

fair hearing before an [Administrative Law Judge] **administrative law judge** pursuant to N.J.A.C. [10:142]10:60C-9.3. Instructions for such requests shall be incorporated into the written response noted [in] at (d) above.

(f) An exception to (e) above shall apply in situations in which a participant is involuntarily disenrolled due to non-compliance with program requirements as described [in] at N.J.A.C. [10:142]10:60C-8.2(a)1 through 14. The determination on the administrative review described [in] at (d) and (e) above shall be deemed as the final agency decision, in which a participant will not be entitled to a fair hearing [under] pursuant to N.J.A.C. [10:142]10:60C-9.3, or any additional appeals regarding the matter in dispute.

[10:142]10:60C-9.2 Adverse agency actions and appeal rights

(a) Determinations on denial of participant-directed services and/or involuntary disenrollment from the program shall be the responsibility of the Division, pursuant to N.J.A.C. [10:142]10:60C-8.2, for all participants whether enrolled in managed care or in [Medicaid] **Medicaid/NJ FamilyCare** fee-for-service[s].

1. (No change.)

(b) An applicant or participant may request a fair hearing pursuant to N.J.A.C. [10:142]10:60C-9.3, on any adverse action, whether initiated by the managed care organization (MCO) or the Division pursuant to (a)1 above.

(c) Written notice (or other acceptable electronic communication in lieu of a written notice) shall be issued to the applicant or participant at least 20 days prior to initiation of an adverse action, by the agency rendering the decision, except in situations of involuntary disenrollment due to non-compliance, as stated [in] at N.J.A.C. [10:142]10:60C-8.2(c).

(d) The written notice pursuant to (c) above, shall indicate the reason(s) for the action to be taken, citing the basis for the decision, and language that affords the applicant or participant a right to appeal, through a fair hearing, pursuant to N.J.A.C. [10:142]10:60C-9.3. The notice may also provide participants the ability to pursue the matter in dispute through a Division administrative review process as described [in] at N.J.A.C. [10:142]10:60C-9.1, as an alternative to a fair hearing.

(e) (No change.)

(f) A participant request for a fair hearing as described [in] at (b) above, to dispute an involuntary disenrollment due to non-compliance with program requirements as described [in] at N.J.A.C. [10:142]10:60C-8.2(a) and (c) shall be denied.

[10:142]10:60C-9.3 (No change in text.)

[10:142]10:60C-9.4 Outcome of fair hearings

(a) If the outcome of a fair hearing proceeding results in upholding the adverse action initiated by the MCO or State program agency, the following will take place:

1. (No change.)

2. Modifications to the budget allocation and cash management plan shall be made effective in accordance with procedures [under] at N.J.A.C. [10:142]10:60C-4.7.

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

#### SUBCHAPTER 10. MEDICAID FRAUD AND ABUSE

[10:142]10:60C-10.1 (No change in text.)

(a)

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Notice of Administrative Changes Notice of Terminology Changes Throughout Division of Medical Assistance and Health Services Regulatory Chapters

**N.J.A.C. 10:49, 10:52, 10:53A, 10:54, 10:58A, 10:66, 10:69, 10:70, 10:71, 10:72, 10:74, and 10:79**

Effective Date: November 4, 2024.

**Take notice** that, the Division of Medical Assistance and Health Services (DMAHS) is changing all references of county welfare agencies (CWA) to county social service agencies (CSSA) throughout N.J.A.C. 10:49, 10:52, 10:53A, 10:54, 10:58A, 10:66, 10:69, 10:70, 10:71, 10:72, 10:74, and 10:79. When referencing the county offices that work in partnership with DMAHS, this updated terminology will better reflect the various programs and services provided to the public by the county offices.

DMAHS has requested, and the Office of Administrative Law has agreed to permit, the administrative changes of the Department of Human Services's rules. These technical changes are effective November 4, 2024, and shall be manifested in the New Jersey Administrative Code beginning with the 12-02-24 Code Update and continuing until all chapters are so updated. It is anticipated that approximately two to four chapters will be updated with each Code Update produced.

## CORRECTIONS

(b)

### THE COMMISSIONER

#### Inmate Groups

#### Adopted New Rules: N.J.A.C. 10A:12

Proposed: April 15, 2024, at 56 N.J.R. 543(a).

Adopted: October 24, 2024, by Victoria L. Kuhn, Commissioner,  
Department of Corrections.

Filed: October 25, 2024, as R.2024 d.113, **without change**.

Authority: N.J.S.A. 30:1B-6 and 30:1B-10.

Effective Date: December 2, 2024.

Expiration Date: December 2, 2031.

#### Summary of Public Comment and Agency Response:

**No comments were received.**

#### Federal Standards Statement

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

**Full text** of the expired rules adopted herein as new rules can be found in the New Jersey Administrative Code at N.J.A.C. 10A:12.

**Full text** of the adopted amendments to the expired rules adopted herein as new rules follows:

#### SUBCHAPTER 1. GENERAL PROVISIONS

10A:12-1.1 Purpose

(a) The purpose of this chapter is to set forth provisions regarding:

1.-2. (No change.)

## SUBCHAPTER 2. ORGANIZATION OF INMATE GROUPS

10A:12-2.5 Requests for access to facility space and equipment  
(a)-(b) (No change.)

