

1. These reports shall include, but not be limited to:
  - i. Form 259 Disciplinary Report;
  - ii. Form CA:44.2b and the Disciplinary/Administrative/Walk-Away Discharge Summary; and
  - iii. Special Incident Report.

(c) Physical evidence to support the inmate's return from a Residential Community Reintegration Program shall be held in the facility's secured evidence locker for pick-up by Special Investigations Division investigators.

(d) The Community Corrections Classification Committee (C-4) shall, at the next regularly scheduled meeting, review the disciplinary transfers of inmates from an RCRP to correctional facilities within the New Jersey Department of Corrections and make appropriate housing assignments based upon the adjudication of disciplinary charges.

#### SUBCHAPTER 5. DISCHARGE PLANNING AND RELEASE INFORMATION

##### 10A:20-5.1 Discharge planning and release information

(a) The Residential Community Reintegration Program programs under contract with the New Jersey Department of Corrections are responsible to comply with the Fair Release and Reentry Act of 2009 (P.L. 2009, c. 329), which was enacted on June 15, 2020 to assist inmates in obtaining necessary reentry benefits.

(b) Each contract agency is responsible for establishing policies and procedures for discharge planning requirements for their respective Residential Community Reintegration Program programs in accordance with the Fair Release and Reentry Act of 2009 (P.L. 2009, c. 329). These efforts are congruent with New Jersey Department of Corrections discharge planning practices that include required reentry benefits for all inmates.

(c) Mandatory discharge planning shall include, but is not limited to, that:

1. All inmates must be offered the opportunity to apply for reentry benefits through a Medicaid online application;
2. All inmates must be offered the opportunity to apply for reentry benefits through the New Jersey General Assistance/Supplemental Nutrition Program (SNAP) online application process;
3. Inmates identified as homeless during the discharge planning process must be appropriately assisted with housing assistance and referrals that ultimately result in a confirmed place to stay upon release; and
4. Any inmate who is identified as homeless on an emergency basis (that is, last minute housing arrangement change, release date change) shall be immediately referred to the New Jersey Work First Program's established Emergency Housing Assistance Hotline.

(d) Mandatory release information must be provided to each inmate at least 10 days prior to release. The New Jersey Department of Corrections will provide certain information for the inmates in the Residential Community Reintegration Program and other information is required to be created and/or disseminated by the Residential Community Reintegration Program. This information shall include, but is not limited to:

1. A copy of the inmate criminal history record and written information on the right to have criminal records expunged pursuant to N.J.S.A. 52:2C;
2. General written information on the inmate's right to vote pursuant to N.J.S.A. 19:4-1;
3. General written information on the availability of programs, including faith-based and secular programs that would assist in removing barriers to inmate employment or participation in vocational or educational rehabilitative programs including, but not limited to, information concerning the Rehabilitated Convicted Offenders Act, P.L. 1968, c. 282 (N.J.S.A. 2A:168A-1 et seq.), and the Certificate of Rehabilitation pursuant to P.L. 2007, c. 327 (N.J.S.A. 2A:168A-7 et seq.);
4. A detailed written record of the inmate participation in educational, training, employment, and medical or other treatment programs while the inmate was incarcerated;

5. A written accounting of the fines, assessments, surcharges, restitution, penalties, child support arrearages, and any other obligations due and payable;

6. A copy of the inmate's birth certificate, if the inmate was born in New Jersey;

7. Assistance in obtaining a Social Security card;

8. A non-driver's identification card, which shall be issued by the New Jersey Motor Vehicle Commission and for which the Motor Vehicle Commission shall accept a former New Jersey Department of Corrections inmate identification card to have a two-point value in applying for the non-driver's identification card;

9. A one-day New Jersey bus or rail pass;

10. A two-week supply of prescription medications;

11. General written information concerning child support, including child support payments owed by the inmate, information on how to seek child support payments, and information on where to seek services regarding child support, child custody, and establishing parentage; and

12. A medical discharge summary, which shall include instructions on how to obtain from the Commissioner of the New Jersey Department of Corrections, a copy of the full medical record at no charge to the inmate.

(e) The Residential Community Reintegration Program must confirm compliance with the Fair Release and Reentry Act of 2009, by providing a signed Fair Release and Reentry Act of 2009 RCRP Supplemental Form, signed by the inmate prior to release indicating the inmate received the required discharge planning and release information.

