

SUBCHAPTER 12. EMERGENCY DEPARTMENT AND TRAUMA SERVICES

8:43G-12.12 Trauma services; scope and purpose

(a) The requirements of N.J.A.C. 8:43G-[12.12]**12.13** through 12.23 [shall] **and this section** apply to all hospitals [designated by] **that** the Department [of Health] **designates** as Level I or Level II trauma centers, pursuant to Certificate of Need designation criteria at N.J.A.C. [8:33P] **8:33**.

(b) (No change.)

SUBCHAPTER 15. MEDICAL RECORDS

8:43G-15.1 Medical records structural organization

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

(c) If the hospital ceases to operate, at least 14 days before cessation of operation **the hospital shall notify** the [State] Department [of Health shall be notified] in writing [about] how and where medical records will be stored.

(d)-(e) (No change.)

SUBCHAPTER 16. MEDICAL STAFF

8:43G-16.1 Medical staff structural organization

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

(l) [Notifications required by] **The hospital shall submit the notification that** (k) above [shall be provided] **requires to the Department** within seven days of the [reported] **occurrence of the reportable** event [and shall be submitted] on forms [approved by] **that** the Department [of Health] **approves** for that purpose.

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

SUBCHAPTER 23. PHARMACY

8:43G-23.6 Pharmacy patient services

(a) (No change.)

(b) The hospital shall have in effect a unit dose drug distribution system with individual cassettes or containers [which] **that** bear the patient's identification. The system shall cover at least the medical/surgical, obstetric, pediatric, and psychiatric units and include scheduled cart exchanges at least every 24 hours, including weekends and holidays.

1. [An] **The hospital may substitute an** alternative method of distributing drugs [approved by the Department of Health may be substituted] for the unit dose drug distribution system if the **hospital demonstrates to the Department that the** method [has been demonstrated to the Department to have] **has** at least equivalent clinical effectiveness **and the Department approves the use of the alternative method.**

(c)-(m) (No change.)

SUBCHAPTER 28. RADIOLOGY AND RADIATION ONCOLOGY

8:43G-28.19 Radiation therapy continuous quality improvement methods

(a) (No change.)

(b) New [or] **and** existing radiation oncology facilities shall [be fully accredited]:

1. Have and maintain accreditation by the American College of Radiology [or], the American College of Radiation Oncology [by December 20, 2002 and continuously maintained thereafter.], **or the American Society for Radiation Oncology; and**

[(c)] **2. [Copies] Within 45 days of receiving a certificate** of [the American College of Radiology or the American College of Radiation Oncology] accreditation **from one of the entities in (b)1 above, submit a copy of the certificate** [shall be sent] to the [New Jersey] Department [of Health and Senior Services] as a condition of licensure [within 45 days of receipt of the certificate].

8:43G-28.24 Data to be maintained and reported

Megavoltage radiation oncology facilities **annually** shall submit [such], **on or before March 31 of each year**, utilization, performance, and outcome data [as] **that** the Department may request[. Data shall

include] **including**, but not [be] limited to, staff qualifications, verification of equipment calibration, program accreditation status, and program utilization by service category, on reporting forms [developed and annually submitted to] **that** the Department [of Health and Senior Services on or before March 31] **establishes**.

SUBCHAPTER 32. SAME-DAY STAY

8:43G-32.23 Observation service space and environment

(a) Prior to implementation, the hospital shall inform the Department [of Health and Senior Services] in writing of the location and the number of spaces in the service.

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

HUMAN SERVICES

(a)

DIVISION OF FAMILY DEVELOPMENT

Personal Needs Allowance

Clarifying the Personal Needs Allowance and Updating the Method of Notice

Proposed Amendment: N.J.A.C. 10:123-3.4

Authorized By: Carole Johnson, Commissioner, Department of Human Services.

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

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2019-128.

Submit comments by October 18, 2019, to:

Miguel Mendez, Administrative Practice Officer
Division of Family Development
PO Box 716
Trenton, New Jersey 08625-0716
Email: DFD-Regulations@dhs.state.nj.us

The agency proposal follows:

Summary

As the Department of Human Services (Department) is providing a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Supplemental Security Income (SSI) recipients residing in boarding homes and residential health care facilities (RHCfs), as well as Work First New Jersey/General Assistance (WFNJ/GA) clients residing in RHCfs, receive a monthly personal needs allowance (PNA). The PNA amounts differ depending on whether the client resides in a boarding home or an RHCf.

Existing N.J.A.C. 10:123-3.4(a) does not make it clear that there is a difference in the PNA amounts. The proposed amendments recognize the distinction between boarding homes and RHCfs by explicitly stating the PNA amount for boarding homes and the PNA amount for RHCfs.

The proposed amendments to N.J.A.C. 10:123-3.4(c) will change the method by which the Division of Family Development (Division) provides notification to the public whenever there is a change in the PNA amounts. The existing rule requires the Division to publish these changes in three newspapers of general circulation in New Jersey. The proposed amendments will remove this requirement, instead requiring publication on the Department's website of changes in the PNA. This method of notification is better suited to reach providers, recipients, or anyone who has a need for the PNA amount.

Technical corrections throughout N.J.A.C. 10:123-3.4 change "personal needs allowance" to its acronym "PNA."

Social Impact

The proposed amendment will have a positive social impact because it will be easier for operators to access the rule and ensure that the correct amount of the PNA is provided to recipients.