## LABOR AND WORKFORCE DEVELOPMENT

(a)

### INCOME SECURITY

#### Notice of Readoption

#### Definitions Used by Employment Security Agency and Special Employment Relationships

#### Readoption: N.J.A.C. 12:19

Authority: N.J.S.A. 34:1-20, 34:1A-3.e, and 43:21-1 et seq., specifically 43:21-11.

Authorized By: Robert Asaro-Angelo, Commissioner, Department of Labor and Workforce Development.

Effective Date: November 6, 2024.

New Expiration Date: November 6, 2031.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 12:19, regarding definitions used by employment security agency and special employment relationships, were scheduled to expire on January 8, 2025.

A summary of the sections at N.J.A.C. 12:19 follows:

N.J.A.C. 12:19-1.1 sets forth the purpose of the chapter.

N.J.A.C. 12:19-1.2 sets forth definitions of words and terms used throughout N.J.A.C. 12:16 through 12:19.

N.J.A.C. 12:19-1.3 explains which conditions must be met for a partnership to be assigned a separate registration number and experience rating.

N.J.A.C. 12:19-1.4 outlines special employment relationships which exist for tax purposes.

The Department of Labor and Workforce Development has reviewed these rules and has determined that the rules should be readopted without change. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1.c(1), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

(b)

### DIVISION OF PUBLIC SAFETY AND OCCUPATIONAL SAFETY AND HEALTH

#### Notice of Readoption

#### Boilers, Pressure Vessels, and Refrigeration

#### Readoption: N.J.A.C. 12:90

Authority: N.J.S.A. 34:1-20, 34:1-47, 34:1A-3, and 34:7-18; and Reorganization Plan 002-2002.

Authorized By: Robert Asaro-Angelo, Commissioner, Department of Labor and Workforce Development.

Effective Date: November 4, 2024.

New Expiration Date: November 4, 2031.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 12:90, Boilers, Pressure Vessels, and Refrigeration, were scheduled to expire on January 3, 2025.

A summary of the subchapters at N.J.A.C. 12:90 follows:

N.J.A.C. 12:90-1 sets forth general provisions, including the purpose and scope of the chapter.

N.J.A.C. 12:90-2 sets forth definitions for terms used throughout the chapter.

N.J.A.C. 12:90-3 addresses administrative functions required to be performed by the owner or user of any boiler, pressure vessel, or refrigeration system covered by the chapter.

N.J.A.C. 12:90-4 concerns various types of boilers and their inspection and registration.

N.J.A.C. 12:90-5 addresses unfired pressure vessels; their design, inspection, and registration.

N.J.A.C. 12:90-6 concerns refrigeration systems.

N.J.A.C. 12:90-7 concerns pressure relief valves.

N.J.A.C. 12:90-8 addresses licensing of operating engineers and boiler operators.

N.J.A.C. 12:90-9 addresses violations and penalties.

N.J.A.C. 12:90-10 addresses standards and publications referred to in the chapter.

The Department of Labor and Workforce Development has reviewed these rules and has determined that the rules should be readopted without change. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1.c(1), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

## OTHER AGENCIES

(c)

### PUBLIC EMPLOYMENT RELATIONS COMMISSION

#### Unfair Practice Proceedings

#### Readoption with Amendments: N.J.A.C. 19:14

#### Adopted New Rule: N.J.A.C. 19:14-9.6

Proposed: June 3, 2024, at 56 N.J.R. 1012(a).

Adopted: October 28, 2024, by the Public Employment Relations Commission, Mary E. Hennessy-Shotter, Chair.

Filed: October 28, 2024, as R.2024 d.114, **with a non-substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 34:13A-5.4.c and 34:13A-11.

Effective Dates: October 28, 2024, Readoption;

December 2, 2024, Amendments and New Rule.

Expiration Date: October 28, 2031.

#### Summary of Public Comments and Agency Responses:

Comments were received from the following interested party:

Ira W. Mintz, Esq., of the law firm Weissman and Mintz, LLC, on behalf of the following labor union organizations (Union Commenters): Rutgers Council of AAUP Chapters; AAUP-AFT, AFL-CIO; Union of Rutgers Administrators-AFT; AAUP-Biomedical and Health Sciences of New Jersey; and the Communications Workers of America, AFL-CIO.

#### N.J.A.C. 19:14-8.1

1. COMMENT: The Union Commenters assert that the proposed amendment at N.J.A.C. 19:14-8.1(a), stating what the Public Employment Relations Commission (Commission) may do if exceptions are filed to a hearing examiner's report, contradicts the unchanged language at N.J.A.C. 19:14-8.1(b), which provides that the Commission may consider the matter further even if no exceptions are filed.

RESPONSE: The Commission's discretion pursuant to N.J.A.C. 19:14-8.1(b) to consider the matter further "if no exceptions are filed" is not limited by the amendment at N.J.A.C. 19:14-8.1(a) specifying what the Commission may do "[i]f exceptions are filed." The clarification of the possible actions by the Commission following the filing of exceptions does not preclude those possible actions by the Commission in the absence of exceptions pursuant to N.J.A.C. 19:14-8.1(b).

2. COMMENT: The proposed amendment at N.J.A.C. 19:14-8.1(c) does more than clarify that a party must file exceptions with the Commission to exhaust administrative remedies, but encroaches on the powers of the Superior Court, by defining when a party has a right to appeal.