1. The form shall be emailed to designated personnel in the Office of Community Programs within 24 hours of inmate release.

## INSURANCE

### (a)

#### DEPARTMENT OF BANKING AND INSURANCE DIVISION OF INSURANCE

##### Notice of Readoption Small Employer Health Benefits Program Readoption: N.J.A.C. 11:21

Authority: N.J.S.A. 17:1-8.1, 17:1-15.e, and 17B:27A-17 et seq.

Authorized By: Justin Zimmerman, Acting Commissioner,  
Department of Banking and Insurance; and Margaret Koller,  
Chairperson, Small Employer Health Benefits Program.

Effective Date: September 11, 2023.

New Expiration Date: September 11, 2030.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 11:21 were scheduled to expire on October 12, 2023. Some of the subchapters contained within this chapter were promulgated by the Department of Banking and Insurance (Department), specifically N.J.A.C. 11:21-7A, 9, 15, and 16, and 11:21 Appendix Exhibit GG; the remainder of the subchapters were promulgated by the Small Employer Health Benefits Program (SEH) Board, specifically, N.J.A.C. 11:21-1, 2, 3, 4, 6, 7, 10, 17, 18, and 23 and Appendix Exhibits D, F, G, K, T, W, Y, BB, CC, and DD.

The rules promulgated by the Department at N.J.A.C. 11:21-7A implement the loss ratio and refund reporting requirements of the New Jersey Small Employer Health Benefits Law, N.J.S.A. 17B:27A-17 et seq. (SEH Law). Subchapter 9 requires all SEH carriers to file with the Commissioner of Banking and Insurance, an informational rate filing that includes premium and rating methodology information for all health benefits plans offered under the SEH Program. Subchapter 15 sets forth the informational and procedural requirements for carriers to request relief from certain obligations required by the SEH Law. Subchapter 16 sets forth the requirements and procedures for carriers intending to withdraw from the small employer market. Lastly, Appendix Exhibit GG is a loss ratio report filed annually by carriers with the Department pursuant to N.J.A.C. 11:21-7A.

The rules promulgated by the SEH Board at N.J.A.C. 11:21-1 set forth the definitions of terms used throughout the chapter, how the SEH Board may be contacted, penalties available pursuant to law, a severability clause for the subchapter, and specifies the SEH Board's mission statement. Subchapter 2, the SEH Board's Plan of Operation, sets forth the purpose and structure of the SEH Program. Subchapter 3 sets forth the standard health benefits plans, the deductible and copay options and ranges that may or must be offered, a description of the standard riders, and procedures for filing optional nonstandard benefit riders of increasing value with the SEH Board. N.J.A.C. 11:21-4 sets forth the standard policy forms that carriers are required to use in issuing the standard plans. This subchapter also sets forth the rules for certification or filing of forms with the SEH Board, the SEH Board's standard for review, and guidance for a carrier's use of a compliance and variability rider. N.J.A.C. 11:21-6 sets forth the standard application form, employer certification form, and waiver form used by small employers in obtaining and renewing small employer health benefits plans. These standardized forms are necessary to effectuate the intent of the Legislature in having a standardized market that promotes access to coverage, and to help ensure that carriers administer their business in a fair and equitable manner. Subchapter 7 sets forth the key elements for SEH Program compliance for carriers, including standards for carriers with respect to eligibility and issuance; restrictions on changing plans; minimum employee participation requirements; minimum employer contribution requirements; preexisting condition standards; effective date of coverage; price quotes and disclosures; tie-in sales; guaranteed renewability of coverage; enrollment reporting requirements; paying benefits; and permissible rate classification factors. Subchapter 10 sets forth annual reporting requirements of market share data for the assessment of operational and administrative expenses of the SEH Program. N.J.A.C. 11:21-17 sets forth the standards for carriers for plan identification and marketing, retention of marketing and promotional material, provides for a certification of the marketing material, and outlines prohibited practices by carriers with respect to contracting with producers. N.J.A.C. 11:21-18 sets forth the procedures for interested parties to submit petitions for rulemaking. Lastly, N.J.A.C. 11:21-23 sets forth the procedures that the SEH Board uses in providing notice of proposed rulemaking, receiving public comments regarding existing rules and proposed rulemakings, extending the public comment period, conducting a public hearing, and providing notice of public meetings.

