

(c) If a drug donation entity fails to meet the conditions of the settlement, then the Department may immediately impose the original enforcement action.

SUBCHAPTER 9. IMMUNITY FROM LIABILITY

8:32-9.1 Immunity from liability

(a) Any donor, redistributor, third-party intermediary, common carrier, contract carrier, governmental agency, including, but not limited to, the Department of Health and the Board of Pharmacy, pharmacy benefit manager, pharmacy services administration organization, health care coverage program, or other entity or person, including, but not limited to, volunteers, employees, officers, directors, owners, partners, managers, and members, who acts reasonably and in good faith, within the scope of a drug donation program, and, in accordance with the provisions of this chapter, shall be:

1. Immune from civil or criminal liability for any injury, death, or loss suffered by a person who is dispensed a donated drug or donated administration supplies pursuant to this chapter; and

2. Exempt from any professional disciplinary action stemming from any act or omission associated with any activity pursuant to this chapter, including, but not limited to, the donation, acceptance, repackaging, transportation, transfer, or dispensing of a donated drug or donated administration supplies.

(b) A drug manufacturer, wholesaler, or other entity participating in the supply chain of the donated drug or donated administration supplies who acts reasonably and in good faith, in accordance with the provisions of this chapter, and as otherwise required by law, shall be immune from civil or criminal liability for any injury, death, or loss to a person or property stemming from any act or omission in association with any activity pursuant to this chapter including, but not limited to, the donation, acceptance, repackaging, transportation, transfer, or dispensing of an over-the-counter drug or prescription drug that is manufactured or distributed by the drug manufacturer, wholesaler, or other entity and donated pursuant to this act, including any liability resulting from a failure to transfer or communicate product or consumer information or the beyond use date of the donated drug.

(c) A redistributor who dispenses donated drugs or administration supplies that have been recalled shall be immune from civil or criminal liability for any injury, death, or loss suffered by a person who has dispensed those drugs or administration supplies, provided that the redistributor was not notified of the recall by the donor, by another redistributor, or through other means.

HUMAN SERVICES

(a)

DIVISION OF FAMILY DEVELOPMENT

Work First New Jersey Program Work First New Jersey Program Requirements Adopted Amendments: N.J.A.C. 10:90-1.2, 1.5, 2.2, 2.9, and 4.1

Proposed: March 18, 2024, at 56 N.J.R. 403(a).

Adopted: June 20, 2024, by Sarah Adelman, Commissioner,
Department of Human Services.

Filed: July 30, 2024, as R.2024 d.080, **without change**.

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

Effective Date: September 3, 2024.

Expiration Date: October 4, 2028.

Summary of Public Comments and Agency Responses:

The official comment period ended on May 17, 2024. The New Jersey Department of Human Services (Department) received comments from the following individuals and organizations: Jean Public and Sean M. Benoit, Esq., Director of Litigation for the Community Health Law

Project. The Department summarized and responded to each comment separately.

1. COMMENT: In their comment, Jean Public contends that the Work First New Jersey (WFNJ) program regulations are too lax and should require beneficiaries to work five days in a row to evidence an intent to be employed. Further, Jean Public claims that the WFNJ program is a fraud on the public and should be ended.

RESPONSE: The Department notes that all work eligible recipients of WFNJ benefits are required to participate in work activities. The Department also notes that the elimination of the 28-Day Protocol removes the requirement that clients participate in a work activity prior to being determined eligible for assistance and that New Jersey's WFNJ program operates in compliance with State rules. Clients must still meet all additional eligibility requirements.

2. COMMENT: In his comment, on behalf of the Community Health Law Project (a non-profit legal services organization), Mr. Benoit supports the regulatory amendments and urges their adoption to benefit New Jersey's vulnerable populations. The commenter strongly supports the adoption and notes the elimination of the "28-Day Protocol" will have a significant positive impact on clients served by and through the Community Health Law Project.

RESPONSE: The Department notes Mr. Benoit and the Community Health Law Project's support of the rulemaking and appreciates the comment.

