

Filed: October 1, 2020, as R.2020 d.116, **without change**.  
Authority: N.J.S.A. 45:14C-7.  
Effective Date: November 2, 2020.  
Expiration Date: May 21, 2022.

**Summary** of Public Comment and Agency Response:  
The official comment period ended October 18, 2019. The Board received one comment from Eric DeGesero, Executive Vice President, Fuel Merchants Association of New Jersey.  
COMMENT: The commenter supports the amendment at N.J.A.C. 13:32-1.4.  
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 amendment.

**Full text** of the adoption follows:

SUBCHAPTER 1. PURPOSE AND SCOPE; BOARD MEETINGS

- 13:32-1.4 Scope of practice
  - (a)-(d) (No change.)
  - (e) For purposes of this section, the following may be performed by both licensed master plumbers and individuals who are not licensed master plumbers:
    - 1.-3. (No change.)
    - Recodify existing 5.-8. as 4.-7. (No change in text.)
    - (f)-(j) (No change.)

**(a)**

**DIVISION OF CONSUMER AFFAIRS  
AUDIOLOGY AND SPEECH-LANGUAGE  
PATHOLOGY ADVISORY COMMITTEE**

**Continuing Education Certificates  
Adopted Amendment: N.J.A.C. 13:44C-6.3**

Proposed: June 17, 2019, at 51 N.J.R. 943(a).  
Adopted: September 15, 2020, by Paul R. Rodriguez, Acting Director, Division of Consumer Affairs.  
Filed: September 28, 2020, as R.2020 d.115, **without change**.  
Authority: N.J.S.A. 45:3B-24.  
Effective Date: November 2, 2020.  
Expiration Date: January 15, 2023.

**Summary** of Public Comment and Agency Response:  
The official comment period ended August 16, 2019. **No comments were received.**

**Federal Standards Statement**

A Federal standards analysis is not required because there are no Federal standards or requirements applicable to this rulemaking.

**Full text** of the adoption follows:

SUBCHAPTER 6. CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS

- 13:44C-6.3 Documentation of continuing education credits
  - (a)-(c) (No change.)
  - (d) Certificates of completion maintained pursuant to (a)1 above shall not be hand-written and shall indicate whether the program, course, seminar, webinar, teleconference, lecture, or in-services workshop was presented at the licensee's place of employment.

**TREASURY—GENERAL**

**(b)**

**DIVISION OF PENSIONS AND BENEFITS  
STATE POLICE RETIREMENT SYSTEM  
9/11 World Trade Center Accidental Disability  
Benefits**

**Adopted Amendments: N.J.A.C. 17:5-4.2 and 6.1  
Adopted New Rules: N.J.A.C. 17:5-7**

Proposed: May 4, 2020, at 52 N.J.R. 1012(a).  
Adopted: October 2, 2020, by the State Police Retirement System, Mary Ellen Rathbun, Secretary, Division of Pensions and Benefits.  
Filed: October 2, 2020, as R.2020 d.117, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: P.L. 2019, c. 157 and P.L. 2019, c. 251.  
Effective Date: November 2, 2020.  
Expiration Date: May 21, 2026.

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

**Summary** of Agency-Initiated Changes:  
The Division of Pensions and Benefits (Division) is changing N.J.A.C. 17:5-4.2 on adoption to add that the application of P.L. 2019, c. 251, be limited to members that retire after the enactment of law. P.L. 2019, c. 251, which was signed by Governor Murphy on August 23, 2019. However, it was not effective immediately; it was not effective until October 22, 2019. Therefore, because retirements are effective on the first of the month, the first date anyone could retire under the provisions of the new law was November 1, 2019. The notice of proposal contained both dates, but the Board wants to ensure that members are clear on when the law actually became effective, and what the first retirement date under the law was. Therefore, the Division is changing N.J.A.C. 17:5-4.2 on adoption to add that only members who retired effective November 1, 2019, or thereafter, are able to use service credit purchased from another State-administered retirement system to qualify for retirement under the minimum service requirements.