In addition, the following appendices at N.J.A.C. 11:21-1, 2, 3, 4, 6, 7, 10, 17, 18, and 23 including Exhibit D, the Open Face Rider referenced at N.J.A.C. 11:21; Exhibit F, the Small Group Health Benefits policy form for Plans B through E referenced at N.J.A.C. 11:21-3; Exhibit G, the Small Group Health Maintenance Organization (HMO) contract referenced at N.J.A.C. 11:21-3; Exhibit K, the Explanation of Brackets referenced at N.J.A.C. 11:21-4; Exhibit T, the Waiver of Coverage referenced at N.J.A.C. 11:21-6; Exhibit W, the Small Group Health Benefits Certificate for Plans B through E referenced at N.J.A.C. 11:21-4; Exhibit Y, the Evidence of Coverage for Small Group HMOs referenced at N.J.A.C. 11:21-4; Exhibit BB, Part I, the Certification of Compliance with Small Employer Health Benefit Plans referenced at N.J.A.C. 11:21-4, and, Part II, the Certification of Promotional Material and Marketing referenced at N.J.A.C. 11:21-17; Exhibit CC, the Carrier Small Employer Market Share Report referenced at N.J.A.C. 11:21-10; and Exhibit DD, the Compliance and Variability Rider referenced at N.J.A.C. 11:21-4.

These rules implement essential provisions of the SEH Law. The Department and SEH Board have reviewed these rules and have determined that the rules should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, 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.

## TREASURY—GENERAL

### (a)

#### DIVISION OF PENSIONS AND BENEFITS STATE HOUSE COMMISSION

##### Judicial Retirement System

##### Deferred Retirement (P.L. 2021, c. 105; P.L. 2021, c. 329; and P.L. 2022, c. 94)

##### Readoption with Amendments: N.J.A.C. 17:10

Proposed: May 1, 2023, at 55 N.J.R. 822(a).

Adopted: September 18, 2023, by the State House Commission,

Brittany Zulla, Secretary, Division of Pensions and Benefits.

Filed: September 18, 2023, as R.2023 d.122, **without change**.

Authority: N.J.S.A. 43:6A-29.d.; P.L. 2021, c. 105; P.L. 2021, c. 329; and P.L. 2022, c. 94.

Effective Dates: September 18, 2023, Readoption;  
October 16, 2023, Amendments.

Expiration Date: September 18, 2030.

Summary of Public Comment and Agency Response:

**No comments were received.**

##### Federal Standards Statement

A Federal standards analysis is not required because N.J.S.A. 43:16A-13(7) governs the subject of this rulemaking, and there are no Federal requirements or standards that affect the subject of this rulemaking.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 17:10.

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

#### SUBCHAPTER 2. ENROLLMENT AND PURCHASES

##### 17:10-2.4 Optional purchase of eligible service

(a) A member may purchase all, or a portion, of former membership in a New Jersey State-administered retirement system. A member may also purchase service rendered in an office, position, or employment of the State of New Jersey, or of a county, municipality, board of education, or public agency of the State of New Jersey. "Service" means public service rendered for which pension credit is allowed on the basis of contributions made by the State. Public employment covered pursuant to the Defined Contribution Retirement Program is not eligible for purchase.

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

#### SUBCHAPTER 3. INSURANCE AND DEATH BENEFITS

##### 17:10-3.6 Death benefits in active service; death benefits in retirement

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

(c) If a person dies while in service with a deferred retirement pursuant to the provisions at P.L. 2021, c. 105, P.L. 2021, c. 329, and N.J.A.C. 17:10-5.4(b), as a county prosecutor or as the Administrative Director of the Courts, the death shall not be considered a death in active service. The beneficiary shall be eligible for a pension or survivor's benefit, and for any death benefits, based on the approved retirement application and the retirement shall be effective as of the date of death. The election by the member of an option in accordance with section 1 at P.L. 2002, c. 54 (N.J.S.A. 43:6A-16.1) shall become effective and payable.

#### SUBCHAPTER 5. RETIREMENTS

##### 17:10-5.4 Deferred retirement

(a) (No change.)

(b) Notwithstanding the language at N.J.A.C. 17:10-5.11 and (a) above, a member of the JRS is permitted to resign as a judge and apply for, but defer, retirement in order to serve as a county prosecutor upon appointment by the Governor or as the Administrative Director of the Courts upon appointment by the Chief Justice of the Supreme Court. To be eligible, the member must be at least 65 years of age, have the