

RULE ADOPTIONS

AGRICULTURE

(a)

DIVISION OF AGRICULTURE AND NATURAL RESOURCES

STATE SOIL CONSERVATION COMMITTEE

Notice of Readoption

State Soil Conservation Committee

Readoption: N.J.A.C. 2:90

Authority: N.J.S.A. 4:1C-24, 4:24-3, and 4:24-42.

Authorized By: State Soil Conservation Committee, and Edward D. Wengryn, Secretary, Department of Agriculture, and Chairman, State Soil Conservation Committee.

Effective Date: September 19, 2024.

New Expiration Date: September 19, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:90 were scheduled to expire on November 3, 2024. These rules provide the technical and administrative standards for the Statewide implementation of soil erosion and sediment control. Additionally, the rules provide the Statewide Soil and Water Cost Share Program practices and administrative procedures.

N.J.A.C. 2:90-1 sets forth general provisions regarding soil erosion and sediment control on land disturbance activities.

N.J.A.C. 2:90-2 sets forth projects eligible for soil and water conservation project cost sharing.

N.J.A.C. 2:90-3 sets forth the procedural rules for soil and water conservation project cost sharing.

N.J.A.C. 2:90-4 sets forth the details of the agricultural conservation cost share program.

The State Soil Conservation Committee has reviewed the rules and has determined that the rules should be readopted without change. These rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

EDUCATION

(b)

STATE BOARD OF EDUCATION

Notice of Administrative Changes

Webpage Corrections

Student Residency

N.J.A.C. 6A:22-4.1 and 4.2

Effective Date: September 17, 2024.

Take notice that the Department of Education (Department) requested, and the Office of Administrative Law agreed to permit, the administrative change of the webpages at which Commissioner-provided student registration forms are located on the Department's website. Therefore, the Department is changing "<http://www.state.nj.us/education/code/current/title6a/chap22sample.pdf>" or "<http://www.state.nj.us/education/code/current/title6a/chap22sample.docx>" to "<https://www.nj.gov/education/residency/index.shtml>" at N.J.A.C. 6A:22-4.1 and 4.2.

This notice of administrative changes is published in accordance with N.J.A.C. 1:30-2.7.

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

SUBCHAPTER 4. INITIAL ASSESSMENT AND ENROLLMENT

6A:22-4.1 Registration forms and procedures for initial assessment

(a) Each district board of education shall use Commissioner-provided registration forms (available at [<http://www.state.nj.us/education/code/current/title6a/chap22sample.pdf>] or [<http://www.state.nj.us/education/code/current/title6a/chap22sample.docx>] <https://www.nj.gov/education/residency/index.shtml>], or locally developed forms that:

1.-5. (No change.)

(b)-(i) (No change.)

6A:22-4.2 Notices of ineligibility

(a) When a student is found ineligible to attend the school district pursuant to this chapter or the student's initial application is found to be deficient upon subsequent review or investigation, the school district immediately shall provide to the applicant notice that is consistent with Commissioner-provided sample form(s) (available at [<http://www.state.nj.us/education/code/current/title6a/chap22sample.pdf>] or [<http://www.state.nj.us/education/code/current/title6a/chap22sample.docx>] <https://www.nj.gov/education/residency/index.shtml>]) and meets requirements of this section.

1. (No change.)

(b) Notices of ineligibility shall include:

1.-2. (No change.)

3. A clear statement of the applicant's right to appeal to the Commissioner within 21 days of the notice date, along with an informational document provided by the Commissioner (available at [<http://www.state.nj.us/education/code/current/title6a/chap22sample.pdf>] or [<http://www.state.nj.us/education/code/current/title6a/chap22sample.docx>] <https://www.nj.gov/education/residency/index.shtml>]) describing how to file an appeal;

4.-9. (No change.)

HUMAN SERVICES

(c)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Vision Care Services Manual

Readoption with Amendments: N.J.A.C. 10:62

Proposed: May 6, 2024, at 56 N.J.R. 725(a).

Adopted: August 16, 2024, by Sarah Adelman, Commissioner, Department of Human Services.

Filed: September 23, 2024, as R.2024 d.102, **without change**.

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

Effective Dates: September 23, 2024, Readoption;

October 21, 2024, Amendments.

Expiration Date: September 23, 2031.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

Federal law (sections 1902(a)10 and 1905(a) of the Social Security Act (the Act), 42 U.S.C. §§ 1396a(a)10 and 1396d(a), respectively) governing the Medicaid and NJ FamilyCare programs authorize a State Medicaid program, pursuant to Title XIX of the Act, to provide specific types of medical assistance, including physicians' services, eyeglasses, and prosthetic devices. Regulations at 42 CFR 440.50 and 440.120 also provide Federal requirements regarding physicians' services, eyeglasses, and prosthetics. Regulations at 42 CFR 441.30 provide Federal requirements regarding optometric services. The State Medicaid fee-for-

service program covers vision care services and appliances to the extent described at N.J.A.C. 10:62.

