

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

Agency Control Number: 20-A-01.

Effective Date: July 6, 2021.

New Expiration Date: July 6, 2028.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:70, Medically Needy Program, were scheduled to expire on July 31, 2020. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 104, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 104, this notice of readoption is timely filed. The Medically Needy Program chapter regulates the eligibility process used to determine beneficiary eligibility for the Medically Needy program.

The Department of Human Services is readopting the chapter before the expiration date while it works on amendments to reflect new Federal requirements and/or any Federal or State policy adjustments made in response to the COVID-19 health crisis. These amendments will be published under a separate notice to allow for adequate opportunity for public notice and review.

The Department of Human Services has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated, as required by Executive Order No. 66 (1978). Therefore, pursuant to N.J.S.A. 30:4D-1 et seq., and 30:4J-8 et seq., and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Notice of Readoption
NJ FamilyCare**

Readoption: N.J.A.C. 10:78

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

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

Agency Control Number: 20-A-02.

Effective Date: July 6, 2021.

New Expiration Date: July 6, 2028.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:78, NJ FamilyCare, were scheduled to expire on July 31, 2020. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 104, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 104, this notice of readoption is timely filed. The NJ FamilyCare chapter regulates the eligibility process used to determine eligibility for the NJ FamilyCare program.

The Department of Human Services is readopting the chapter before expiration while it works on changes to reflect new Federal Child Health Insurance Program requirements and/or Federal or State policy adjustments made in response to the COVID-19 health crisis. These amendments will be published under a separate notice to allow for adequate opportunity for public notice and review.

The Department of Human Services has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated, as required by Executive Order No. 66 (1978). Therefore, pursuant to N.J.S.A. 30:4D-1 et seq., and

30:4J-8 et seq., and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

(b)

**DIVISION OF AGING SERVICES
OFFICE OF AREA AGENCY ON AGING
ADMINISTRATION**

Notice of Readoption

**Adult Day Services Program for Persons with
Alzheimer's Disease or Related Disorders**

Readoption: N.J.A.C. 10:164A

Authority: N.J.S.A. 26:2M-9 and 26:2M-15; and P.L. 2012, c. 17 (N.J.S.A. 26:1A-107 et seq.).

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

Effective Date: July 8, 2021.

New Expiration Date: July 8, 2028.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:164A, Adult Day Services Program for Persons with Alzheimer's Disease or Related Disorders, were scheduled to expire on August 29, 2020. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 104, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 104, this notice of readoption is timely filed.

N.J.A.C. 10:164A establishes a subsidized adult day services program for New Jersey residents who are afflicted with Alzheimer's Disease or related disorders and cared for by an unpaid family member or informal caregiver. The rules cover (1) general provisions; (2) administrative organization; (3) application process and responsibilities of agencies; (4) services for clients and families; (5) application process for clients; (6) eligibility; and (7) appeals. The Office of Area Agency on Aging Administration within the Division of Aging Services, created pursuant to N.J.S.A. 30:1A-14 and transferred from the Department of Health to the Department of Human Services, has determined that the chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which it was originally promulgated, as amended and supplemented over time, and should be readopted without amendment. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 10:164A is readopted and shall continue in effect for seven years.

INSURANCE

(c)

**DEPARTMENT OF BANKING AND INSURANCE
DIVISION OF INSURANCE**

Notice of Readoption

Fraud Prevention and Detection

Readoption with Technical Changes: N.J.A.C. 11:16

Authority: N.J.S.A. 17:1-8.1, 17:1-15.e, 17:23-8 et seq., 17:23-19, 17:23-20 et seq., and 17:33A-1 et seq.

Authorized By: Marlene Caride, Commissioner, Department of Banking and Insurance.

Effective Dates: June 28, 2021, Readoption;

August 2, 2021, Technical Changes.

New Expiration Date: June 28, 2028.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 11:16 were scheduled to expire on January 23, 2021. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 104, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 104, this notice of readoption is timely filed.