The Division is also changing N.J.A.C. 17:5-6.1 on adoption to add that for members who retire effective on November 1, 2019, or thereafter, transferred credits can be used to satisfy the statutory requirements of those benefits that specifically require a minimum number of years of creditable service as a State police employee.

**Federal Standards Statement**

The adopted new rule and amendments meet the applicable Federal standards, that is, 26 U.S.C. § 403(b). There are no other Federal standards applicable to the subject matter of this rulemaking.

**Full text** of the adoption follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletion from proposal indicated in brackets with asterisks **\*[thus]\***):

SUBCHAPTER 4. PURCHASES AND ELIGIBLE SERVICE

- 17:5-4.2 Optional purchases of eligible service
  - (a) The types of purchases indicated below will be calculated on the basis of the actuarial factor established for the member's age at the time of the purchase times the member's current salary:
    - 1. (No change.)
    - 2. Former membership service established in another State-supported retirement system: In accordance with P.L. 2019, c. 251, **\*for all retirements effective on November 1, 2019, and thereafter,\*** such service can be used to qualify for retirement under the minimum service requirements. All or a portion of the service from a former membership may be included in the purchase of such service. This service shall be

included in the computation of a retirement allowance on the basis of one percent of final compensation for each year of such service credit.

3.-4. (No change.)

#### SUBCHAPTER 6. TRANSFERS

17:5-6.1 Honorable service; interfund transfers; other State systems

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

(c) Membership credit transferred under this section shall be included in the computation of a retirement allowance. \*[Such]\* **\*In accordance with P.L. 2019, c. 251, for all retirements effective on November 1, 2019, and thereafter, such\*** credits can be used to satisfy the statutory requirements of those benefits which specifically require a minimum number of years of creditable service as a State police employee.

(d)-(g) (No change.)

#### SUBCHAPTER 7. 9/11 WORLD TRADE CENTER ACCIDENTAL DISABILITY

17:5-7.1 Purpose of this subchapter

The Bill Ricci World Trade Center Rescue, Recovery, and Cleanup Operations Act, P.L. 2019, c. 157 (Act), permits certain members or retirees of the Police and Firemen's Retirement System of New Jersey (PFRSNJ), State Police Retirement System (SPRS), and Public Employees' Retirement System (PERS) to receive an accidental disability retirement allowance for a disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations. The purpose of this subchapter is to establish the rules necessary to implement the provisions of the Act.

17:5-7.2 Definitions

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

"Qualifying condition or impairment of health" includes: diseases of the upper respiratory tract and mucosae, including conditions of conjunctivitis, rhinitis, sinusitis, pharyngitis, laryngitis, vocal cord disease, upper airway hyper-reactivity, and tracheo-bronchitis, or a combination of such conditions; diseases of the lower respiratory tract, including, but not limited to, bronchitis, asthma, reactive airway dysfunction syndrome, and different types of pneumonitis, such as hypersensitivity, granulomatous, or eosinophilic; diseases of the gastroesophageal tract, including esophagitis and reflux disease, either acute or chronic, caused by exposure or aggravated by exposure; diseases of the psychological axis, including post-traumatic stress disorder, anxiety, depression, or any combination of such conditions; diseases of the skin, such as contact dermatitis or burns, either acute or chronic in nature, infectious, irritant, allergic, idiopathic or non-specific reactive in nature, caused by exposure or aggravated by exposure; and new onset diseases resulting from exposure, as such diseases occurring in the future, including cancer, chronic obstructive pulmonary disease, asbestos-related disease, heavy metal poisoning, musculoskeletal disease, and chronic psychological disease.

"World Trade Center Health Program" means the program created by the James Zadroga Health and Compensation Act of 2010, including the Clinical Centers of Excellence administered by the Centers for Disease Control/National Institute for Occupational Safety and Health.

"World Trade Center rescue, recovery, or cleanup operations" means the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and October 11, 2001.