Title XXI of the Act allows states to establish a State Children’s Health Insurance Program for targeted low-income children. New Jersey elected this option through implementation of the NJ FamilyCare program. Section 2103 (42 U.S.C. § 1397cc) provides broad coverage guidelines for such programs. Section 2110 (42 U.S.C. § 1397jj) provides definitions of services for such programs. Within the general Federal guidelines, Title XXI anticipates that a state will implement policies and procedures to establish such a program.

Regulations at 42 CFR 162.404 through 4.14 require the use of a standard unique health identifier for health care providers, the National Provider Identifier (NPI).

The Department has reviewed the Federal statutory and regulatory requirements and has determined that the rules readopted with amendments do not exceed Federal standards. Therefore, a Federal standards analysis is not required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 10:62.

Full text of the adopted amendments follows:

SUBCHAPTER 1. EYE CARE: PROFESSIONAL SERVICES

10:62-1.2 Definitions

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

...
 “National Plan and Provider Enumerations System (NPES)” means the system that assigns a provider a National Provider Identifier (NPI), maintains and updates information about health care providers with NPIs, and disseminates the NPI Registry and NPES Downloadable File. The NPI Registry is an online query system that allows users to search for a health care provider’s information.

“National Provider Identifier (NPI)” means a national identifier issued to healthcare practitioners by the National Plan and Provider Enumeration System (NPES).

...
 “Taxonomy code” means a code that describes the provider or organization’s type, classification, and the area of specialization.

10:62-1.3 Providers of professional services

- (a) (No change.)
- (b) In order to participate in the Medicaid/NJ FamilyCare Program, a provider shall:
 1. Have a valid National Provider Identifier (NPI) number obtained from the National Plan and Provider Enumeration System (NPES);
 2. Have a valid taxonomy code obtained from the NPES; and
 3. Remain a provider in good standing by successfully completing provider revalidation when requested by the State Medicaid Agency.

10:62-1.5 Comprehensive eye examination

(a) A comprehensive eye examination may include cycloplegics and a post cycloplegic visit. All findings and data, including positive and negative, shall be clearly recorded. A comprehensive eye examination shall include the following, as a minimum, where possible unless contraindicated:

- 1.-7. (No change.)
- 8. Binocular coordination testing (distance and near), fusion, stereopsis, and color vision;
- 9.-10. (No change.)
- (b) For reimbursement purposes, a comprehensive eye examination shall include all the criteria of a comprehensive eye examination plus complete Diagnostic Visual Fields.

1. Comprehensive eye examinations with diagnostic fields are not routinely reimbursable for complete comprehensive eye examinations. Patients should be selected for diagnostic field testing based upon history and ophthalmologic findings during the physical examination if optic or motor nerve abnormalities are suspected. Alternatively, if other

significant physical findings are present and documented, diagnostic visual field studies may be selectively employed to establish or to confirm the diagnosis and/or the degree of impairment.

2. (No change.)

10:62-1.14 Home services

(a) The home visit HCPCS 99344 and 99353 shall not apply to residential health care facility or nursing facility settings. These HCPCS refer to a physician visit limited to the provision of medical care to an individual who would be too ill to go to a physician’s office and/or is “home bound” due to his or her physical condition. When billing for a second or subsequent patient treated during the same visit, the visit shall be billed as a home visit.

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

10:62-1.15 Unusual travel and escort services

HCPCS 99082 may be used for travel costs only associated and billed with Home Visit. (See codes 99341, 99342 and 99344.)

SUBCHAPTER 3. HEALTHCARE COMMON PROCEDURE CODING SYSTEM (HCPCS)

10:62-3.2 HCPCS Procedure Codes and maximum fee schedule for professional vision care services

IND	HCPCS Code	MOD	Maximum Fee Allowance
...	68840		14.13
...	92225		19.78
...	92226		16.29
...	N	99201	25.00
...		99283	37.74
...		99284	64.06
...		99285	93.36
...		99341	28.71
...		99342	40.36
...		99344	95.36

10:62-3.4 Qualifier for professional vision care services

(a) Qualifiers for professional vision care services are summarized below:

HCPCS

Codes Procedure
 1.-7. (No change.)

8. UNUSUAL TRAVEL, FOR EXAMPLE, TRANSPORTATION AND ESCORT OF PATIENT

Code 99082 may be used for travel costs only associated and billed with HOUSE CALL OR HOME VISIT. (See HCPCS 99341, 99342, 99344, 99347, 99348 and 99349.)

9. HOME SERVICES

Home Visit—99344 and 99349

The Home Visit HCPCS 99344, and 99349 does not distinguish between specialist and non-specialist. These codes shall not apply to residential health care facility or nursing facility settings. These codes refer to a physician visit limited to the provision of medical care to an individual who would be too ill to go to a physician’s office and/or is “home bound” due to his/her physical condition. When billing for a second or subsequent patient treated during the same visit, the visit should be billed as a home visit.

Home Visit—99341, 99342, 99344, 99345, 99347, 99348, and 99349

These HCPCS apply when the provider visits a beneficiary in the home and the visit does not meet the criteria specified under a House Call listed at N.J.A.C. 10:62-1.13.

