

Housing Affordability Impact Analysis

The proposed new rules would have no impact on the affordability of housing in New Jersey and would not evoke a change in the average costs associated with housing, because the proposed new rules would establish a health care practice standard for the elective provision of EPT and would have no bearing on housing costs. Accordingly, no further analysis is required.

Smart Growth Development Impact Analysis

The proposed new rules would not evoke a change in the housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan, because the proposed new rules would establish a health care practice standard for the elective provision of EPT and would have no bearing on housing production or planning.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has determined that the proposed new rules would not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults or juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposed new rules follows:

CHAPTER 67
EXPEDITED PARTNER THERAPY

SUBCHAPTER 1. GENERAL PROVISIONS

8:67-1.1 Purpose and scope

(a) The purpose of this chapter is to implement expedited partner therapy in the State, in accordance with P.L. 2019, c. 336, an act concerning treatment of sexually transmitted diseases and supplementing Title 26 of the Revised Statutes (effective May 1, 2020) (Act), codified at N.J.S.A. 26:4-48.2 through 48.4.

(b) This chapter applies to health care professionals in the State who elect to provide expedited partner therapy.

8:67-1.2 Definitions

(a) The following words and terms, as used in this chapter, have the following meanings that N.J.S.A. 26:4-48.2 establishes:

1. "Commissioner";
2. "Department";
3. "Expedited partner therapy"; and
4. "Health care professional."

(b) The following words and terms, as used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

"CDC" means the Centers for Disease Control and Prevention of the Public Health Service of the United States Department of Health and Human Services.

"EPT" means expedited partner therapy.

"STD Program" means the Sexually Transmitted Disease Program within the Division of HIV, STD, and TB Services of the Department, for which the contact information is PO Box 363, Trenton, NJ 08625-0369, telephone (609) 826-4869, and website <https://www.nj.gov/health/hivstdtb>.

"STI" means sexually transmitted infection.

8:67-1.3 Publications incorporated by reference

(a) The following publication of the CDC is incorporated herein by reference, as amended and supplemented:

1. Workowski KA, Bochman LH, Chan PA, et al, and CDC, *Sexually Transmitted Infections Treatment Guidelines, 2021*. MMWR Recomm Rep 2021; 70 (No. RR-43): 1-187 (July 23, 2021), available at <https://www.cdc.gov/std/default.htm> (hereinafter referred to as "STI Treatment Guidelines").

8:67-1.4 Informational material

(a) The STD Program shall post to its website the informational material it develops pursuant to N.J.S.A. 26:4-48.3, for distribution by health care professionals to each patient whom the health care professional diagnoses as having a sexually transmitted disease and for

whom the professional elects to provide EPT for subsequent delivery by the patient to all of the patient's sexual partners who are eligible for expedited partner therapy (DOH EPT informational material).

(b) The Department shall:

1. Distribute free copies of the DOH EPT informational material throughout the State at conferences, trainings, and other professional gatherings of health care professionals; and

2. Make available copies of the DOH EPT informational material to health care professionals upon telephone request to the STD Program.

(c) The Department shall update the DOH EPT informational material from time to time, as needed, to reflect changes in scientific knowledge and best practices associated with the provision of EPT and prevention of the spread of STIs.

8:67-1.5 Expedited partner therapy guidance material for health care professionals pursuant to N.J.S.A. 26:4-48.3

(a) The STD Program shall post to its website, the guidance material it develops pursuant to N.J.S.A. 26:4-48.3 to guide health care professionals in the provision of EPT (DOH EPT guidance for health care professionals).

(b) The Department shall:

1. Distribute free copies of the DOH EPT guidance for health care professionals throughout the State at conferences, trainings, and other professional gatherings of health care professionals; and

2. Make available copies of the DOH EPT informational material to health care professionals upon telephone request to the STD Program.

(c) The Department shall update the DOH EPT guidance for health care professionals from time to time, as needed, to reflect changes in scientific knowledge and best practices associated with the provision of EPT and prevention of the spread of STIs.

