

(c) In order for a participant to qualify for a redemption payment, the Program participant shall submit to the Authority certification, in the form approved by the Authority, of full-time employment as an eligible behavioral healthcare provider at an approved site for the previous two years.

(d) No amount of loan redemption shall be provided for service performed for less than two full years.

9A:10-9.6 Incentive grants

(a) The Executive Director shall annually allocate a portion of the Program’s appropriation for incentive grants to be awarded to Program participants who work primarily with children and adolescents. The individual incentive grant amount awards will be determined by dividing the annual allocation by the number of Program participants who are anticipated to complete a full year of service, working primarily with children or adolescents, during that fiscal year. Annual individual incentive grants shall not exceed \$5,000.

(b) To receive an incentive grant each year the participant remains in the Program, within 30 days of written request from the Authority, the Program participant must submit a certification from the participant’s employer of successful completion of a full year of full-time service primarily with children and adolescents.

(c) Program participants are eligible to receive up to six incentive grants, for a total of no more than \$30,000.

9A:10-9.7 Termination or suspension of the Program participant’s participation contract

(a) The Authority shall terminate the Program participant’s participation contract if it determines:

1. On the basis of a sworn affidavit of a qualified physician, that the participant has a total and permanent disability;

2. On the basis of a death certificate, or other evidence of death that is conclusive pursuant to State law, that the participant has died;

3. On the basis of substantiating documentation, as may be deemed necessary by the Authority upon specific case review, that continued enforcement of the employment service obligation may result in extreme hardship for the participant;

4. That the participant is no longer employed as an eligible behavioral healthcare provider at an approved site;

5. That the participant’s license to practice has been revoked;

6. That the participant has committed an act of gross negligence in the performance of his or her employment service obligation, or that the participant has not met the employer’s performance standards; or

7. The participant has not submitted the certification required pursuant to N.J.A.C. 9A:10-9.5(c) to receive the loan redemption within 60 days of the written request for the required documents by the Authority.

(b) The Authority may suspend the Program participant’s participation contract if the Authority determines, on the basis of substantiating documentation, as may be deemed necessary by the Authority upon specific case review, that continued enforcement of the employment service obligation may result in extreme hardship for the participant. Extreme hardships include, but are not limited to, temporary disability, active duty military service, or temporary suspension of the participant’s professional license pending the outcome of an investigation.

1. The Authority may suspend the participant’s participation contract for a period of up to two calendar years from the date the suspension commences. At the end of the first year of suspension, the participant must provide the Authority with substantiating documentation, as defined in this subsection, to renew the suspension for a second year.

2. The suspension, as stipulated at (b)1 above, may be extended beyond two years for exceptional circumstances at the discretion of the Authority on the basis of substantiating documentation, as defined in this subsection.

(c) A participant may nullify the participation contract by notifying the Authority, in writing.

(d) The Authority shall have final decision-making authority to terminate a participant’s participation contract.

(e) Participants who nullify their participation agreement, or whose participation agreements are terminated by the Authority, are not eligible to reapply to participate in the Program.

9A:10-9.8 Appeals process

(a) When an applicant has received a notification of ineligibility for Program participation, the applicant may submit a written appeal to the Authority within 30 days of the date of the notification. The written appeal must include the following:

1. A copy of the notification of ineligibility received by the applicant from the Authority; and

2. The reasons why the applicant believes the applicant is eligible to participate in the Program, along with any documentation that the applicant has obtained to support the appeal, if applicable.

(b) Within 30 days of the receipt of the appeal, the Authority shall provide the applicant with the Authority’s final determination of the appeal. Final decisions of the Authority can be appealed to the Appellate Division of the Superior Court.

HUMAN SERVICES

(a)

DIVISION OF FAMILY DEVELOPMENT

**Child Support Program
Flexibility, Efficiency, and Modernization in Child
Support Enforcement Programs**

**Adopted Amendments: N.J.A.C. 10:110-1A.1, 3.1,
3.3, 9.5, 11.2, 12.2, 13.1, 14.2, 15.2, 20.3, and 20.4**

Proposed: November 7, 2022, at 54 N.J.R. 2064(a).

Adopted: May 8, 2023, by Sarah Adelman, Commissioner,
Department of Human Services.

Filed: May 8, 2023, as R.2023 d.073, **without change**.

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

Effective Date: June 5, 2023.

Expiration Date: January 18, 2030.

Summary of Public Comment and Agency Response:

The official comment period ended January 6, 2023. **No comments were received.**

Federal Standards Statement

The adopted amendments implement the Federal requirements in the Final Rule for Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs. The Department of Human Services has reviewed the applicable Federal laws and regulations and that review indicates that the adopted amendments do not exceed the Federal standards for the Child Support Program. Therefore, a Federal standards analysis is not required.