Federal Standards Statement

The adopted amendments impact the General Assistance program, which is authorized by State law at N.J.S.A. 44:8-107 et seq., and is not subject to any Federal requirements or standards; therefore, a Federal standards analysis is not required for this rulemaking.

Full text of the adoption follows:

SUBCHAPTER 1. GENERAL PROVISIONS

10:90-1.2 Opportunity and decision to apply

(a)-(e) (No change.)

(f) Responsibilities of the county or municipal agency during the initial contact shall include, but not be limited to:

1.-7. (No change.)

8. Taking the WFNJ application at the county level, on the same day when an individual appears at the office to request an application, if possible, or in hardship cases, when a home visit occurs, which includes an Agreement to Repay (form WFNJ-10D), as well as an application for NJ SNAP benefits and an application for Medicaid or medical benefits, as appropriate. If the agency determines that the application cannot be completed on the day of the request, the applicant shall be afforded the opportunity to file the application that day by providing his or her name and signature, as well as the date of filing, on the application. The applicant shall be provided with an appointment to complete the application process. The agency must ensure that eligibility shall be retroactive to the date on which the individual signed the application.

i. (No change.)

9. Taking the WFNJ application at the municipal level, on the same day when an individual appears at the office to request an application, if possible, or in hardship cases, when a home visit occurs, which includes an Agreement to Repay (form WFNJ-10D) for cash assistance, emergency assistance, and any monies that the Division of Medical Assistance and Health Services spends as a direct result of accident-related injuries. If the agency determines that the application cannot be completed on the day of request, the applicant shall be afforded the opportunity to file the application that day by providing his or her name and signature, as well as the date of filing, on the application. The applicant shall be provided with an appointment to complete the application process. The agency must ensure that eligibility shall be retroactive to the date the individual signed the application.

i. (No change.)

10. (No change.)

10:90-1.5 Prompt disposition by the county or municipal agency

Persons shall be given the opportunity to comply with the eligibility requirements and apply for WFNJ benefits without delay. Staff of the

county or municipal agency shall accept, process, and recommend action on applications for assistance within 30 days. If the applicant is eligible, payment shall be issued as soon as eligibility is established. The county or municipal agency shall act promptly and timely on applications as long as the WFNJ participant is eligible for assistance and is complying with program requirements. Failure of the county or municipal agency to act promptly and timely shall not be a basis for denying or delaying the issuance of benefits. The county and municipal agency shall also act promptly and timely on redetermining eligibility, but failure of the county or municipal agency to act promptly and timely shall not be a basis for delay in granting assistance.

SUBCHAPTER 2. NON-FINANCIAL ELIGIBILITY REQUIREMENTS

10:90-2.2 WFNJ TANF/GA eligibility requirements

(a) An applicant/recipient, as a condition of eligibility for WFNJ TANF/GA benefits, shall, subject to good cause exceptions, be required to do the following:

1. (No change.)
 2. Cooperate with work requirements, including interviewing for and accepting employment, if offered;
 - 3.-10. (No change.)
- (b)-(e) (No change.)

10:90-2.9 Definition of employable/unemployable persons in WFNJ/GA

(a) The definition of employable/unemployable persons for determination of payment level is as follows:

1. (No change.)
2. An unemployable person is any person who meets any of the criteria listed below:

i.-ix. (No change.)
 x. Persons determined to be incapacitated by the agency that administers the WFNJ/GA program are unemployable when such determination of incapacity is supported by the following circumstances:

(1) Form WFNJ/MED-1 shall be fully completed by an examining physician that the individual is unable to comply with WFNJ/GA requirements. Such certification shall include, at a minimum, the date of examination, diagnosis, length of incapacity, functional limitations, prescribed treatment, an indication of whether or not reevaluation will be necessary, and the examining physician's signature. The cash assistance benefit shall be issued at the employable rate until the recipient is determined unemployable for a minimum of six continuous months by the examining physician. Upon presentation of documentation of unemployability, applicants and recipients shall be considered deferred from the work requirement in accordance with N.J.A.C. 10:90-4.10. A recipient whose unemployable status fluctuates from month-to-month will continue to receive cash assistance at the employable rate until he or she is determined unemployable for a minimum of six continuous months by an examining physician. Payment at the unemployable rate shall begin at the seventh month of unemployability. If medical documentation presented at application or redetermination indicates a period of unemployability of six months or more, then the unemployable cash assistance rate shall be issued upon a determination of eligibility.