SUBCHAPTER 2. PROVISION OF EXPEDITED PARTNER THERAPY

8:67-2.1 STIs for which provision of EPT is indicated

(a) Pursuant to N.J.S.A. 26:4-48, the Department identifies EPT to be indicated for the STIs for which the STI Treatment Guidelines identify EPT to be indicated.

(b) In prescribing EPT, a health care professional shall adhere to the STI Treatment Guidelines, particularly with respect to the STIs for which the STI Treatment Guidelines state that EPT is indicated, and the corresponding treatments.

8:67-2.2 Distribution of DOH informational material

When a health care professional issues EPT, the health care professional shall give the patient a sufficient number of copies, depending on the number of partners a patient identifies, of the DOH EPT informational material, with instructions to the patient to give the DOH EPT informational material that is for partners to the patient's partners.

HUMAN SERVICES

(a)

BUREAU OF GUARDIANSHIP SERVICES**Guardianship: Need, Appointment, Continuity****Proposed Redoption: N.J.A.C. 10:43**

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

Authority: N.J.S.A. 30:1-12 and 30:4-165.4 et seq.

Calendar Reference: See Summary below for an explanation of the exception to the calendar requirement.

Proposal Number: PRN 2022-061.

Submit comments in writing by July 15, 2022, to:

Mickelle West, Legal Specialist
Bureau of Guardianship Service—Legal Unit
Department of Human Services

PO Box 705
Trenton, New Jersey 08625-0700
Mickelle.west@dhs.nj.gov

The agency proposal follows.

Summary

Pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:43 were scheduled to expire on April 5, 2022. As the Department of Human Services (Department) submitted this notice of proposal to the Office of Administrative Law prior to that date, the chapter expiration date was extended 180 days to October 2, 2022. This chapter contains the rules of the Department of Human Services Bureau of Guardianship Services (BGS), governing guardianships and guardianship services. N.J.A.C. 10:43 governs the criteria and guidelines for assessing the need for a guardian for individuals receiving services from the Division of Developmental Disabilities (“Division” or “DDD”) and for applying to the court for appointment of a guardian. The chapter delineates the process by which the Department assesses the need for guardianship and how it can be effectuated.

The Department recognizes that further rulemaking may be necessary to update this chapter to be consistent with current practices. To that end, the Department is preparing amendments to this chapter and anticipates proposing these amendments in the near future.

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 by N.J.S.A. 30:1-12 et seq., and 30:4-165.4, with the exception of the anticipated rulemaking discussed above, and 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.

The following is a summary of the subchapters.

Subchapter 1, General Provisions, explains the philosophy regarding guardianship and provides the statutory authority upon which the Commissioner of the Department (Commissioner) shall provide comprehensive services, as well as evaluate and assess whether individuals who receive DDD services are in need of guardianship services. The Commissioner can only serve as guardian of the person and does not have authority to serve as a guardian of property on behalf of an individual receiving DDD services. The subchapter includes the definitions of terms commonly used throughout the chapter.

Subchapter 2, Initial Screening, explains the process for determining if an individual receiving DDD services needs guardianship after the initial intake process and a determination of eligibility for DDD services for a minor approaching 18, or an individual over the age of 18, who is already receiving DDD services.

Subchapter 3, Petition for Guardianship, provides that BGS will, as resources are available, initiate the guardianship petition and identify proposed guardians, who are often closely related persons or identified surrogate decision-makers, who would be willing to accept letters of guardianship; sets forth the clinical assessment criteria and protocols; and delineates the requirements for the Guardianship Assessment Report that must be prepared by a clinician.

Subchapter 4, Appointment of Guardian, sets forth the process by which a general or limited guardianship is established, as well as the process for appointing a temporary guardian.

Subchapter 5, Procedures for Individuals Receiving Guardianship Services Without Court Appointment, addresses the requirements for assessments to determine whether guardianship services should continue if they began before judicial review and for reassessments upon request from the individual receiving services, or a person acting on their behalf, to consider whether guardianship services should continue.