Full text of the adoption follows:

SUBCHAPTER 1A. DEFINITIONS

10:110-1A.1 Definitions

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

...
“Cash medical support” means an amount ordered to be paid toward the cost of health care coverage provided by a public entity or by another parent through employment or otherwise, or for other medical costs not covered by insurance.

...
“Health care coverage” includes fee for service, health maintenance organization, preferred provider organization, dental insurance, eye care, pharmaceutical assistance, and other types of private health insurance and public health care coverage under which medical services could be provided to the dependent child(ren).

...
“Medical support” means medical coverage pursuant to a court order. Medical support includes private and public health care coverage, cash medical support, including payment of health insurance premiums, and payment of medical bills, including dental or eye care. Medical support

may be provided by the person paying support, the person receiving support, or another person, such as a step-parent.

...
 “Non-custodial parent” or “NCP” means the parent who does not have physical custody of the child on a day-to-day basis. In shared parenting situations, the non-custodial parent is known as the parent of alternate residence.
 ...

SUBCHAPTER 3. RESPONSIBILITIES IN THE DELIVERY OF SERVICES

10:110-3.1 OCSS’ responsibilities in IV-D cases as the IV-D Agency
 (a)-(o) (No change.)

(p) The OCSS shall ensure that medical support enforcement services, including petitioning for medical support, are provided in accordance with Federal and State provisions; and that the Medicaid Agency is notified that assigned medical support payments are being, or have been retained, by a non-IV-A Medicaid recipient.

(q) (No change.)

(r) The OCSS shall establish and oversee the State disbursement unit (SDU), in accordance with 45 CFR 302.32, for the processing of the collection of child support funds made pursuant to support orders in IV-D and non-IV-D cases, where the order was initially issued on or after January 1, 1994, when the income of the NCP is subject to income withholding.

1. Payments processed through the SDU shall be made directly to the resident parent, legal guardian, caretaker relative having custody of, or responsibility for, the child or children, judicially appointed conservator with a legal and fiduciary duty to the custodial parent and the child, or alternate caretaker designated in a record by the custodial parent. An alternate caretaker is a nonrelative caretaker, who is designated in a record by the custodial parent to take care of the child(ren) for a temporary time period.

(s)-(u) (No change.)

10:110-3.3 CWA/CSU’s responsibilities

(a) The CWA/CSU shall:

1.-4. (No change.)

5. Notify the family whenever they are no longer eligible for assistance under the Title IV-A and Medicaid programs, within five working days of ineligibility, that child support services shall continue unless the client requests that they no longer want services, but instead want to close the case. This notice must inform the recipient of the benefits and consequences of continuing to receive Title IV-D services, including the available services and the State’s fees, cost recovery, and distribution policies. The requirement to notify the recipient that services will be continued, unless the family notifies the Title IV-D agency to the contrary, also applies when a child is no longer eligible for Title IV-E foster care, but only in those cases that the Title IV-D agency determines that such services and notice would be appropriate.

6.-11. (No change.)

SUBCHAPTER 9. CHILD SUPPORT AND PATERNITY

10:110-9.5 Good cause exceptions to cooperation

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

(c) WFNJ/TANF applicants/recipients who are granted good cause exceptions from the child support requirements, due to past or present family violence concerns or the risk of family violence, shall be handled in accordance with the regulations for the FVO Initiative at N.J.A.C. 10:90-20. The name and address of the non-custodial/alleged parent, if known, shall be provided to the CWA/CSU.

1. Proceedings to establish paternity, collect and/or enforce child support collections, and/or obtain medical support in a particular case is not in the best interest of a child, due to reason of family violence, when:

i.-iii. (No change.)

2.-3. (No change.)

(d) Paternity determinations, child support collections and/or enforcement, and medical support shall be pursued in cases involving family violence or the risk of family violence when the WFNJ/TANF

applicant/recipient does not request or wish to request a WFNJ/TANF Waiver as a good cause exception from the child support requirements.

(e)-(n) (No change.)

SUBCHAPTER 11. LOCATION

10:110-11.2 Location sources

(a)-(k) (No change.)

(l) In accordance with N.J.A.C. 10:110-1.7, the OCSS shall have access, including automated access, when feasible, to the following resources, if appropriate, for child support enforcement purposes:

1. (No change.)

2. Records held by private entities, including information on the assets and liabilities of individuals held by financial institutions and the names and addresses of individuals and the names and addresses of the employers of the individual appearing in customer records of utility companies and electronic communications and internet service providers, in accordance with N.J.A.C. 10:110-5.2.