10:62-3.5 HCPCS Procedure Codes and maximum fee schedule for vision care appliances

Ind	HCPCS		Description	Maximum Fee Allowance
	Code	Mod		
(a)-(b) (No change.)				
(c) SINGLE VISION LENSES, GLASS OR PLASTIC				
...				
P	V2106		Spherocylinder, single vision, plano to plus or minus 4.00D sphere, over 6.00D cylinder, per lens	40.43
...				
P	V2110		Spherocylinder, single vision, plus or minus 4.25 to 7.00D sphere, over 6.00D cylinder, per lens	43.67
...				
	V2121		Lenticular lens, per lens, single vision	40.00
...				
(d)-(k) (No change.)				

APPENDIX

FISCAL AGENT BILLING SUPPLEMENT

AGENCY NOTE: The Fiscal Agent Billing Supplement is filed as an incorporated Appendix of this chapter/manual but is not reproduced in the New Jersey Administrative Code. The Fiscal Agent Billing Supplement can be downloaded free of charge at www.njmms.com. When revisions are made to the Fiscal Agent Billing Supplement, a revised version will be placed on the website and copies will be filed with the Office of Administrative Law. If you do not have access to the internet and require a copy of the Fiscal Agent Billing Supplement, write to:

Gainwell Technologies
 PO Box 4801
 Trenton, New Jersey 08650-4801
 or contact
 Office of Administrative Law
 Quakerbridge Plaza, Building 9
 PO Box 049
 Trenton, New Jersey 08625-0049

(a)

DIVISION OF FAMILY DEVELOPMENT
New Jersey Supplemental Nutrition Assistance Program
Updated Procedures for Students in an Institution of Higher Education

Adopted Amendment: N.J.A.C. 10:87-3.14

Proposed: May 20, 2024, at 56 N.J.R. 881(a).
 Adopted: September 5, 2024, by Sarah Adelman, Commissioner, Department of Human Services.
 Filed: September 23, 2024, as R.2024 d.103, **without change**.
 Authority: N.J.S.A. 30:1-12; P.L. 2022, c. 32 (N.J.S.A. 44:10-111); 7 U.S.C. § 2015; and 7 CFR 273.5.
 Effective Date: October 21, 2024.
 Expiration Date: November 16, 2024.

Summary of Public Comment and Agency Response:

The official comment period ended on July 19, 2024. The New Jersey Department of Human Services (Department) received comments from the following individuals and organizations: Jean Public (5/29/2024) and Jean Public (5/24/24). The Department summarized and responded to each comment separately.

1. COMMENT: In their comment on May 29, 2024, Jean Public contends that they are not in favor of expanding benefits of the New Jersey Supplemental Nutrition Assistance Program (NJ SNAP).

RESPONSE: The Department notes that the adopted amendments impact eligibility factors other than need, update procedures and policies regarding receipt of benefits by students enrolled in institutions of higher education, and will not significantly impact NJ SNAP caseload.

2. COMMENT: In their comment on May 24, 2024, Jean Public contends that they are not in favor of expanding benefits of NJ SNAP and generally espouses a dislike of public benefits programs and taxes.

RESPONSE: The Department notes that the adopted amendments will help improve the administration of the NJ SNAP program and clarify eligibility factors other than need for students in an institution of higher education applying for NJ SNAP.

Federal Standards Statement

The Department has reviewed the applicable Federal laws and regulations. The adopted amendments include standards that do not exceed those at 7 CFR 272 and 273.

Full text of the adoption follows:

SUBCHAPTER 3. ELIGIBILITY FACTORS OTHER THAN NEED

10:87-3.14 Procedures for students in an institution of higher education

(a) A student in an institution of higher education is defined as any person who is between the ages of 18 and 50, who is physically and mentally fit, and is enrolled at least half-time in an institution of higher education. Half-time is defined by the institution of higher education and is usually based upon the number of credits or hours enrolled. Persons attending high school are not considered students in an institution of higher education.

(b) A person is considered enrolled in an institution of higher education if they are enrolled in a business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment, or if the person is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required.

(c) The enrollment status of a student shall begin on the first day of the school term of the institution of higher education. Such enrollment shall be deemed to continue through normal periods of class attendance, vacation, and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer school).

(d) In order to be eligible to participate in the NJ SNAP program, any student (as defined at (a) above) shall meet at least one of the following criteria:

1. Be employed for a minimum of 20 hours per week and be paid for such employment or, if self-employed, be employed for a minimum of 20 hours per week and receive weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours. Student work hours shall be calculated by averaging work hours over the course of a month, including work hours accrued during academic breaks shorter than one month. Work hours accrued during academic breaks longer than one month are excluded;

2. (No change.)

3. Be responsible for the care of a dependent household member under the age of six.

i. Only one person per dependent in the same NJ SNAP household may qualify pursuant to this provision;

4. Be responsible for the care of a dependent household member between the ages of six and 12 for whom adequate child care is not available to enable the student to either attend class and satisfy the 20-hour work requirement at (d)1 above, or to participate in a State or