Economic Impact

The proposed amendment will have no economic impact since they are designed to provide the specific amount of the PNA of residents of boarding homes and residents of RHCFS, as applicable.

Federal Standards Statement

The Department has reviewed the applicable Federal laws and regulations and that review indicates that the proposed amendment does not exceed Federal standards. Therefore, a Federal standards analysis is not required.

Jobs Impact

The proposed amendment will not result in the generation or loss of jobs.

Agriculture Industry Impact

The proposed amendment will have no impact on the agriculture industry.

Regulatory Flexibility Statement

The proposed amendment has been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment imposes no reporting, recordkeeping, or other compliance requirements on small businesses and, thus, a regulatory flexibility analysis is not required. The proposed amendment deals with the PNA of certain residents of boarding homes and RHCFS.

Housing Affordability Impact Analysis

The proposed amendment will not have an impact on housing affordability in New Jersey. It is highly unlikely that the proposed amendment would evoke a change in the average costs associated with housing because the proposed amendment deals with the PNA of certain residents of boarding homes and RHCFS.

Smart Growth Development Impact Analysis

The proposed amendment will not have an impact on smart growth. It is highly unlikely the proposed amendment would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers under the State Development and Redevelopment Plan in New Jersey because the proposed amendment deals with the PNA amount of residents of boarding homes and RHCFS.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department of Human Services has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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

SUBCHAPTER 3. PERSONAL NEEDS ALLOWANCE

10:123-3.4 Amount

(a) The owner or operator of each [residential health care facility or] boarding home shall reserve to each Supplemental Security Income (SSI) recipient residing therein[, and the] **a personal needs allowance (PNA) in the amount of \$115.00.** The owner or operator of each residential health care facility shall reserve to each **SSI and Work First New Jersey/General Assistance** recipient residing therein[.], a [personal needs allowance] PNA in the amount of [at least \$112.00] **\$126.00** per month[.]. **The boarding home and residential health care facility PNA rates shall be** set according to (b) below, and noticed in the New Jersey Register and otherwise publicized, in accordance with (c) below. No owner or operator, or agency thereof, shall interfere with the recipient's retention, use, or control of the [personal needs allowance] PNA.

(b) The [personal needs allowance] PNA shall be adjusted annually based on the following calculations: the Federal portion of the current total SSI rate multiplied by the Federal Cost of Living Adjustment (COLA) to

be applied to the succeeding year equals the actual dollar increase (rounded to the nearest dollar); the actual dollar increase divided by the current total SSI rate equals the adjusted COLA for the succeeding year; the adjusted COLA multiplied by the current annualized base PNA equals the monthly PNA increase for the succeeding year. For the purposes of this [rule] **section**, the COLA means the cost of living adjustment published annually in the Federal Register, in accordance with 42 U.S.C. §§ 415i and 1382f.

(c) The [personal needs allowance] PNA for each calendar year shall be noticed in the New Jersey Register [on or about January 1 of that year,] and shall be considered the current [personal needs allowance] PNA for that calendar year. Additional notice shall be provided [in at least three newspapers of general circulation in the State of New Jersey before January 1 of that year,] **on the Department of Human Services' website** and by other means reasonably calculated to inform those persons most likely to be affected by or interested in the [personal needs allowance] PNA increase for that calendar year.

LAW AND PUBLIC SAFETY

(a)

**DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF EXAMINERS OF MASTER
PLUMBERS**

Scope of Practice

Proposed Amendment: N.J.A.C. 13:32-1.4

Authorized By: State Board of Examiners of Master Plumbers,
Kerrie Shahan, Acting Executive Director.

Authority: N.J.S.A. 45:14C-7.

Calendar Reference: See Summary below for explanation of
exception to calendar requirement.

Proposal Number: PRN 2019-117.

Submit comments by October 18, 2019, to:

Kerrie Shahan, Acting Executive Director
Board of Examiners of Master Plumbers
PO Box 45008
124 Halsey Street
Newark, New Jersey 07101

or electronically at: <http://www.njconsumeraffairs.gov/Proposals/Pages/default.aspx>

The agency proposal follows:

Summary

N.J.A.C. 13:32-1.4(e)4 indicates that unlicensed individuals may install, service, and maintain gas and hydronic piping. N.J.S.A. 45:16A-2 establishes that the installation, servicing, connecting, maintenance, or repair of natural or manufactured gas piping on the load side of a meter and the testing and balancing of hydronic systems are the practice of heating, ventilating, air conditioning, and refrigeration (HVACR). In order to perform this work, a person must be licensed as a master HVACR contractor or be licensed by another State entity with a scope of practice that includes working on gas piping and hydronic systems. N.J.A.C. 13:32-1.4(j) recognizes that licensed master plumbers are permitted to install, maintain, and repair natural or manufactured gas piping and test and balance hydronic systems as part of their professional scope of practice. As N.J.S.A. 45:16A-2 establishes that unlicensed individuals cannot install, service, or maintain gas piping or test or balance hydronic systems, and N.J.A.C. 13:32-1.4(j) establishes that licensed master plumbers may work on gas piping and hydronic systems, the Board of Examiners of Master Plumbers (Board) proposes to amend N.J.A.C. 13:1.4(e), so that it does not inadvertently authorize unlicensed individuals to install, service, or maintain gas or hydronic piping.

The Board has determined that the comment period for this notice of proposal will be 60 days; therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this notice is excepted from the rulemaking calendar requirement.