(m)-(o) (No change.)

SUBCHAPTER 12. PATERNITY ESTABLISHMENT

10:110-12.2 Voluntary acknowledgment of paternity

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

(c) Prior to the parties signing the COP, both the custodial parent and the alleged father shall be notified of the legal consequences associated with signing the COP, their rights in the COP process, and the alternatives to signing the COP.

1. (No change.)

2. The notice shall specify that:

i.-v. (No change.)

vi. By signing the COP, the alleged father shall become responsible for child support and medical support for the child, and the OCSS may seek, modify, and enforce orders regarding support issues.

(d) (No change.)

SUBCHAPTER 13. ESTABLISHING SUPPORT OBLIGATIONS

10:110-13.1 General statement

(a) In cases where there is no order for child support and medical support within no more than 90 calendar days of determining the location of the non-custodial parent, an order for support shall be established or service of process completed, as necessary, to commence proceedings to establish an order.

1. (No change.)

2. If parentage is acknowledged and/or child support and medical support are agreed upon, the consent order shall be forwarded to the appropriate court for review and approval by the court.

SUBCHAPTER 14. TRIENNIAL REVIEWS

10:110-14.2 Triennial review process

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

(d) When all necessary information is obtained, but in no event before expiration of the 10-day period for completing and returning the Financial Information Sheet, a review shall be conducted to determine if an adjustment to the order is appropriate.

1. To conduct a review means to apply the Child Support Guidelines using the most recently available financial information for the parties or to determine whether a medical support provision should be added to a support order.

i. The Child Support Program shall not exclude incarceration as a basis for determining whether an inconsistency between the existing child support order amount and the amount of support determined as a result of a review is adequate grounds for petitioning for adjustment of the order.

2. (No change.)

(e)-(h) (No change.)

SUBCHAPTER 15. ENFORCING SUPPORT OBLIGATIONS

10:110-15.2 Child support enforcement remedies

(a) Available enforcement remedies shall include, but are not limited to:

1.-3. (No change.)

4. Financial institution data match (FIDM) provisions are as follows:

i. The OCSS, in accordance with N.J.S.A. 2A:17-56.53 and 2A:17-56.57 et seq., shall conduct both in-State and multistate FIDM to identify assets of non-custodial parents held in financial institution accounts or in accordance with this subsection and Federal law at 42 U.S.C. § 666(a)17. The OCSS has authority to enter into cooperative alliances with other states for purposes of obtaining FIDM information.

(1) (No change.)

(2) Each financial institution shall provide information on all NCPs who maintain an account at the financial institution and who owe past due child support that equals or exceeds the amount of the current support obligation payable for three months or the amount of \$500.00 in an arrears-only case and for which no regular payments are being made.

(A) (No change.)

(3)-(6) (No change.)

ii. Provisions concerning action to be taken where there is a match as identified at (a)4i above are as follows.

(1) In response to a lien or a levy, a financial institution shall encumber or surrender assets of an obligor who is the subject of a child support lien, held by the financial institution. If the account is closed, has less than \$100.00, or is such that assets are not subject to levy for purposes of child support pursuant to Federal or State law, the financial institution shall provide notice to OCSS. Accounts with less than \$100.00 are not subject to levy.

(2) All the levies for accounts at a particular financial institution shall be sent to the financial institution by OCSS.

(A) (No change.)

(B) The financial institution shall remit the funds as directed in the notice or letter that the financial institution receives from OCSS.

(C) (No change.)

(3) OCSS shall provide notices and/or letters to financial institutions through electronic correspondence, mail, facsimile, automated data exchange method, or other means authorized by the Department.

iii. (No change.)

iv. Disclosure of information provisions are as follows:

(1) A financial institution shall not be liable under any Federal or State law, notwithstanding any other provision of Federal or State law to the contrary, to any person for any disclosure of information to the Department for the purpose of establishing, modifying, or enforcing a child support obligation of an individual, or for encumbering, holding, refusing to release to the obligor, or surrendering any assets held by the financial institution, in response to a notice or letter issued by the Department, or for any other action taken in good faith to comply with the requirement at P.L. 1998, c. 1.

(2)-(4) (No change.)

v. Account seizure provisions are as follows:

(1)-(3) (No change.)

(4) OCSS will use, to the maximum extent practicable, automated processes to identify and prevent the garnishment of funds from NCPs that are recipients of Supplemental Security Income (SSI) payments pursuant to Title XVI of the Federal Social Security Act (42 U.S.C. §§ 1381 et seq.), or concurrent SSI payments and Social Security Disability Insurance (SSDI) benefits or Social Security Retirement benefits pursuant to Title II of the Federal Social Security Act (42 U.S.C. §§ 401 et seq.).

