

the Commissioner of Human Services, has reviewed existing N.J.A.C. 8:40 and determined that, pending the finalization of the anticipated rulemaking described above, the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive for the purposes for which it was originally promulgated, as amended and supplemented over time, and should be readopted. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:40 is readopted and shall continue in effect for seven years.

## HUMAN SERVICES

### (a)

#### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

##### Notice of Readoption Adult Mental Health Rehabilitation Services Provided In/By Community Residence Programs Readoption: N.J.A.C. 10:77A

Authority: N.J.S.A. 30:4D-1 et seq., and 30:4J-8 et seq.  
Authorized By: Sarah Adelman, Commissioner, Department of Human Services.  
Agency Control Number: 23-NA-03.  
Effective Date: August 14, 2023.  
New Expiration Date: August 14, 2030.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 10:77A, the Adult Mental Health Rehabilitation Services Provided In/By Community Residence Programs chapter, was scheduled to expire on December 20, 2023.

The chapter sets forth requirements for Medicaid/NJ FamilyCare-approved Community Residence Programs that render Adult Mental Health Rehabilitation services. These services are rendered in/by community residential programs approved by the Division of Mental Health and Addiction Services (DMHAS) and licensed in accordance with DMHAS rules at N.J.A.C. 10:37A.

The Department of Human Services (Department) has reviewed N.J.A.C. 10:77A and finds that the rules should be readopted.

The chapter contains three subchapters, as described below:

N.J.A.C. 10:77A-1, General Provisions, sets forth sections addressing scope and purpose, definitions, provider participation, and beneficiary eligibility.

N.J.A.C. 10:77A-2, Program Operations, sets forth sections addressing program requirements, levels of care, nursing assessments, staff training, basis of reimbursement, and recordkeeping.

N.J.A.C. 10:77A-3, Healthcare Common Procedure Coding System (HCPCS), includes an introduction, HCPCS codes, and a maximum fee allowance schedule.

The Department of Human Services is issuing this notice of readoption in order to avoid expiration of the rules at N.J.A.C. 10:77A and to allow adequate time to address public comments that may be received on proposed amendments that will be published in an upcoming proposed rulemaking.

The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. 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.

## INSURANCE

### (b)

#### OFFICE OF LIFE AND HEALTH

##### Notice of Readoption New Jersey Workers' Compensation Managed Care Organizations

##### Readoption with Technical Changes: N.J.A.C. 11:6

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

Authorized By: Justin Zimmerman, Acting Commissioner, Department of Banking and Insurance.

Effective Dates: October 6, 2023, Readoption;  
November 6, 2023, Technical Changes.

New Expiration Date: October 6, 2030.

**Take notice** that pursuant to the provisions at N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 11:6 were scheduled to expire on November 7, 2023. The rules, which are found at Subchapter 2, provide a framework for encouraging the use of managed care to furnish injured employees with such medical, surgical, and other treatments and hospital services, as may be necessary, to cure and relieve the employee of the effects of the injury. The framework further serves to contain medical costs under workers' compensation coverage by providing eligible employers with a method whereby they may select a managed care alternative to traditional workers' compensation medical care at a reduced premium.

The rules at N.J.A.C. 11:6 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 website at N.J.A.C. 11:6-2.4(a) has been updated to reflect an updated web address. In addition, the mailing address provided for the submission of the annual report has been updated to "Office of Consumer Protection Services, Managed Care."

The mailing address provided to applicants seeking Department of Banking and Insurance approval at N.J.A.C. 11:6-2.5(a) has been updated from "Office of Solvency Regulation" to "Office of Consumer Protection Services, Managed Care" and the associated zip code has been updated. The website at N.J.A.C. 11:6-2.5(b)7 has been updated to reflect an updated web address.

The address provided for the submission of the audited annual report appearing at N.J.A.C. 11:6-2.15(f) has been updated to include an email address where filings may be made electronically.