Subchapter 6, Application by a Party Other than the Division for Appointment of a Guardian, describes the roles of the DDD services component, DDD administrative head, and the BGS Chief when family or another interested party is seeking necessary certifications and reports for a guardianship complaint including when the DDD services component does not support the guardianship or contends that a limited guardianship is necessary. Instructions are provided for the family or other interested party to provide the moving papers to the administrative head of the services component when they file a guardianship complaint in Superior Court.

Subchapter 7, Unsuitability of Prospective Guardian, provides the procedure for questioning a prospective guardian’s suitability to take on the role.

Subchapter 8, Review of Guardianship Status, provides that an annual review to assess the appropriateness of continued guardianship status will take place within the Service Plan process for each adult with a guardian or receiving guardianship services; addresses the requirements for staff to review the guardianship of individuals receiving guardianship services with and without court appointment; and describes procedures for requesting special review of guardianship status.

As the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The readoption of this chapter will continue to provide a positive social impact on those individuals and families who are receiving services. The purpose of this chapter is to delineate the rights of the individual and the least restrictive form of guardianship necessary for the individual. This chapter specifies the importance of an individual’s decision-making capacity to improve the quality and relevance of any recommendations for guardianship. Therefore, through the readoption, individuals will be positively impacted, as the rules proposed for readoption embodies the importance and significance of autonomy and self-determination in deciding the need for a guardian.

Economic Impact

The Division will incur the most significant economic impact of the rules proposed for readoption. Staff resources are utilized to gather the needed family information, prepare the court documents, complete the clinical assessment, and continue to amend the papers, as required by the court. The Division is contracting with clinicians outside of Division resources to complete the assessments. Currently, this is cost budgeted for, and the Division also has a funding agreement with, the Office of the Public Defender to represent the individuals with developmental disabilities in guardianship matters.

The rules proposed for readoption may have some economic impact on the families of individuals receiving Division of Developmental Disabilities services who may opt to apply privately to the court for guardianship appointment. Costs for privately initiated guardianship actions are approximately \$2,500, at a minimum.

The rules proposed for readoption are not expected to have any economic impact on providers of services.

Federal Standards Statement

A Federal standards analysis is not required because the rules proposed for readoption are not subject to any Federal standards or requirements.

Jobs Impact

The rules proposed for readoption will not generate or cause the loss of any jobs.

Agriculture Industry Impact

The rules proposed for readoption will not impact the agriculture industry.

Regulatory Flexibility Statement

The rules proposed for readoption do not impose any recordkeeping, reporting, or compliance requirements for small businesses, as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Accordingly, a regulatory flexibility analysis is not needed.

Housing Affordability Impact Analysis

The rules proposed for readoption will not have an impact on the affordability of housing or have an effect on the average costs associated with housing in New Jersey, as the rules proposed for readoption concern the assessment of need for, and the selection of, a legal guardian.

Smart Growth Development Impact Analysis

The rules proposed for readoption will not impact the number of housing units in this State and will have no effect on smart growth development in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan because the rules

proposed for readoption concern the assessment of need for, and the selection of, a legal guardian.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The rules proposed for readoption will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, analysis is not required.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:43.

CORRECTIONS

(a)

THE COMMISSIONER

News Media and Public Information Dissemination Proposed Readoption with Amendments: N.J.A.C. 10A:19

Proposed Repeal and New Rule: N.J.A.C. 10A:19-1.4 Proposed Repeal: N.J.A.C. 10A:19-1.2

Authorized By: Victoria L. Kuhn, Esq., Acting Commissioner,
Department of Corrections.

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

Calendar Reference: See Summary below for explanation of
exception to calendar requirement.

Proposal Number: PRN 2022-066.

Submit written comments by July 15, 2022, to:

Kathleen Cullen
Administrative Rules Unit
New Jersey Department of Corrections
PO Box 863
Trenton, New Jersey 08625-0863
or through email to ARU@doc.nj.gov

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, N.J.A.C. 10A:19 was scheduled to expire on April 24, 2022. Pursuant to N.J.S.A. 52:14B-5.1.c(2), as the Department of Corrections (“Department” or “DOC”) submitted this notice of proposal to the Office of Administrative Law prior to that date, the chapter expiration date was extended 180 days to October 21, 2022. The Department has reviewed these rules and, with the exception of the proposed amendments, has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. The rules are, therefore, proposed for readoption with amendments, new rule, and repeals at this time.

