

5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

(a)

DIVISION OF FAMILY DEVELOPMENT

**Notice of Readoption
Child Care Services**

Readoption with Technical Changes: N.J.A.C. 10:15

Authority: N.J.S.A. 30:1-12.

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

Effective Dates: July 24, 2023, Readoption;
August 21, 2023, Technical Changes.

New Expiration Date: July 24, 2030.

Take notice that, in accordance with N.J.S.A. 52:14B-5.1, the Child Care Services rules at N.J.A.C. 10:15 were scheduled to expire on September 28, 2023. The Division of Family Development (DFD) has reviewed the rules and has determined that the rules should be readopted. In addition to readopting the existing rules, DFD is making technical changes throughout N.J.A.C. 10:15 to reflect the recodifications of: N.J.A.C. 10:122, Manual of Requirements for Child Care Centers, as N.J.A.C. 3A:52; N.J.A.C. 10:122C, Manual of Requirements for Resource Family Parents, as N.J.A.C. 3A:51; and N.J.A.C. 10:126, Manual of Requirements for Family Child Care Registration, as N.J.A.C. 3A:54. These recodifications were made by the Department of Children and Families (DCF) pursuant to the “Department of Children and Families Act,” N.J.S.A. 9:3A-1 et seq., which transferred the functions in those chapters from the Department of Human Services to DCF. The technical changes also include the correction of certain cross-references.

While DFD is readopting these rules with technical changes, it recognizes that further rulemaking may be necessary to update these rules to reflect current practices and procedures. Thus, DFD will continue to review the rules and may consider making substantive amendments prior to the next scheduled expiration date.

DFD has determined that these rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated, and should be readopted with technical changes. 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.

N.J.A.C. 10:15 sets forth the policies for a unified child care service delivery system inclusive of all child care service programs, including voucher child care programs and contracted child care programs for which identified funding is received by the Department of Human Services (DHS) and administered through the DFD.

The following summaries describe the subchapters at N.J.A.C. 10:15:

N.J.A.C. 10:15-1 provides the purpose of Chapter 15. This subchapter also establishes that the policies and procedures set forth in this chapter are binding on those agencies contracting with DHS to provide services through these child care service programs and that the child care programs will be administered within the framework of Federal and State laws, rules, and regulations. This subchapter also provides the definitions for Chapter 15, and establishes general policies regarding mutual respect, nondiscrimination, and confidentiality.

N.J.A.C. 10:15-2 covers the responsibilities and obligations of the different agencies, parents/applicants, and providers with respect to child care service programs.

N.J.A.C. 10:15-3 delineates that child care services are provided to Work First New Jersey/Temporary Assistance for Needy Families (WFNJ/TANF) participants to the extent such services are necessary to permit a TANF family to accept employment, remain employed, or participate in a WFNJ work activity. These services shall be available for WFNJ/TANF eligible dependent children during the recipient’s period of eligibility for cash assistance.

N.J.A.C. 10:15-4 concerns eligibility for transitional child care (TCC) benefits. TCC benefits provide child care services to families whose

eligibility for cash assistance has terminated when the case is closed due to earnings from employment.

N.J.A.C. 10:15-5 concerns the provisions of the New Jersey Cares for Kids (NJCK) program, which provides eligible families with necessary child care services. Full and part-time child care arrangements are available for care of an infant, toddler, preschool child, school-aged child, or child with special needs.

N.J.A.C. 10:15-6 concerns contracted child care centers. DFD requires that certain admissions criteria be observed by contracted child care agencies to ensure that subsidized child care services are provided on a consistent basis Statewide to those eligible children and their families in greatest need of the service. The admissions criteria established at N.J.A.C. 10:15-6 shall apply to all eligible children on behalf of whom subsidized child care is requested. The scope of this subchapter specifically applies to center-based child care provider agency contracts as designated by DFD. This subchapter also provides guidance to parents/applicants regarding their responsibilities in this process as well as the basis for the denial, reduction, or suspension of subsidized services.

N.J.A.C. 10:15-7 provides an overview of the Family Child Care (FCC) Registration Program. Through the State’s voluntary FCC Registration Program, individuals are registered as family child care providers pursuant to N.J.A.C. 3A:54.

N.J.A.C. 10:15-8 is reserved.