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

11:6-2.4 Requirements of approved workers' compensation managed care organizations

(a) The WCMCO shall file an annual report with the Department of Banking and Insurance by April 30th of each year on a form provided by the Department, which can be found on the Department's website: [[http://www.state.nj.us/dobi/division\\_insurance\\_managedcare/wcmco\\_annualrpt2014.pdf](http://www.state.nj.us/dobi/division_insurance_managedcare/wcmco_annualrpt2014.pdf)] [https://www.nj.gov/dobi/division\\_insurance\\_managedcare/wcmco.htm](https://www.nj.gov/dobi/division_insurance_managedcare/wcmco.htm), and which shall include income, expenses, gains or losses, number of new cases received since the prior report, number of claims submitted since the prior report, total provider charges, and total sums paid to providers. The annual report shall be submitted to the following address:

New Jersey Department of Banking and Insurance  
Office of Consumer Protection Services  
**Managed Care**  
Attn: Workers' Compensation MCO Annual Report  
20 West State Street  
PO Box 329  
Trenton, NJ 08625-0329

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

11:6-2.5 Workers' compensation managed care organization approval procedures

(a) The WCMCO shall file an application for approval with the Department at the following address:

New Jersey Department of Banking and Insurance  
[Office of Solvency Regulation]  
**Office of Consumer Protection Services**  
**Managed Care**  
Attn: WCMCO  
20 West State Street  
PO Box 329  
Trenton, NJ [08625-0325] **08625-0329**

(b) The WCMCO application form and filing instructions can be found on the Department's website: <http://www.state.nj.us/dobi/division/insurance/managedcare/mcapps.htm>. The WCMCO application shall include the following:

1.-6. (No change.)

7. A listing of the WCMCO's officers and directors and of the individuals within the WCMCO responsible for managed care, and a biographical affidavit for each or the NAIC biographical affidavit, which is incorporated herein by reference, as amended and supplemented, and is available at <http://www.naic.org/aca/forms/forms.htm> <https://content.naic.org/industry/ucaa>;

8.-27. (No change.)

(c) (No change.)

11:6-2.15 Financial requirements for WCMCO

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

(f) A copy of the audited annual reports shall be submitted to the following address:

Office of Solvency Regulation  
New Jersey Department of Banking and Insurance  
20 West State Street  
PO Box 325  
Trenton, New Jersey 08625-0325  
[domesticannual@dobi.nj.gov](mailto:domesticannual@dobi.nj.gov)

## LABOR AND WORKFORCE DEVELOPMENT

(a)

### DIVISION OF WAGE AND HOUR COMPLIANCE

#### Notice of Administrative Changes Minimum Wage

#### N.J.A.C. 12:56-3.1, 3.2, and 3.3

Effective Date: September 26, 2023.

Operative Date: January 1, 2024.

**Take notice** that the Department of Labor and Workforce Development (Department) has requested, and the Office of Administrative Law has agreed to permit, administrative changes at N.J.A.C. 12:56-3.1(a) and (b), 3.2(a) and (b), and 3.3(a), (b), and (c).

Pursuant to N.J.S.A. 34:11-56a4(a) and N.J.A.C. 12:56-3.1, for the period from January 1, 2020 through January 1, 2024, the minimum hourly wage rate is to be adjusted annually so that it is the greater of either an amount based on any percentage increase during the one-year period of August of the prior year through August of the current year of the consumer price index (CPI) for all urban wage earners and clerical workers (CPI-W, U.S. City Average), as released by the United States Department of Labor, Bureau of Labor Statistics, or the following: for January 1, 2020, \$11.00; and on January 1 of each year from 2021 through 2024, inclusive, an amount equal to \$1.00 more than the minimum hourly wage rate from the preceding year. N.J.A.C. 12:56-3.1 indicates further that the Department shall annually: (1) through a public notice published in the New Jersey Register, provide the new minimum hourly wage rate; and (2) no later than September 30 of each year, publish the public notice on the Department's website. The percent increase in the CPI-W, U.S.