The Department of Corrections has determined that the comment period for this notice of proposal will be 60 days; therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this notice is excepted from the rulemaking calendar requirement.

Subchapter 1 contains general provisions for the chapter, including the purpose, definitions particular to this chapter, and related forms information.

The Department proposes to replace “establish policies and procedures” with “set forth” at N.J.A.C. 10A:19-1.1(a) and to repeal N.J.A.C. 10A:19-1.2, Scope, because these rules have been in place for many years and apply to all departmental units.

The forms listed at N.J.A.C. 10A:19-1.4 are for internal purposes only and are not used by the public. The Department, therefore, proposes to repeal and replace the existing language with the following: “Forms related to public information are available internally within the Department of Corrections and are used for inmate consent for the news media and as a news media representative/freelancer agreement.”

In addition to removing form numbers 283-I and 283-II at N.J.A.C. 10A:19-1.4, the following amendments to generalize references to these internal DOC forms are proposed at:

- N.J.A.C. 10A:19-3.1(a) replace “by signing Form 283-I” with “in writing on the.”
- N.J.A.C. 10A:19-3.5(a) and (b) replace “Form 283-I Inmate Consent for the News Media” with “the inmate consent form.”
- N.J.A.C. 10A:19-3.7(a) replace “Form 283-II” with “the.”
- N.J.A.C. 10A:19-3.7(b) remove “Form 283-II and Form 283-I Inmate Consent for the News Media” with “a signed inmate consent form.”
- N.J.A.C. 10A:19-3.7(c) replace “Forms 283-I and 283-II” with “all related inmate consent and media agreements” and replace the word “given” with the word “provided.”

Subchapter 2 includes information regarding the release of departmental information from, and the responsibilities of, the Office of Public Information, including the types of information addressed, such as newsworthy events, emergency situations, and public access to information on the Department’s website.

At N.J.A.C. 10A:19-2.1(a), the Department proposes to simplify the structure of the section to improve readability by replacing the words “providing accurate and timely information regarding NJDOC events, plans functions, and services, as directed by the Commissioner to” with “for dissemination of all information to;” and removing the text of paragraph (a)1, as this language is more related to performance goals, and it is not rule-oriented. In addition, the Department also proposes to condense subparagraphs (a)1i through v into subsection (a). Paragraphs (a)2, 3, and 4 are merged into newly codified subsection (b); in addition, existing N.J.A.C. 10A:19-2.2(a) is proposed to be relocated as N.J.A.C. 10A:19-2.1(c). N.J.A.C. 10A:19-2.2 will be reserved for a potential future rulemaking.

Subchapter 3 includes rules regarding news media contact with correctional facilities and inmates and inmate consent for contact with the media. The Department proposes to update a cross-reference at N.J.A.C. 10A:19-3.4(c), as it was modified in a separate rulemaking from N.J.A.C. 10A:4-12 to 10A:4-4.1.

Social Impact

The rules proposed for readoption with amendments, new rule, and repeals provide valuable information to inmates, DOC staff, and others about interactions with the media and the type of information provided to the media by the Department. The Department anticipates a positive social impact as a result of the rules proposed for readoption with amendments, new rule, and repeals.

Economic Impact

Additional funding is not necessary to implement the requirements of the rules proposed for readoption with amendments, new rule, and repeals. The cost of meeting and maintaining the requirements of the rules proposed for readoption with amendments, new rule, and repeals is met by the Department through the established budget with funds allocated by the State and has no external economic impact.

Federal Standards Statement

The rules proposed for readoption with amendments, new rule, and repeals are promulgated under 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 rules proposed for readoption with amendments, new rule, and repeals are not subject to any Federal statutes, requirements, or standards; therefore, a Federal standards analysis is not required.

Jobs Impact

The rules proposed for readoption with amendments, new rule, and repeals will cause neither the generation nor the loss of any jobs in New Jersey.

Agriculture Industry Impact

The rules proposed for readoption with amendments, new rule, and repeals will have no impact on the agriculture industry in New Jersey.