

SUBCHAPTER 6. VISIT PRIVILEGES

10A:18-6.7 Attorneys and court related personnel visits

(a)-(d) (No change.)

(e) Form 292-I Request for Attorney-Client Contact Visit, is available locally in each correctional facility, and may be used to verify the inmate’s desire to meet with the requesting attorney in the context of an attorney-client relationship.

(f)-(i) (No change.)

10A:18-6.22 Video visit availability, monitoring, restrictions, and limitations

(a) Video visits are available only in a limited number of correctional facilities, at this time, that have the network capacity and necessary vendor-provided equipment. Inmates should check their correctional facility and unit specific Inmate Handbooks for availability, as well as any additional restrictions or limitations that may apply.

(b) Video visits are monitored and recorded for the entire video visit session. Conduct that is inappropriate in any manner, including indecent exposure will not be tolerated. If, at any time during a video visit, the custody officer deems an inmate’s conduct is inappropriate, the video session will be subject to immediate termination without warning. If the video session is terminated for inappropriate conduct, related costs will not be refunded.

(c) Inmates shall not agree to, authorize, or encourage any third-party to:

1. Use the video visit service to transmit any content that is unlawful, defamatory, harassing, abusive, fraudulent, obscene, or is otherwise objectionable; or

2. Use the video visit service for any fraudulent or inappropriate purpose, or in violation of prohibited acts at N.J.A.C. 10A:4-1.1 or the Inmate Handbook. Violation of this paragraph may result in immediate termination of an inmate’s, or other user’s account, and may subject an inmate, or other user, to State and Federal penalties and other legal consequences.

(d) Video visits service should not be used by attorneys to communicate with incarcerated individuals, as the content of the visit will not be treated as privileged and confidential.

SUBCHAPTER 7. BEDSIDE, PRIVATE VIEWING, AND FUNERAL VISITS

10A:18-7.1 (Reserved)

10A:18-7.9 Availability of video visits

Video visits, as set forth at N.J.A.C. 10A:18-6.22, may be available for bedside, private viewing, and funeral visits, based on the availability of the necessary technology.

SUBCHAPTER 8. TELEPHONE PRIVILEGES

10A:18-8.2 Notice to inmates—telephone privileges

(a) (No change.)

Recodify existing (f)-(g) as (b)-(c) (No change in text.)

SUBCHAPTER 9. RESTRICTIONS ON SEXUALLY ORIENTED MATERIALS AT THE ADULT DIAGNOSTIC AND TREATMENT CENTER (A.D.T.C.)

10A:18-9.3 Procedures for notifying inmates of the withholding and removal of sexually oriented materials

(a)-(c) (No change.)

(d) In the event an inmate refuses to acknowledge, in writing, their knowledge/understanding of the rules pertaining to the receipt, possession, distribution, or exhibition of sexually oriented materials, the inmate’s file shall be updated by an NJDOC staff member indicating: the date, the staff member’s name, and the staff member’s signature; and the following shall be noted in writing:

“Inmate refuses to acknowledge in writing his/her knowledge/ understanding of the rules pertaining to the receipt, possession, distribution or exhibition of sexually oriented materials.”

(e) (No change.)

(a)

THE COMMISSIONER

Notice of Readoption

Social Services

Readoption: N.J.A.C. 10A:17

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

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

Effective Date: May 8, 2023.

New Expiration Date: May 8, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 10A:17, Social Services, is readopted and shall continue in effect for a seven-year period. The rules were scheduled to expire on June 16, 2023. The Department of Corrections has reviewed these rules and has determined that the rules should be readopted without change because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1.c(1), timely filing of this notice extends the expiration date of the chapter seven years from the date of filing.

The Social Services rules at N.J.A.C. 10A:17 set forth provisions for, but not limited to: volunteer service programs, social work and services, and religion, including correctional facility chaplaincy, inmate marriage, and civil unions and recreation.

INSURANCE

(b)

OFFICE OF LIFE AND HEALTH

Notice of Readoption

Organized Delivery Systems

Readoption with Technical Changes: N.J.A.C. 11:24B

Authority: N.J.S.A. 17:1-8.1, 17:1-15e, and 17:48H-1 et seq.

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

Effective Dates: April 24, 2023, Readoption;

June 5, 2023, Technical Changes.

New Expiration Date: April 24, 2030.

Take notice that pursuant to the provisions at N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 11:24B were scheduled to expire on June 6, 2023. The rules at N.J.A.C. 11:24B implement N.J.S.A. 17:48H-1 et seq. (the Act), which provides for the certification or licensing of an organized delivery system (ODS).

The rules set forth at N.J.A.C. 11:24B-1 provide general provisions, including the scope of the regulations, definitions, timeframes for compliance, suspension or revocation of a certification, penalties for violations of the chapter, and confidentiality of information submitted. The rules set forth at N.J.A.C. 11:24B-2 set forth requirements and procedures for the certification and review of ODS applications. The rules set forth at N.J.A.C. 11:24B-3 provide requirements for functional obligations of an ODS, including carriers’ and ODSs’ mutual obligations to fully comply with certain performance standards, limitations on delegations of duties by carriers, application of statutes and rules to certified and licensed ODSs, and other aspects of the operation of a certified ODS (CODS). The rules set forth at N.J.A.C. 11:24B-4 establish requirements for management agreements between an ODS and carriers. The rules set forth at N.J.A.C. 11:24B-5 provide requirements for all

provider agreements for the delivery of one or more health care services to a carrier's covered person.