"World Trade Center site" means any location below a line starting from the Hudson River and Canal Street, east on Canal Street to Pike Street, south on Pike Street to the East River, and extending to the lower tip of Manhattan.

17:5-7.3 Eligibility

(a) The event(s) on which an application for accidental disability retirement benefits is based shall be presumed to have occurred during, and as a result of, the performance of a member's regular or assigned duties and not the result of the member's willful negligence, if the member:

1. Participated in World Trade Center rescue, recovery, or cleanup operations for:

i. A minimum of eight hours; or

ii. Less than eight hours, and the member sustained a documented physical injury at the World Trade Center site between September 11, 2001 and September 12, 2001, that prevented the member from continuing to participate in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours, and the documented physical injury is a qualifying condition or impairment of health that resulted in a total and permanent disability for which the member seeks a presumption under this subchapter;

2. Is totally and permanently disabled by a qualifying condition or impairment of health as a direct result of participation in World Trade Center rescue, recovery, or cleanup operations; and

3. Passed a physical examination for entry into public service which failed to disclose evidence of a qualifying condition or impairment of health that formed the basis for the total and permanent disability.

(b) A retiree who retired on a service retirement, special retirement, or an ordinary disability retirement shall be eligible to apply to the Board to have the retiree's retirement allowance recalculated as an accidental disability retirement allowance for benefit payments on or after the application for recalculation, if the retiree:

1. Participated in the World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours;

2. Is totally and permanently disabled by a qualifying condition or impairment of health as a direct result of participation in World Trade Center rescue, recovery, or cleanup operations; and

3. Passed a physical examination for entry into public service that failed to disclose evidence of a qualifying condition or impairment of health that formed the basis for the total and permanent disability.

17:5-7.4 Filing requirements

(a) A member or retiree must file a written and sworn Eligibility Registration Form with the Division indicating the dates, locations of service, and number of hours of participation in World Trade Center rescue, recovery, or cleanup operations by July 8, 2021, to qualify for the presumption or recalculation pursuant to N.J.A.C. 17:5-7.3, unless a retiree files an application for recalculation, pursuant to N.J.A.C. 17:5-7.3(b), before July 8, 2021, then such application for recalculation shall serve as the Eligibility Registration Form. This form allows eligible SPRS members or retirees the right to file for an accidental disability retirement should they become totally and permanently disabled by a qualifying condition or impairment of health as a direct result of participation in World Trade Center rescue, recovery, or cleanup operations.

(b) A retiree seeking recalculation of a retirement allowance pursuant to N.J.A.C. 17:5-7.3(b) must file an application for recalculation, on a form prescribed by the Division, within 30 days of the date that the retiree knew, or should have known, of the existence of a total and permanent disability caused by a qualifying condition or impairment of health and its relation to World Trade Center rescue, recovery, or cleanup operations. Retirees who knew, or should have known, of the existence of a total and permanent disability caused by a qualifying condition or impairment of health and its relation to World Trade Center rescue, recovery, or cleanup operations before July 8, 2019, must file an application for recalculation, on a form prescribed by the Division, within 30 days from the date members and retirees are notified of the enactment of P.L. 2019, c. 157.

(c) A member with an Eligibility Registration Form on file with the Division must file an application with the prospective date of retirement pursuant to N.J.A.C. 17:5-5.1.

(d) N.J.S.A. 53:5-10 requires medical examinations of members who apply for accidental disability retirements. If a member or retiree who is enrolled in the World Trade Center Health Program provides medical documentation for treatment provided or paid by the World Trade Center Health Program sufficient to allow the Medical Review Board to certify that the member or retiree is totally and permanently disabled by a qualifying condition or impairment of health as a direct result of participation in World Trade Center rescue, recovery, or cleanup operations, no further evaluation is necessary. However, if the medical documentation is not sufficient to establish a total and permanent disability caused by a qualifying condition or impairment of health as a

direct result of participation in World Trade Center rescue, recovery, or cleanup operations after review by the Medical Review Board, then an

independent medical examination shall be required pursuant to N.J.A.C. 17:1-7.10.

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