

RULE ADOPTIONS

HEALTH

(a)

HEALTH SYSTEMS BRANCH

DIVISION OF CERTIFICATE OF NEED AND LICENSING

CERTIFICATE OF NEED AND HEALTH CARE FACILITY LICENSURE PROGRAM

DATA ANALYTICS PROGRAM

OFFICE OF VITAL STATISTICS AND REGISTRY

Notice of Readoption

Rules Implementing the Autumn Joy Stillbirth Research and Dignity Act

Readoption with Technical Changes: N.J.A.C. 8:35

Authority: N.J.S.A. 26:8-40.27 et seq., particularly 26:8-40.28 and 40.32; and P.L. 2013, c. 217, § 7.

Authorized By: Kaitlan Baston, MD, MSc, DFASAM, Commissioner, Department of Health (in consultation with the State Board of Medical Examiners, the New Jersey Board of Nursing, the State Board of Psychological Examiners, and the State Board of Social Work Examiners).

Effective Dates: November 13, 2024, Readoption;
December 16, 2024, Technical Changes.

New Expiration Date: November 13, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 8:35, Rules Implementing the Autumn Joy Stillbirth Research and Dignity Act, were scheduled to expire on January 16, 2025.

N.J.A.C. 8:35 establishes protocols that apply to health care facilities providing obstetrics and newborn services to ensure the dignified and sensitive treatment of a patient and family experiencing a stillbirth. The chapter also establishes a mechanism for the collection of data regarding stillbirths.

Subchapter 1, Scope and Purpose, sets forth the scope and purpose of the chapter and establishes the definitions of terms the chapter uses. The Department of Health (Department) is making a technical change to the subchapter heading to indicate that it sets forth “General Provisions.” Subchapter 2, Policies and Procedures, requires facilities providing birthing and newborn care services to establish policies and procedures for the assignment of responsibilities to one primary physician when a stillbirth occurs; for the training of all employees who provide direct care to a patient who has delivered a stillborn child; for the collection of information from the patients and families of a stillborn; and for the provision of information and care to patients. Subchapter 3, Fetal Death Data Collection and Autopsy, establishes requirements for data collection related to stillborn children and standards and procedures for autopsies. Subchapter 4, Enforcement, requires facilities to allow Department staff access to the facility and facility records to conduct compliance and enforcement surveys and establishes penalties for violation of this chapter.

The Department is making technical changes to update references to guidance documents and contact information of an organization to which the existing rules refer.

The Commissioner has reviewed existing N.J.A.C. 8:35 and determined that, subject to the technical changes described above, the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive for the purposes for which the Department originally promulgated it and should be readopted. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:35 is readopted with technical changes and shall continue in effect for seven years.

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

SUBCHAPTER 1. [SCOPE AND PURPOSE] GENERAL PROVISIONS

8:35-1.3 Definitions

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

...

“American College of Obstetricians and Gynecologists” or “ACOG” means the American College of Obstetricians and Gynecologists, located at 409 12th Street SW, Washington, DC 20024-2188, mailing address[:] PO Box [70620] **96920**, Washington, DC 20024-9998, telephone (800) 673-8444 or (202) 638-5577, website www.acog.org.

...

SUBCHAPTER 3. FETAL DEATH DATA COLLECTION AND AUTOPSY

8:35-3.2 Autopsy and alternative evaluation

(a)-(b) (No change.)

(c) If the parents of a stillborn child consent to an autopsy, the autopsy shall meet the standards established by the American College of Obstetricians and Gynecologists or its successor in accordance with [the] **ACOG**, Management of Stillbirth, ACOG [Practice Bulletin,] **Obstetric Care Consensus** No. [102] **10**, [American College of Obstetricians and Gynecologists, 2009; 113:748-61] **Obstetrics and Gynecology**, **135(3):p e110-e132 (March 2020)**, DOI: **10.1097/AOG.00000000000003719**, incorporated herein by reference, as **amended** and supplemented, and **Erratum in *Obstetrics and Gynecology* (May 2023) 141(5):p 1030, DOI: 10.1097/AOG.00000000000005178**, incorporated herein by reference, as amended and supplemented (hereinafter collectively referred to as the “ACOG Obstetric Care Consensus No. 10”).

1. (No change.)

(d) If the parents of a stillborn child do not consent to an autopsy, they shall be offered an alternative evaluation and, if they consent to such an evaluation, the evaluation shall meet the standards established by the American College of Obstetricians and Gynecologists or its successor in accordance with the [Management of Stillbirth,] ACOG [Practice Bulletin, No. 102, American College of Obstetricians and Gynecologists, 2009; 113:748-61] **Obstetric Care Consensus No. 10**.

1. (No change.)

(e)-(f) (No change.)

HUMAN SERVICES

(b)

DIVISION OF FAMILY DEVELOPMENT

Work First New Jersey (WFNJ) Program

Financial Eligibility—Income, Resources, Benefits

Adopted Amendments: N.J.A.C. 10:90-3.9 and 3.18

Proposed: July 15, 2024, at 56 N.J.R. 1228(a).

Adopted: November 1, 2024, by Sarah Adelman, Commissioner, Department of Human Services.

Filed: November 13, 2024, as R.2024 d.120, **without change**.

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

Effective Date: December 16, 2024.

Expiration Date: October 4, 2028.

Summary of Public Comment and Agency Response:

The official comment period ended September 13, 2024. **The Division of Family Development received no comments.**

Federal Standards Statement

The Department of Human Services has reviewed the applicable Federal laws and regulations at 45 CFR 260, Temporary Assistance for Needy Families, and that review indicates that the adopted amendments do not exceed Federal standards. Therefore, a Federal standards analysis is not required.

