

## SUBCHAPTER 1. DENTAL PLAN ORGANIZATIONS

## 11:10-1.9 Expense limitation

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

(f) For purposes of determining the expense limitation pursuant to N.J.S.A. 17:48D-14, Federal fees, taxes, and/or assessments that are required by the Federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act, Public Law 111-152 are excluded from the calculation of premiums.

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**LAW AND PUBLIC SAFETY**

(a)

**DIVISION ON CIVIL RIGHTS****Multiple Dwelling Reports****Readoption with Amendments: N.J.A.C. 13:10**

Proposed: April 17, 2017, at 49 N.J.R. 717(a).

Adopted: August 30, 2017, by Craig Sashihara, Director, Division on Civil Rights.

Filed: September 6, 2017, as R.2017 d.182, **without change**.

Authority: N.J.S.A. 10:5-8 and 10:5-12.

Effective Dates: September 6, 2017, Readoption;  
October 2, 2017, Amendments.

Expiration Date: September 6, 2024.

**Summary of Public Comment and Agency Response:**

The official comment period ended June 16, 2017. **The Division on Civil Rights received no comments.**

**Federal Standards Statement**

A Federal standards analysis is not necessary because the rules readopted with amendments are not intended to implement or comply with any programs established under Federal law or under a State statute that incorporates or refers to Federal law.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:10.

**Full text** of the adopted amendments follows:

## SUBCHAPTER 2. REPORTING

## 13:10-2.3 Form and contents of report

(a) The report shall be submitted on forms approved by the Attorney General and said forms shall be available on the website of the Division on Civil Rights ([www.NJCivilRights.gov](http://www.NJCivilRights.gov)).

(b) (No change.)

## 13:10-2.7 Late filing penalties

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

(f) The Director of the Division on Civil Rights may, in his or her discretion, waive all or part of the penalties incurred with the late filing of a report or reports for good cause shown, so long as such waiver would not compromise the purpose of the reports as set forth in N.J.A.C. 13:10-2.1. An owner of a multiple apartment development may apply to the Director of the Division on Civil Rights for a waiver or relaxation of the penalties incurred because of the late filing or failure to file a report or reports. Such request shall be made in writing, and shall set forth, with specificity, the owner's reasons for late filing or failure to file. If applicable, documentation supporting the request should be included. The Director may consider such factors as the owner's previous filing history, the owner's promptness in filing the report upon notice of delinquency, DCR resources expended on addressing the delinquency, and any exceptional circumstances related to the delinquency (which may include an owner's undue hardship, economic or otherwise).

(b)

**DIVISION OF CONSUMER AFFAIRS****STATE BOARD OF MEDICAL EXAMINERS****Definitions; Standards for Declaration of Brain Death; Pronouncement of Death****Adopted Amendments: N.J.A.C. 13:35-6A.2, 6A.3, 6A.4, and 6A.7**

Proposed: January 3, 2017, at 49 N.J.R. 50(a).

Adopted: April 5, 2017, by the State Board of Medical Examiners, George Scott, D.P.M., D.O., President.

Filed: August 31, 2017, as R.2017 d.181, **without change**.

Authority: N.J.S.A. 45:9-2 and P.L. 2013, c. 185.

Effective Date: October 2, 2017.

Expiration Date: May 3, 2018.

**Summary of Public Comments and Agency Responses:**

The official comment period ended March 4, 2017. The Board received two comments from the following individuals:

1. Michael J. Solomon, MD

2. Anthony L. D'Ambrosio, MD, FAANS, President, New Jersey Neurosurgical Society

1. COMMENT: A commenter supports the amendments to the New Jersey Declaration of Death Act but is concerned that these amendments do not address provisions in the act that allow a family member to require a hospital to maintain a body for religious reasons. The commenter believes that this provision requires doctors and hospitals to continue treatment after brain death has been determined. The commenter recommends that the act be amended to require that a patient's religious beliefs be established through clear and convincing evidence before continued treatments are required under this provision.

RESPONSE: The suggestion made by the commenter could only be effected by an amendment of N.J.S.A. 26:6A-5, which in turn would require legislative action. The Board does not have any authority to amend its rules in the manner suggested by the commenter, and takes no position on the commenter's suggestion.

2. COMMENT: A commenter supports the amendments to N.J.A.C. 13:35-6A.2, 6A.3, 6A.4, and 6A.7 and basing a declaration of death on the exercise of a physician's best medical judgment. The commenter also supports allowing pediatric critical care specialists to declare death in those under the age of two months.

RESPONSE: The Board thanks the commenter for his support.

**Federal Standards Statement**

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted amendments.

**Full text** of the adoption follows:

## SUBCHAPTER 6A. DECLARATIONS OF DEATH UPON THE BASIS OF NEUROLOGICAL CRITERIA

## 13:35-6A.2 Definitions

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

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## 13:35-6A.3 Requirements for physicians authorized to declare death on the basis of neurological criteria

(a) A physician performing a clinical brain death examination shall be properly licensed and shall hold the following qualifications, dependent on the age of the patient upon whom a declaration of brain death is to be made:

1. Age below two months: When declarations of brain death are to be made upon children below two months of age, the examining physician shall be a specialist in neonatology, pediatric neurology, pediatric critical care medicine, or pediatric neurosurgery.

2.-3. (No change.)