(5) If OCSS determines that SSI payments or concurrent SSI payments and SSDI benefits or Social Security Retirement benefits pursuant to Title II of the Federal Social Security Act have been incorrectly garnished from the NCP's financial account, they shall return the funds to the NCP within five business days.

5.-11. (No change.)

12. Passport Denial Program provisions are as follows:

i. Cases shall be certified by the OCSS to the Secretary of the U.S. Department of Health and Human Services for the possible denial,

revocation, or limitation of delinquent obligors' passports, pursuant to 42 U.S.C. § 652(K).

(1) Cases shall be submitted as part of the Federal Intercept process. However, only obligors who owe past-due child support meeting the Federally established criteria shall be considered for the Passport Denial Program.

(A) Notice to the obligor of the intent to deny, suspend, or revoke a passport, shall be provided by the Federal Office of Child Support Enforcement.

(2) (No change.)

(3) Notwithstanding a granted contest, full payment of the support arrears amount, including spousal support arrears, shall be due to remove an obligor from the Passport Denial Program.

ii. The obligor shall have the right to contest the denial, revocation, or limitation of their passport by contacting OCSS.

iii. OCSS shall grant or deny passport denial contests with assistance from local child support staff, as needed.

(1) The bases to contest the passport denial are:

(A) Mistaken identity;

(B) Incorrect arrears amount; or

(C) Exceptional circumstances, including, but not limited to:

I. Death of an immediate family member;

II. Terminal illness or medical treatment for the obligor or an immediate family member;

III. Current or potential employment-related travel; or

IV. Extreme financial hardship.

(2) OCSS shall review the contest of passport denial, revocation, or limitation and may request additional information from the obligor within 10 calendar days from the receipt of the contest request. Such additional information may include a death certificate, obituary, letter from medical provider, letter from current or potential employer, benefit award letter, pay stubs and tax returns, or 1099 form.

(3) In the event that a contest is granted due to exceptional circumstances, OCSS has sole discretion to approve and accept payment that is less than the full arrears amount.

(A) Upon confirmation of the accepted payment amount from the obligor, OCSS shall take the necessary steps to remove the obligor from the Passport Denial Program. Obligor with remaining qualifying arrears will continue to be eligible for the Passport Denial Program.

(B) The obligor may be required to undertake additional action to obtain a passport or remove the limitation on a passport through the Federal Office of Child Support Enforcement or the U.S. Department of State. The obligor may incur additional passport processing fees at their own cost.

13.-14. (No change.)

SUBCHAPTER 20. CASE CLOSURE

10:110-20.3 Case closure criteria

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

(c) Circumstances under which a case could be closed shall meet at least one of the following criteria:

1.-3. (No change.)

4. The NCP's location is unknown and the IV-D Agency has made diligent efforts using multiple sources, in accordance with 45 CFR 303.3, all of which have been unsuccessful, to locate the NCP:

i. Over a two-year period when there is sufficient information to initiate an automated locate effort; or

ii. Over a six-month period when there is not sufficient information to initiate an automated locate effort;

iii. After a one-year period when there is sufficient information to initiate an automated locate effort, but locate interfaces are unable to verify a Social Security number.

5. The IV-D agency has determined that throughout the duration of the child's minority (or after the child has reached the age of majority), the noncustodial parent cannot pay support and shows no evidence of support potential because the parent has been institutionalized in a psychiatric facility, is incarcerated, or has a medically-verified total and permanent disability. The IV-D Agency must also determine that the noncustodial

parent has no income or assets available above the subsistence level that could be levied or attached for support;

6.-12. (No change.)

13. The initiating agency has notified the responding state that the initiating state has closed its case under 45 CFR 303.7(c)(11);

14. The initiating agency has notified the responding state that its intergovernmental services are no longer needed;

15. There is no longer a current support order and all arrearages in the case are assigned to the State;

16. The noncustodial parent is living with the minor child (as the primary caregiver or in an intact two parent household), and the IV-D agency has determined that services are not appropriate or are no longer appropriate;

17. The noncustodial parent's sole income is from:

i. Supplemental Security Income (SSI) payments made in accordance with section 1601 et seq., of Title XVI of the Social Security Act, 42 U.S.C. §§ 1381 et seq.; or

ii. Both SSI payments and Social Security Disability Insurance benefits or Social Security Retirement benefits under Title II of the Social Security Act;

18. The IV-D agency has completed a limited service pursuant to 45 CFR 302.33(a)(6); or

19. Another assistance program, including IV-A, IV-E, SNAP, and Medicaid, has referred a case to the IV-D agency that is inappropriate to establish, enforce, or continue to enforce a child support order and the custodial or noncustodial parent has not applied for services.

