

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. 8:58 is readopted and shall continue in effect for seven years.

HUMAN SERVICES

(a)

DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES

Notice of Readoption Family Support Services

Readoption with Technical Changes: N.J.A.C. 10:37I

Authority: N.J.S.A. 30:4-177.43 et seq., specifically, 30:4-177.52; and Reorganization Plan 001-2018.

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

Effective Dates: June 12, 2023, Readoption;
July 17, 2023, Technical Changes.

New Expiration Date: June 12, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:37I, Family Support Services, were scheduled to expire on October 25, 2023. The purpose of these rules is to govern the planning and delivery of family support services required pursuant to P.L. 1995, c. 314 (N.J.S.A. 30:4-177.43 et seq.), and funded by the New Jersey Division of Mental Health and Addiction Services (Division), to families who provide care in the community for a family member with a serious mental illness.

The rules are comprised of five subchapters. Subchapter 1 sets forth the purpose and authority, scope, and definitions. Subchapter 2 defines the general eligibility. Subchapter 3 describes the role of the family support coordinator. Subchapter 4 details the responsibilities and membership of the regional and Statewide family support working groups. Subchapter 5 delineates the standards for the Intensive Family Support Services program including, scope and purpose, written policies and procedures, population priorities, admission criteria, criteria for termination of services, service planning and services to be provided, service coordination, assessment, service preferences and record documentation, staffing requirements, training, and quality assurance.

In addition to readopting the existing rules, the Department of Human Services (Department) is proposing technical changes consistent with Reorganization Plan No. 001-2018, under which the Division retained responsibility for program services on transfer to the Department, while licensing of mental health programs remained with the New Jersey Department of Health (DOH). With respect to the retention of licensing by the DOH, the technical changes address the recodification and readoption of N.J.A.C. 10:190, Licensure of Mental Health Programs, as N.J.A.C. 8:121, Licensure Standards for Mental Health Programs, by the DOH.

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 substantive 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. 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 5. INTENSIVE FAMILY SUPPORT SERVICES STANDARDS

10:37I-5.11 Quality assurance

(a) The PA shall comply with the quality assurance and licensure requirements as promulgated [in] at N.J.A.C. 10:37-9 and [10:190] **8:121, Licensure Standards for Mental Health Programs**, respectively.

(b)-(h) (No change.)

(b)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Notice of Readoption Community Support Services For Adults With Mental Illnesses

Readoption: N.J.A.C. 10:79B

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.

Agency Control Number: 23-NA-01.

Effective Date: June 12, 2023.

New Expiration Date: June 12, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:79B, Community Support Services for Adults with Mental Illnesses, which provides the standards for providing, and obtaining reimbursement for, such services under the Medicaid/NJ FamilyCare program were scheduled to expire on August 15, 2023.

Community support services are mental health rehabilitation services and supports designed to assist an individual with mental illness to achieve and maintain a level of functioning that allows the individual to achieve community integration, and to remain in an independent living setting that they choose.

Medicaid/NJ FamilyCare-enrolled providers who are also under contract with the Division of Mental Health and Addiction Services (DMHAS), which administers the program, provide Community Support Services for Adults with Mental Illnesses.

The readopted chapter includes two subchapters:

Subchapter 1 provides definitions used in the chapter, as well as information about the purpose and scope of the chapter and about provider eligibility.

Subchapter 2 sets forth rules related to beneficiary eligibility, program and licensure requirements, services offered, reimbursement, recordkeeping requirements, staffing requirements, and prior authorization procedures.

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.

(c)

COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

Notice of Readoption Educational Services of the Commission for the Blind and Visually Impaired

Readoption: N.J.A.C. 10:92

Authority: N.J.S.A. 30:1-2 and 30:6-1 et seq.

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

Effective Date: June 20, 2023.

New Expiration Date: June 20, 2030.

Take notice that N.J.A.C. 10:92, Educational Services of the Commission for the Blind and Visually Impaired, was scheduled to expire on September 8, 2023. The rules of this chapter make possible a Statewide itinerant educational services program for children who are blind or visually impaired to facilitate their inclusion in the least restrictive, most appropriate, educational setting. The Department of Human Services (Department) recognizes that further rulemaking is necessary to update this chapter to be consistent with best practices. To that end, the Department is considering substantive amendments to be published following this reoption.

The following is a summary of the subchapters at N.J.A.C. 10:92.

Subchapter 1, Overview of Educational Services, provides the purpose and scope of the subchapter, including describing the types of educational services provided to children who are blind or visually impaired. This subchapter also includes the definition of terms utilized throughout the chapter. These include blindness education services, specialized services for infant and toddlers, and specialized services for blind and visually impaired school age children who have multiple disabilities.