The rules in this chapter were promulgated to implement many of the statutory requirements in Titles 17 and 17B of the New Jersey Statutes. This chapter primarily, but not exclusively, includes rules concerning property and casualty insurance, as well as life and health insurance and contains the following subchapters:

- Subchapter 1, Claim Form Statements;
- Subchapter 2, Reports to the National Insurance Crime Bureau;
- Subchapter 3, 4, and 5 are reserved;
- Subchapter 6, Fraud Prevention and Detection Plans; and
- Subchapter 7, Administrative Procedures and Penalties.

The rules in this chapter were promulgated to implement many of the statutory requirements in Titles 17 and 17B of the New Jersey Statutes. The rules serve two general purposes. First, they protect consumers by addressing insurance fraud, an issue that affects all consumers by causing higher insurance premiums and rates. Second, they provide guidance to the insurance industry regarding such business-related matters as form filings, reporting requirements to the National Insurance Crime Bureau, and deferred payment and processing of fraudulent insurance claims.

The Department of Banking and Insurance (Department) has undertaken a review of these rules at several levels to determine their current effectiveness and viability. The rules continue to provide the insurance industry and consumers with vital information and useful standards concerning many aspects of property and casualty and other insurance.

The Department has reviewed N.J.A.C. 11:16 and has determined the existing rules continue to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Accordingly, 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, with the following technical changes: updating of the Department's Market Conduct Examinations and Anti-Fraud Compliance Unit (MCEAFC) email address. Specifically, the following technical changes are made:

N.J.A.C. 11:16-6.8(b) is changed to reflect the Department's MCEAFC correct email address of mceafc@dobi.nj.gov; and

N.J.A.C. 11:16-6.8(b)1 is changed to reflect the Department's MCEAFC correct email address of mceafc@dobi.nj.gov.

N.J.A.C. 11:16-6 Appendix is changed to reflect the Department's MCEAFC correct email address of mceafc@dobi.nj.gov in the MCEAFC Automobile Insurance Anti-fraud Experience Report 20110801 Instructions and Definitions and the MCEAFC Health Insurance Anti-fraud Experience Report 20110801 Instructions and Definitions.

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

SUBCHAPTER 6. FRAUD PREVENTION AND DETECTION PLANS

11:16-6.8 Record retention

(a) (No change)

(b) Insurers shall submit to the Commissioner on or before March 31 of each year an annual report for the prior calendar year on the MCEAFC Automobile Insurance Anti-fraud Experience Report 20110801 in accordance with the instructions and definitions provided and the MCEAFC Health Insurance Anti-fraud Experience Report 20110801 in accordance with the instructions provided and incorporated herein by reference in the subchapter Appendix. Individual insurers that comprise a group shall submit separate reports. Reports shall be submitted in hard copy or by e-mail to:

New Jersey Department of Banking and Insurance
Market Conduct Examinations and Anti-Fraud Compliance Unit
20 West State Street
PO Box 329
Trenton, NJ 08625-0329

Email: [mceafc@doib.state.nj.us] mceafc@dobi.nj.gov

1. The information shall be submitted on a form established by the Department. Insurers may acquire the required form from the Department website at http://www.state.nj.us/dobi/division_consumers/insurance/mceu.html or by directing an [e-mail] **email** request for the "Annual Filing Template" to [mceafc@doib.state.nj.us] mceafc@dobi.nj.gov.

(**Agency Note**: the text of N.J.A.C. 11:16-6 Appendix follows in its final format without boldface or brackets to indicate the changes. Those portions of the appendix appearing in boldface or brackets are intended to be so permanently).

APPENDIX

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MCEAFC Automobile Insurance Anti-fraud Experience Report 20110801

Instructions and Definitions

1. Instructions

This report is due annually, on or before March 31 of each year.

The data evaluation date for this report is January 1 through December 31.

Data must be provided separately for each company that is part of a group.

Use the tab key to advance through form, shift tab to go back.

Mouse over fields for tips and additional information about that field.

Report may be printed using the "PRINT" button on the bottom of the form.

Report may be submitted using the "SUBMIT" button on the bottom of the form.

