and the Independent Living-Older Individuals who are Blind programs are also administered at the agency, pursuant to the Workforce Innovation and Opportunity Act (the Act), 29 U.S.C. §§ 3101 et seq., for which the State obtains funding under the Act in order to administer and establish a broad network of services for individuals who are blind, vision-impaired, and deaf-blind. The Commission for the Blind and Visually Impaired, created pursuant to N.J.S.A. 30:6-1 has determined that the chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which it was originally promulgated, as amended and supplemented over time, and should be readopted without amendment. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 10:91 is readopted and shall continue in effect for seven years.

(b)

DIVISION OF FAMILY DEVELOPMENT

Notice of Redoption

Social Services Programs for Individuals and Families

Redoption with Technical Changes: N.J.A.C. 10:123

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

Authorized By: Elizabeth Connolly, Acting Commissioner,
Department of Human Services.

Effective Dates: November 17, 2017, Redoption;
December 18, 2017, Technical Changes.

Expiration Date: November 17, 2024.

Take notice that, in accordance with N.J.S.A. 52:14B-5.1, N.J.A.C. 10:123 was scheduled to expire on April 28, 2018. The Division of Family Development (DFD) has reviewed the rules and will readopt this chapter with technical changes.

Take further notice that effective June 29, 2012, P.L. 2012, c. 17, § 93, renamed the Department of Health and Senior Services as the Department of Health. Technical changes are made throughout N.J.A.C. 10:123 to reflect the Department's renaming.

N.J.A.C. 10:123 provides policy and procedures for the DFD and the county welfare agencies (CWAs) 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 assure that remedial action has been taken. DFD is also responsible for setting standards, policies, and procedures for services to residents and monitoring services provided by the CWA to eligible residents of rooming houses, boarding houses, and residential health care facilities.

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

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

N.J.A.C. 10:123-2 provides policy and procedures that DFD and the CWAs 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 and unsanitary conditions in rooming houses, boarding houses, and Residential Health Care Facilities (RHCfs). DFD also provides statistical data based on Central Registry cases and follows-up on these cases to assure that remedial action has been taken. DFD is also responsible for setting standards, policies, and procedures for services to residents and monitoring services provided by the CWA to eligible residents.

The CWAs 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 RHCfs 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 CWA that are funded through the Social Services Block Grant program.

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 to the Office of Administrative Law.

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

SUBCHAPTER 2. BOARDING HOMES

10:123-2.3 Definitions

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

...
 "Residential health care facility" means a facility, whether in single or multiple dwellings, whether public or private, whether incorporated or unincorporated, whether for profit or nonprofit, operated at the direction of or under the management of an individual or individuals, corporation, partnership, society, or association which furnishes food and shelter to four or more persons 18 years of age or older who are unrelated to the proprietor, and which provides dietary services, recreational activities, supervision of self-administration of medications, supervision of and