N.J.A.C. 10:15-9 provides that families eligible to receive child care services from DHS-administered programs shall pay a fee toward the cost of child care services, except for children in Child Protective Services (CPS) and for families whose income is less than 100 percent of the Federal Poverty Level. A co-payment scale established by DHS shall provide for some level of contribution by most parent/applicants receiving child care. The co-payment scale shall consider family income, family size, hours of care needed, and number of children in care.

N.J.A.C. 10:15-10 concerns payment policies and maximum reimbursement rates for child care. Child care payments are available for care of an infant, toddler, preschool child, school-aged child, or children with special needs in various types of arrangements, including full- and part-time child care and care before and after school.

N.J.A.C. 10:15-11 is reserved.

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

SUBCHAPTER 1. GENERAL PROVISIONS

10:15-1.2 Definitions

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

...

“Appropriate child care” means the child care provider is open for the hours and days the parent would need child care in order to comply with work requirements and the provider is able and willing to provide child care services including addressing any special needs of the child(ren), and meets [DHS] **DCF** requirements set forth at N.J.A.C. [10:122 and 10:126] **3A:52 and 3A:54**.

“Approved home” or “approved home provider” means a child care provider not registered pursuant to the Family [Child] **Day** Care Provider Registration Act (see **N.J.S.A. 30:5B-16 et seq. and** N.J.A.C. [10:126] **3A:54**), whose home has been evaluated and authorized for payment through the DHS child care services programs, using the Self-Arranged Care Inspection and Interview Checklist (see N.J.A.C. 10:15-2.4(a)10) and having the prospective approved home provider and all members of the household who are 14 years of age and older pass a Child Abuse Record Information (CARI) background check.

...

“Foster home” or “foster care” means a type of out of home placement in a private family residence with a family approved by the [CP&P or another agency, using standards established by the CP&P, to care for five or fewer children, or who meet the requirements of N.J.A.C. 10:122C-1.9(b) to care for more than five foster children.] **DCF to care for children** whose parents are unable or unwilling to provide appropriate care for them and for whose care the foster family is reimbursed.

...

“Registered family child care provider” means a family child care provider registered pursuant to the Family [Child] Day Care Provider Registration Act rules (N.J.A.C. [10:126] **3A:54**).

“Work First New Jersey/TANF Program” means the single New Jersey welfare reform program established pursuant to P.L. 1997, [c.13] c. 13 (N.J.S.A. 44:10-34 et seq.), [c.14] c. 14 (N.J.S.A. 44:10-44 et seq.), [c.37] c. 37 (N.J.S.A. 44:10-71 et seq.), and [c.38] c. 38 (N.J.S.A. 44:10-55 et seq.), which provides assistance to families with dependent children through the TANF Program.

SUBCHAPTER 2. ADMINISTRATIVE RESPONSIBILITIES

10:15-2.4 Responsibilities and obligations of the CCR&R

(a) Each CCR&R shall:

1. (No change.)
2. Respond to all requests for child care services within the period of time specified in the provider contract with the [Department] DHS;
- 3.-9. (No change.)
10. Conduct home evaluations of providers of home based care who are not registered pursuant to the Family [Child] Day Care Provider Registration Act (N.J.S.A. 30:5B-16 et seq., and N.J.A.C. [10:126] **3A:54**) using the “Self-Arranged Care Inspection and Interview Checklist” provided by the Division, and, pursuant to N.J.S.A. 30:5B-32, request a child abuse record information background check for each prospective approved home provider and all household members of the home 14 years of age and older, conducted by the Department of Children and Families (see N.J.A.C. 10:15-10.2(b)1). This Checklist requires information concerning: provider and participant identification; a home inspection checklist, including aspects of the physical environment, fire safety, general health, safety and sanitation, the program, rest and sleep, and food and nutrition; interview specifics concerning home residents; and observations of the evaluator;
- 11.-38. (No change.)

SUBCHAPTER 7. FAMILY CHILD CARE (FCC) REGISTRATION PROGRAM

10:15-7.1 Overview

Through the State’s voluntary FCC Registration Program, individuals shall be registered as family child care providers pursuant to [the] N.J.A.C. [10:126] **3A:54**. As the sponsoring organization, the CCR&R shall comply with the rules governing sponsoring organizations [that are contained in] at N.J.A.C. [10:126] **3A:54**.