Comments may be emailed to: mceafc@dobi.nj.gov

Report may be printed and mailed to:

New Jersey Department of Banking and Insurance
Office of Consumer Protection Services
Market Conduct and Anti-Fraud Compliance
20 West State Street
P.O. Box 329
Trenton, N.J. 08625

Scope:

This report includes private passenger automobile and commercial coverage fraud prevention and detection statistics.

II. (No change.)

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NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE
MCEAFC AUTOMOBILE INSURANCE ANTI-FRAUD EXPERIENCE REPORT 20110801

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MCEAFC Health Insurance Anti-fraud Experience Report 20110801

Instructions and Definitions

I. Instructions

This report is due annually, on or before March 31 of each year.
 The data evaluation date for this report is January 1 through December 31.
 Data must be provided separately for each company that is part of a group.
 Use the tab key to advance through form, shift tab to go back.
 Mouse over fields for tips and additional information about that field.
 Report may be printed using the "PRINT" button on the bottom of the form.
 Report may be submitted using the "SUBMIT" button on the bottom of the form.
 Comments may be emailed to: mceafc@dobi.nj.gov
 Report may be printed and mailed to:

New Jersey Department of Banking and Insurance
 Office of Consumer Protection Services
 Market Conduct and Anti-Fraud Compliance
 20 West State Street
 P.O. Box 329
 Trenton, N.J. 08625

Scope: This report includes data regarding health insurance fraud prevention and detection statistics. Self-Insured data should not be included in this report.

II. (No change.)

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LAW AND PUBLIC SAFETY

(a)

DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF EXAMINERS OF HEATING,
VENTILATING, AIR CONDITIONING, AND
REFRIGERATION CONTRACTORS

Apprenticeship Programs

Adopted Amendments: N.J.A.C. 13:32A-1.2 and 2.2

Proposed: May 4, 2020, at 52 N.J.R. 1011(b). (The notice of proposal would have expired on May 4, 2021, but was extended by Executive Order No. 127 (2020) and P.L. 2021, c. 104, to January 1, 2022.)

Adopted: October 6, 2020, by the State Board of Examiners of Heating, Ventilating, Air Conditioning, and Refrigeration Contractors, Michael Maloney, President.

Filed: July 6, 2021, as R.2021 d.081, **without change**.

Authority: N.J.S.A. 45:16A-4; and P.L. 2018, c. 99.

Effective Date: August 2, 2021.

Expiration Date: February 4, 2027.

Summary of Public Comments and Agency Responses:

The official comment period ended July 3, 2020. The State Board of Examiners of Heating, Ventilating, Air Conditioning, and Refrigeration Contractors (Board) received comments from the following individuals:

1. Omar Daibes
2. Russel J. McEwan, Littler Mendelson, P.C.
3. Brian Riggs, Executive Director, NJ ACCA

1. COMMENT: A commenter recommends that plumbing apprenticeships be recognized along with apprenticeships for steamfitters, pipe fitters, and sheet metal workers as qualifying an individual as a heating, ventilating, air conditioning, and refrigeration (HVACR) journeyman. The commenter points out that plumbing apprenticeships address hydronic heating and believes that there is a lot of similarity between plumbing and HVACR.

RESPONSE: The Board points out that, pursuant to P.L. 2018, c. 99, steamfitter, pipe fitter, and sheet metal worker apprenticeships are training programs that are considered HVACR apprenticeships. Plumbing apprenticeships are not specifically recognized at P.L. 2018, c. 99. A training program that is not specifically recognized at P.L. 2018, c. 99, could qualify as an HVACR apprenticeship if apprentices in the training program have studied and performed the majority of the topics addressed in the definition of HVACR at N.J.S.A. 45:16A-2 during the apprenticeship. While the Board does not believe that a plumbing apprentice will necessarily have studied and performed the majority of HVACR training requirements during the apprenticeship, the Board will review applications from individuals who completed plumbing apprenticeships on a case-by-case basis to determine if the applicant has completed an apprenticeship that includes the study and performance of the majority of HVACR and is, thus, qualified to become an HVACR journeyman and to take the licensing examination.

2. COMMENT: Two commenters contend that the New Jersey Public Works Contractor Registration Act requires public works contractors to