Full text of the adoption follows:

SUBCHAPTER 3. FINANCIAL ELIGIBILITY—INCOME, RESOURCES, BENEFITS

10:90-3.9 Income—WFNJ TANF/GA

(a) (No change.)

(b) Income refers to earned or unearned and means, but is not limited to, child support, commissions, salaries, self-employed earnings, and spousal support payments, interest and dividend earnings, wages, receipts, unemployment compensation, any legal or equitable interest or entitlement owed that was acquired by a cause of action, suit, claim or counterclaim, insurance benefits, temporary disability claims, estate income, trusts, Federal income tax refunds, state income tax refunds, homestead rebates, inheritances, lottery, casino, sports betting and racetrack winnings, including online winnings, annuities, retirement benefits, RSDI, veterans’ benefits, union benefits, or other sources that may be construed or defined as income.

(c)-(f) (No change.)

10:90-3.18 Treatment of lump sum income WFNJ TANF/GA

(a) Lump sum income includes, but is not limited to, payments in the nature of a windfall such as inheritances, lottery, casino, racetrack, and sports betting winnings, including online winnings; RSDI, Railroad Retirement, Veterans and Worker’s Compensation retroactive awards; and personal injury awards.

1.-2. (No change.)

(b)-(e) (No change.)

LABOR AND WORKFORCE DEVELOPMENT

(a)

INCOME SECURITY

2025 Maximum Weekly Benefit Rates

2025 Taxable Wage Base Under the Unemployment Compensation Law

2025 Contribution Rate of Governmental Entities and Instrumentalities

2025 Base Week

2025 Alternative Earnings Test

Adopted Amendments: N.J.A.C. 12:15-1.2, 1.3, 1.4, 1.5, and 1.6

Proposed: September 3, 2024, at 56 N.J.R. 1779(a).

Adopted: November 19, 2024, by Robert Asaro-Angelo, Commissioner, Department of Labor and Workforce Development.

Filed: November 19, 2024, as R.2024 d.122, **without change**.

Authority: N.J.S.A. 34:1-5, 34:1-20, 34:1A-3.e, 43:21-3.c, 43:21-4.e, 43:21-7b(3), 43:21-7.3.e, 43:21-19.t, 43:21-27, 43:21-40, and 43:21-41.

Effective Date: December 16, 2024.

Expiration Date: March 14, 2025.

Summary of Public Comment and Agency Response:
No comments were received.

Federal Standards Statement

The adopted amendments do not include any standards or requirements that exceed standards or requirements imposed by Federal law. The adopted amendments affect benefit and contribution levels pursuant to the Unemployment Compensation and Temporary Disability Benefits Laws. As a result, an explanation or analysis of the adopted amendments pursuant to N.J.S.A. 52:14B-23, is not required.

Full text of the adoption follows:

SUBCHAPTER 1. GENERAL PROVISIONS

12:15-1.2 Maximum weekly benefit rates

(a) For unemployment compensation claims commencing on or after January 1, 2025, the maximum weekly benefit rate pursuant to the Unemployment Compensation Law shall be \$875.00 per week.

(b) For periods of disability or family leave commencing on or after January 1, 2025, the maximum weekly benefit rate for State Plan temporary disability and family leave insurance benefits pursuant to the Temporary Disability Benefits Law shall be \$1,081 per week.

12:15-1.3 Taxable wage base pursuant to the Unemployment Compensation Law

(a) In accordance with the provisions at N.J.S.A. 43:21-7.b(3), the “wages” of any individual with respect to any one employer for the purpose of contributions pursuant to the Unemployment Compensation Law shall include the first \$43,300 during the calendar year 2025.

(b) In accordance with the provisions at N.J.S.A. 43:21-7.b(4), the “wages” of any individual with respect to any one employer for the purpose of contributions to the State Disability Benefits Fund, including the “Family Temporary Disability Leave Account,” shall include the first \$165,400 during the calendar year 2025.

12:15-1.4 Contribution rate of governmental entities and instrumentalities

(a) (No change.)

(b) This contribution rate shall be effective on taxable wages paid in the calendar year 2025.

12:15-1.5 Base week

In accordance with the provisions at N.J.S.A. 43:21-19.c(1) and t(3) and 43:21-27.h(4), the base week amount shall be \$303.00 per week for calendar year 2025.

12:15-1.6 Alternative earnings test

In accordance with the provisions at N.J.S.A. 43:21-4.e(4)(B) and 43:21-41.d(2), in those instances in which the individual has not established 20 base weeks, the alternative earnings amount for establishing eligibility shall be \$15,200 for unemployment compensation benefit years and periods of disability and family leave commencing on or after January 1, 2025.

(b)

DIVISION OF WORKERS’ COMPENSATION

2025 Maximum Workers’ Compensation Benefit Rates

Adopted Amendment: N.J.A.C. 12:235-1.6

Proposed: September 3, 2024, at 56 N.J.R. 1780(a).

Adopted: November 19, 2024, by Robert Asaro-Angelo, Commissioner, Department of Labor and Workforce Development.

Filed: November 19, 2024, as R.2024 d.123, **without change**.

Authority: N.J.S.A. 34:1-5, 34:1-20, 34:1A-3.e, and 34:15-12(a).

Effective Date: December 16, 2024.

Expiration Date: August 3, 2028.

Summary of Public Comment and Agency Response:
No comments were received.