10:15-7.2 Responsibilities of the CCR&R

The CCR&R shall be responsible for both the regulatory and support aspects of the Family Child Care Registration program, as specified [in] at N.J.A.C. [10:126] **3A:54**.

10:15-7.3 Responsibilities of the family child care provider

In order to qualify for payment for child care services as specified at N.J.A.C. 10:15-10.2(a)4, family child care providers shall be registered through the State’s voluntary FCC Registration Program pursuant to the Manual of Requirements for Family Child Care Registration (N.J.A.C. [10:126] **3A:54**) and shall comply with the rules governing provider registration and operation procedures [that are contained in] at N.J.A.C. [10:126] **3A:54**.

SUBCHAPTER 10. PAYMENT POLICIES AND MAXIMUM REIMBURSEMENT RATES

10:15-10.2 Provider requirements

(a) To qualify for child care payments, a child care center or program shall meet the following requirements (see also N.J.A.C. 10:90-5.2 and 5.3):

- 1.-3. (No change.)
4. All family providers who serve three or more non-sibling children shall be registered pursuant to the Manual of Requirements for Family [Child] Day Care Registration (see N.J.A.C. [10:126 and 10:126A] **3A:54**) in order to qualify for payment of child care services through these programs.

i. Providers who serve one or two children must either be registered pursuant to N.J.A.C. [10:126] **3A:54** or be approved by the Department of Human Services as specified [in] at (b) below.

ii. Payment shall be made to the provider who has secured a Certificate of Registration or a temporary registration certificate, as defined by rules promulgated under the Family [Child] Day Care Provider Registration Act (see N.J.A.C. [10:126] **3A:54**).

iii. (No change.)

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

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Notice of Readoption

Pharmaceutical Services Manual

Readoption: N.J.A.C. 10:51

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-02.

Effective Date: July 24, 2023.

New Expiration Date: July 24, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:51, Pharmaceutical Services Manual, were scheduled to expire on November 17, 2023. The Pharmaceutical Services Manual regulates the provision of pharmaceutical services under the New Jersey Medicaid/NJ FamilyCare fee-for-service (FFS) pharmacy benefit programs and reimbursement for services under those programs.

N.J.A.C. 10:51-1, Pharmaceutical Services, provides the policies related to the provision of pharmaceutical services to New Jersey Medicaid/NJ FamilyCare beneficiaries. This subchapter includes an introduction to pharmaceutical services, describes participation of eligible providers and conditions for participation, as well as program restrictions that would affect payment. Details are provided on the basis of payment, discounts, dispensing fees, compounded and generic prescriptions, and the providers’ usual and customary or advertised charge. The subchapter lists the covered and non-covered pharmaceutical services, prior authorization requirements, quantity, dosage and direction for medication, and personal contribution to care requirements for NJ FamilyCare-Plan C and copayment requirements for NJ FamilyCare-Plan D. Requirements related to prescriptions, including telephone-rendered prescriptions, original prescriptions, changes or additions to the original prescription, and refills are provided. Also described in this subchapter is the Prescription Drug Price and Quality Stabilization Act, Drug Efficacy Study Implementation (DESI)/Identical Related Similar (IRS) drugs, drug manufacturers rebate agreement, and rules for bundled drug service. The last sections provide the rules for claim submission, the point-of-sale (POS) claims adjudication system, prospective drug utilization review, and the medical exception process.

N.J.A.C. 10:51-2, Pharmaceutical Services to Medicaid/NJ FamilyCare Fee-For-Services Beneficiaries in a Nursing Facility, sets forth the rules related to the provision of pharmaceutical services to beneficiaries in a nursing facility, participation of eligible providers, and conditions for participation, as well as program restrictions. The subchapter also covers the rules for basis of payment, compounded prescriptions, generic prescriptions, discounts, and dispensing fees. The subchapter also sets forth rules related to the covered and non-covered pharmaceutical services, quantity of medications dispensed, dosages and directions, prescriptions and medication orders rendered by telephone or technological devices, and changes or additions to the original prescriptions and refills. Also described in this subchapter are rules related to the Prescription Drug Price and Quality Stabilization Act, the Drug Efficacy Study Implementation (DESI), drug manufacturers rebate agreement, and bundled drug service. The last sections provide the rules