(d) (No change.)

10:110-20.4 Reopening a closed case

(a) A closed WFNJ/TANF case shall be reopened if new information is received that may make establishment of paternity and/or an order for support, including medical support, or enforcement of an order possible.

(b) (No change.)

(a)

DIVISION OF AGING SERVICES

Notice of Readoption
Pharmaceutical Assistance to the Aged and
Disabled Eligibility Manual

Readoption: N.J.A.C. 10:167

Authority: N.J.S.A. 30:4D-24; and P.L. 2012, c. 17.

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

Effective Date: April 24, 2023.

New Expiration Date: April 24, 2030.

Take notice that the Department of Human Services (Department) hereby readopts N.J.A.C. 10:167. Pursuant to N.J.S.A. 52:14B-5.1, the rules were scheduled to expire on May 31, 2023. N.J.A.C. 10:167 establishes the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Eligibility Manual. The PAAD Eligibility Manual is promulgated to set forth the basic policies and procedures relating to assistance to persons who are financially disqualified from medical assistance pursuant to the New Jersey Medical Assistance and Health Services Act, P.L. 1968, c. 413 (N.J.S.A. 30:4D-1 et seq.), and who have significant needs for prescribed drugs and/or insulin needles, insulin syringes and/or needles, and syringes used for medications that can be injected for the treatment of multiple sclerosis, but are unable to fully meet the cost of such items. The PAAD Program is a State-funded program that was created as, and remains, a payer of last resort.

The following is a summary of N.J.A.C. 10:167:

Subchapter 1 sets forth the introduction, setting forth the purpose and intent of the chapter and the legal authority that established the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Program.

Subchapter 2 provides the definitions of terms used in the chapter, as well as the provisions required for a special needs trust.

Subchapter 3 addresses the administrative organization through designation of the Department of Human Services as the controlling administrative unit over the governance of the PAAD program and the Division of Medical Assistance and Health Services as the administrative unit to perform certain functions.

Subchapter 4 establishes the scope of service and program parameters through statutory limitations, providing the principles of reimbursement to participating pharmacies, giving guidance regarding reimbursement and PAAD beneficiary options for interchangeable drug products; beneficiary co-payment and direct reimbursement; as well as the premium payments the Department makes to the Medicare Part D Prescription Drug Plan.

Subchapter 5 explains the application process, including when the Department can accept the initiation of the application process by an authorized agent; the eligibility effective date and redetermination process; provides exceptions from the usual processing time of 30 days; states Department responsibilities in safeguarding the program through expediting the application process, ensuring program compliance, and recovering incorrectly paid benefits; as well as sets forth the process for combined PAAD/Lifeline applications.

Subchapter 6 addresses eligibility requirements, specifically: age, income standards, citizenship, residence, recipients of other assistance and pharmaceutical coverage, eligibility and renewal application forms, Social Security number, certification, authorizations, the eligibility period, confidentiality and disclosure information, as well as the appeals process when a determination is made that an applicant is ineligible for benefits.

Subchapter 7 addresses recoveries for benefits that were paid correctly, as well as benefits that were paid incorrectly, provides guidance regarding liens, and the assessment of penalties.

The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purposes for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 10:167 is readopted and shall continue in effect for seven years.

CORRECTIONS

(b)

THE COMMISSIONER

Mail, Visits, and Telephone

Readoption with Amendments: N.J.A.C. 10A:18

Adopted Repeals and New Rules: N.J.A.C. 10A:18-1.4 and 7.9

Adopted New Rule: N.J.A.C. 10A:18-6.22

Adopted Repeals N.J.A.C. 10A:18-2.1, 3.1, 4.1, 5.1, and 7.1

Proposed: February 21, 2023, at 55 N.J.R. 293(a).

Adopted: April 24, 2023, by Victoria L. Kuhn, Commissioner, Department of Corrections.

Filed: April 25, 2023, as R.2023 d.067, without change.

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

Effective Dates: April 25, 2023, Readoption;
June 5, 2023, Amendments, New Rules, and Repeals.

Expiration Date: April 25, 2030.

Summary of Public Comment and Agency Response:
No comments were received.

Federal Standards Statement

The rules readopted with amendments, repeals, and new rules are promulgated pursuant to the authority of the rulemaking requirements of the Department of Corrections, as established at N.J.S.A. 30:1B-6 and 30:1B-10. The rules readopted with amendments, repeals, and new rules