City Average, for the one-year period, August 2022 through August 2023 is 3.40 percent. That is, the CPI-W, U.S. City Average, in August 2022 was 291.629, and in August 2023 it was 301.551. Consequently, the change in the index over the period equaled 9.922 or an increase of 3.40 percent ( $9.922/291.629 \times 100$ ). Using as a base for the CPI-adjustment, the current New Jersey minimum hourly wage rate of \$14.13, a 3.40 percent increase (rounded to the nearest penny) is \$0.48, which would result in a CPI-adjusted minimum hourly wage rate of \$14.61. Since \$14.61 is less than the \$15.13 rate established pursuant to N.J.S.A. 34:11-56a4(a) for January 1, 2024, the State minimum hourly wage rate, effective January 1, 2024, must be changed from \$14.13 to \$15.13.

Pursuant to N.J.S.A. 34:11-56a4(c) and N.J.A.C. 12:56-3.2, for the period from January 1, 2020 through January 1, 2026, the minimum hourly wage rate for employees of small employers and employees who are engaged in seasonal employment is to be adjusted annually so that it is the greater of either an amount based on any percentage increase during the one-year period of August of the prior year through August of the current year of the consumer price index (CPI) for all urban wage earners and clerical workers (CPI-W, U.S. City Average), as released by the United States Department of Labor, Bureau of Labor Statistics, or the following: for January 1, 2020, \$10.30; on January 1 of each year from 2021 through 2025, inclusive, an amount equal to \$0.80 more than the minimum hourly wage rate for employees of small employers and employees who are engaged in seasonal employment from the preceding year; and for January 1, 2026, an amount equal to \$0.70 more than the minimum hourly wage rate for employees of small employers and employees who are engaged in seasonal employment from the preceding year. N.J.A.C. 12:56-3.2 indicates further that the Department shall annually: (1) through a public notice published in the New Jersey Register, provide the new minimum hourly wage rate for employees of small employers and employees who are engaged in seasonal employment; and (2) no later than September 30 of each year, publish the public notice on the Department's website. Using as a base for the CPI-adjustment, the current New Jersey minimum hourly wage rate for employees of small employers and employees who are engaged in seasonal employment of \$12.93, a 3.40 percent increase (rounded to the nearest penny) is \$0.44, which would result in a CPI-adjusted minimum hourly wage rate for employees of small employers and employees who are engaged in seasonal employment of \$13.37. Since \$13.37 is less than the \$13.73 rate established pursuant to N.J.S.A. 34:11-56a4(c) for January 1, 2024, the State minimum hourly wage rate for employees of small employers and employees who are engaged in seasonal employment, effective January 1, 2024, must be changed from \$12.93 to \$13.73.

Pursuant to N.J.S.A. 34:11-56a4(d) and N.J.A.C. 12:56-3.3, for the period from January 1, 2020 through January 1, 2027, the minimum hourly wage rate for employees engaged on a piece-rate or regular hourly rate basis to labor on a farm is to be adjusted annually so that it is the greater of either an amount based on any percentage increase during the one-year period of August of the prior year through August of the current year of the consumer price index (CPI) for all urban wage earners and clerical workers (CPI-W, U.S. City Average), as released by the United States Department of Labor, Bureau of Labor Statistics, or the following: for January 1, 2020, \$10.30; for January 1, 2021, \$10.30; for January 1, 2022, \$10.90; on January 1 of each year from 2023 through 2024, inclusive, an amount equal to \$0.80 more than the minimum hourly wage rate for employees engaged on a piece-rate or regular hourly rate basis to labor on a farm from the preceding year; for January 1, 2025, \$13.40; and on January 1 of each year from 2026 to 2027, inclusive, an amount equal to \$0.80 more than the minimum hourly wage rate for employees engaged on a piece-rate or regular hourly rate basis to labor on a farm from the preceding year. N.J.A.C. 12:56-3.3 indicates further that the Department shall annually: (1) through a public notice published in the New Jersey Register, provide the new minimum hourly wage rate for employees engaged on a piece-rate or regular hourly rate basis to labor on a farm; and (2) no later than September 30 of each year, publish the public notice on the Department's website. Using as a base for the CPI-adjustment, the current New Jersey minimum hourly wage rate for employees engaged on a piece-rate or regular hourly rate basis to labor on a farm of \$12.01, a 3.40 percent increase (rounded to the nearest penny) is \$0.41, which would result in a CPI-adjusted minimum hourly wage rate for employees