(A) (No change.)

SUBCHAPTER 4. WFNJ WORK REQUIREMENTS

10:90-4.1 General work requirement provisions

(a) Each WFNJ adult recipient, teen parent, and 16 through 18 year old individual not attending school on a full time basis, unless specifically deferred or unless otherwise specified in this subchapter, shall cooperate with and participate in the WFNJ work requirements in accordance with Federal regulations, the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the New Jersey State Plan for Temporary Assistance for Needy Families, the Work First New Jersey Act, and the New Jersey SNAP Employment and Training State Plan, for up to 40 hours per week as a condition of eligibility for receipt of cash assistance benefits. WFNJ/GA recipients are required to participate in a work activity for up to 30 hours per week.

1. Each WFNJ TANF/GA adult recipient, unless deferred from the work requirement, shall continuously and actively seek employment in an effort to gain self-sufficiency. Unless otherwise specifically deferred pursuant to this section, each WFNJ recipient shall cooperate with, and participate in, the WFNJ work requirements as a condition of eligibility for receipt of cash assistance benefits.

2.-3. (No change.)

(b)-(f) (No change.)

LABOR AND WORKFORCE DEVELOPMENT

(a)

CENTER FOR OCCUPATIONAL EMPLOYMENT INFORMATION

Private Career Schools; Minimum Acceptable Level of Performance

Adopted Amendments: N.J.A.C. 12:41-1.1, 1.2, 2.2, 2.4, 2.6, 3.2, 4.5, 5.1, and 5.2

Adopted New Rules: N.J.A.C. 12:41-4.8 and 12:43

Proposed: August 7, 2023, at 55 N.J.R. 1615(a).

Adopted: August 5, 2024, by Robert Asaro-Angelo, Commissioner, Department of Labor and Workforce Development.

Filed: August 5, 2024, as R.2024 d.081, **with a non-substantial change** not requiring additional public notice or comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 34:1-20, 34:1A-3.e, 34:15C-10.1, and 34:15C-10.1a(g).

Effective Date: September 3, 2024.

Expiration Dates: November 17, 2030, N.J.A.C. 12:41;

September 3, 2031, N.J.A.C. 12:43.

Summary of Hearing Officer's Recommendation and Agency's Response:

After reviewing the written comments submitted directly to the Department of Labor and Workforce Development's (Department) Office of Legal and Regulatory Services, the hearing officer, David Fish, Executive Director, Legal and Regulatory Services, recommended that the Department proceed with adoption of the amendments and new rules with a single non-substantial change not requiring additional public notice or comment. The change upon adoption is discussed in detail below.

Summary of Public Comments and Agency Responses:

Written comments were submitted by the following individuals:

1. The Board of the Private College and School Association of New Jersey, 14 Sylvan Way, Parsippany, New Jersey.
2. Shawn Alexander, Campus President, Universal Technical Institute, 4225 East Windrose Drive, Suite 200, Phoenix, Arizona.
3. Althea D. Ford, Vice President of Government Affairs, New Jersey Business and Industry Association, 10 West Lafayette Street, Trenton, New Jersey.
4. Carolyn Fast, Senior Fellow and Director of Higher Education Policy, Tiara Moultrie, Fellow, and Amber Villalobos, Fellow, The Century Foundation, One Whitehall Street, 15th Floor, New York, New York.
5. Amy Laitinen, Senior Director, Higher Education, and Rachel Fishman, Director, Higher Education, New America, 740 15th Street NW, Suite 900, Washington, D.C.
6. The Trustees of the Association of Cosmetology & Hairstyling Schools of New Jersey, Inc., 21 Passaic Street, Hackensack, New Jersey.
7. Colleen M. Hogan, Director, PB Cosmetology Education Centre, 110 Monmouth Street, Gloucester City, New Jersey.
8. Harry Comp Jr., President/Co-Owner, Parisian Beauty Academy, 21 Passaic Street, Hackensack, New Jersey.