Subchapter 2, Eligibility Standards for Educational Services, describes the criteria needed to establish eligibility to receive education services from the Commission for the Blind and Visually Impaired (“Commission” or “CBVI”). This subchapter also describes the steps taken when a child is determined ineligible and the elements contained in the notification letter, which include the basis for the decision and the process for review.

Subchapter 3, Itinerant Education Services, includes a description of the role of provider service agreements, which are contracts between the Commission and a school district for the provision of itinerant services to assess and determine a child’s level of need. There are four different levels of service a school can contract for, and this subchapter describes what specifically is included at each level. This subchapter also describes the services provided to infants and toddlers with blindness or vision impairment, services provided to students with multiple disabilities, including blindness or vision impairment, and the financial needs standard.

Subchapter 4, Loan and Provision of Materials, Aids, and Equipment, sets forth the resources available through the George F. Meyer Instructional Resource Center to students receiving blindness education services, instructional materials and adaptive equipment, as appropriate, to the individual student’s needs. Eligible students may receive accessible materials, such as Braille or Large Print instructional materials, as well as adaptive equipment, including Braille Writers and electronic note-taking devices. The subchapter also provides the protocols for eligible students to borrow State-owned educational equipment through CBVI, as determined necessary by the Commissioner instructor.

Subchapter 5, Commission Services Available to Eligible Children, describes the additional services that are available to eligible children, including recreational and development programs, independent living skills instruction, such as orientation and mobility training, and transition services.

Subchapter 6, Educational Program Options, describes the Commission’s role in determining the educational placements of eligible children receiving Blindness Education Services. Federal law, through the Individuals with Disabilities Education Act of 2004, mandates that students are to be educated in the least restrictive environment. The determination of educational placement is the responsibility of the local school district, in collaboration with the student’s parent or guardian. The itinerant teacher of the Commission shall collaborate with the school district and assist by identifying characteristics of an optimal educational placement.

The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purposes for which they were originally promulgated, as required at N.J.S.A. 30:1-12 et seq. In accordance with N.J.S.A. 52:14B-5.1.c(1), these rules should be readopted and continue in effect for a seven-year period.

OTHER AGENCIES

(a)

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

Authority Administrative Rules

Fees

Adopted Amendments: N.J.A.C. 19:30-6.1, 6.2, 6.3, 6.4, and 6.7

Adopted New Rule: N.J.A.C. 19:30-6.1A

Proposed: April 3, 2023, at 55 N.J.R. 597(a).

Adopted: June 21, 2023, by the New Jersey Economic Development

Authority, Tim Sullivan, Chief Executive Officer.

Filed: June 21, 2023, as R.2023 d.088, **without change**.

Authority: N.J.S.A. 34:1B-1 et seq.

Effective Date: July 17, 2023.

Expiration Date: May 8, 2025.

Summary of Public Comment and Agency Response:

The public comment period ended June 2, 2023. **No comments were received.**

Federal Standards Statement

A Federal standards analysis is not required because the adopted fee amendments and new fee rule are not subject to any Federal laws, requirements, or standards.

Full text of the adoption follows:

SUBCHAPTER 6. FEES

19:30-6.1 Application fees

(a) Unless otherwise established in accordance with N.J.A.C. 19:30-6.1A, a non-refundable fee of \$1,000 shall accompany every application for Authority assistance, except for:

1. (No change.)

2. An application for assistance under the Small Business Fund and the New Jersey Local Development Financing Fund Act, N.J.S.A. 34:1B-47 et seq., for which the fee is \$300.00; and

3. An application for assistance under the Real Estate Impact Fund, for which the fee is \$2,500.

(b) (No change.)

(c) (No change in text.)

(d) An application fee may be refunded, in whole or in part, where an application is not processed or approved because the application is incomplete or the funding for the program or initiative is exhausted.

19:30-6.1A General fee applicability

(a) Except as otherwise provided at (b) below, applicants for Authority assistance shall be subject to a fee in accordance with:

1. The applicable fees specifically adopted through a rulemaking for the administration of a program or initiative; or

2. The generally applicable fee established in accordance with this subchapter, unless otherwise established by law.

(b) The members of the Board may set separate program or initiative specific fees or establish that fees will not be charged, as determined to be reasonable and in the best interest of the Authority, under the following circumstances:

1. Any emergency assistance program or initiative established in connection with a declared state of emergency, for which the Authority’s Board has set different fees in an open public meeting, which fees shall be based on factors that may include, but are not limited to:

i. The nature of the state of emergency;

ii. The amount of funding available;

iii. The hardship to the prospective applicants as a result of the emergency;

iv. The anticipated demand for assistance;

v. The need to provide assistance under exigent circumstances;