The rules at N.J.A.C. 11:24B continue to be necessary, reasonable, and proper for the purposes 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:

The abbreviation "UM" for "utilization management" has been added to the definition at N.J.A.C. 11:24B-1.2.

The term "contractholder" at N.J.A.C. 11:24B-1.7(a)5 and 6 has been replaced with the phrase "contract holder," as this phrase is grammatically correct.

The reference to the "Valuation Bureau" and the mailing address provided for filings at N.J.A.C. 11:24B-2.2(a) and Exhibit 2 have been updated to instruct applicants to submit their filings to "Market Regulation" at either PO Box 329 with an updated zip code ending in 0329 or street address 20 West State Street, 9th Floor, Trenton, NJ 08625-0329.

N.J.A.C. 11:24B-2.6(c)6 has been updated to provide that a CODS seeking a modification to its certification must pay the fee specified at N.J.A.C. 11:22-4.6(a), as the existing citation refers to a regulation that has been repealed since 2008.

References to the "Chief of the Valuation Bureau" at N.J.A.C. 11:24B-2.2 have been stricken to conform with current Department of Insurance practices.

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

SUBCHAPTER 1. GENERAL PROVISIONS

11:24B-1.2 Definitions

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

... "Utilization management" or "**UM**" means a system for reviewing the appropriate and efficient allocation of health care services under a health benefits plan according to specified guidelines, in order to recommend or determine whether, or to what extent, a health care service given or proposed to be given to a covered person should or will be reimbursed, covered, paid for, or otherwise provided under the health benefits plan. The system may include: preadmission certification, the application of practice guidelines, continued stay review, discharge planning, preauthorization of ambulatory care procedures, and retrospective review.

11:24B-1.7 CODS: confidentiality of information regarding covered persons

(a) A CODS shall maintain confidentially any data or information relating to the diagnosis, treatment, or health of a carrier's covered persons, or prospective covered persons, obtained from the carrier, a provider, or from the individual, and shall not disclose such information to any person except:

1.-4. (No change.)

5. For epidemiological and outcomes research when the identity of the covered person, prospective covered person, or [contractholder] **contract holder** is protected through the use of anonymized information, as defined at N.J.S.A. 17:48H-30e; or

6. Upon the informed consent of the covered person, prospective covered person, or [contractholder] **contract holder** (but only when the [contractholder] **contract holder** is a natural person, and is providing consent solely on his or her own behalf), which consent has been obtained for research approved by an institutional review board in accordance with Federal requirements for informed consent [under] **pursuant to 21 [C.F.R.] CFR Part 50** [et seq.], or 45 [C.F.R.] **CFR Part 46** [et seq].

(b)-(c) (No change.)

SUBCHAPTER 2. CERTIFICATION AND REVIEW OF LICENSE APPLICATIONS

11:24B-2.2 CODS: general filing instructions for applications for certification

(a) CODS shall file applications for certification with the Department at the following address:

Attn: ODS Certification
New Jersey Department of Banking and Insurance
[Valuation Bureau] **Market Regulation**
PO Box [325] **329**
Trenton, NJ [08625-0325] **08625-0329**

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

11:24B-2.6 CODS: modification of certification

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

(c) In order to effect a modification to its certification, a CODS shall submit a notice of the change to the information it has previously submitted at least [60-days] **60 days** prior to the date on which the CODS intends the event(s) on which the modification is based to become effective, specifying the following information:

1.-5. (No change.)

6. The fee specified at N.J.A.C. [11:24B-2.9(f)] **11:22-4.6(a)**.

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

11:24B-2.10 Review of applications

(a)-(c) (No change.)

(d) When the Department disapproves an application for certification or certification modification for the reasons set forth [in] **at** (b) above, or failure of the ODS to meet the standards [of] **at** (c) above, the ODS may request a hearing within 30 days of receipt of the disapproval by submitting a request, in writing [to the Chief of the Valuation Bureau], setting forth with specificity the reasons that the ODS disputes the Department's notice of disapproval.

(e) (No change.)

APPENDIX

EXHIBIT 2

New Jersey Department of Banking and Insurance

Application Checklist for ODS Certification or Recommendation for License

Please use this checklist to complete the application package. Refer to N.J.A.C. 11:24B-2.2, 2.3, and 2.4 for more detailed instructions (applicants for license should refer also to N.J.A.C. 11:22-4). Applications should be mailed to: ODS Certification, New Jersey Department of Banking and Insurance, [Valuation Bureau] **Market Regulation**, P.O. Box [325] **329**, Trenton, NJ [08625-0325] **08625-0329**; street address: 20 West State Street, [11th] **9th** Floor, Trenton, NJ 08625.

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LABOR AND WORKFORCE DEVELOPMENT

(a)

DIVISION OF WAGE AND HOUR COMPLIANCE

Opportunity to Compete Act Rules

Readoption with Amendments: N.J.A.C. 12:68

Proposed: January 17, 2023, at 55 N.J.R. 96(a).

Adopted: April 28, 2023, by Robert Asaro-Angelo, Commissioner, Department of Labor and Workforce Development.

Filed: April 28, 2023, as R.2023 d.068, **without change**.

Authority: N.J.S.A. 34:1-20 and 34:1A-3.e.

Effective Dates: April 28, 2023, Readoption;

June 5, 2023, Amendments.

Expiration Date: April 28, 2030.

Summary of Hearing Officer's Recommendations and Agency's Response:

The period for submission of written comments regarding the rules proposed for readoption with amendments ended on March 18, 2023. The Department received no written comments. Therefore, David Fish, Executive Director of Legal and Regulatory Services for the Department,