

3. General acute care hospitals shall not be considered IMDs for the purposes of the PACT, and therefore face-to-face contact provided to, or on behalf of, [a Medicaid/NJ FamilyCare-Plan A] **an eligible** beneficiary, while the beneficiary is in a general acute care hospital, can be counted towards the monthly minimum service requirement.

(d) (No change.)

10:76-3.1 Introduction

(a) (No change.)

(b) HCPCS was developed as a three-level coding system:

1.-2. (No change.)

[3. LEVEL III CODES: The narratives for Level III codes are found in this subchapter. These codes are assigned by the Division of Medical Assistance and Health Services to be used for those services that are unique to the New Jersey Medicaid/NJ FamilyCare programs.]

(c) (No change.)

APPENDIX

FISCAL AGENT BILLING SUPPLEMENT

AGENCY NOTE: The Fiscal Agent Billing Supplement is appended as a part of this chapter but is not reproduced in the New Jersey Administrative Code. The Fiscal Agent Billing Supplement can be downloaded free of charge from: [www.njmmis.com](http://www.njmmis.com). When revisions are made to the Fiscal Agent Billing Supplement, a revised version will be posted on the njmmis website and copies will be filed with the Office of Administrative Law.

If you do not have access to the Internet and require a copy of the Fiscal Agent Billing Supplement, write to:

[Unisys Corporation] **Molina Medicaid Systems**  
 PO Box 4801  
 Trenton, New Jersey 08650-4801  
 or contact:  
 Office of Administrative Law  
 Quakerbridge Plaza, Bldg. 9  
 PO Box 049  
 Trenton, New Jersey 08625-0049

**CHILDREN AND FAMILIES**

**(a)**

**DIVISION OF CHILD PROTECTION AND PERMANENCY**

**Adoption Assistance and Child Welfare Act of 1980 Requirements**

**Proposed Readoption with Amendments: N.J.A.C. 10:131**

Authorized By: Allison Blake, Ph.D., L.S.W., Commissioner, Department of Children and Families.  
 Authority: N.J.S.A. 30:1-12 and 30:4C-4(h).  
 Calendar Reference: See Summary below for explanation of exception to calendar requirement.  
 Proposal Number: PRN 2015-095.

Submit written comments by October 16, 2015, to:

Pamela Wentworth  
 Office of Policy and Regulatory Development  
 Department of Children and Families  
 PO Box 717  
 Trenton, NJ 08625  
[rules@dcf.state.nj.us](mailto:rules@dcf.state.nj.us)

The agency proposal follows:

**Summary**

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 10:131 is scheduled to expire July 2, 2015. Pursuant to N.J.S.A. 52:14B-5.1.c(2), this date is extended 180 days to December 29, 2015. The Division of Children and

Families has reviewed these rules and determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated, as required by Executive Order No. 66 (1978).

As the Division has provided 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.

The purpose of this chapter is to inform the public of where they may find the New Jersey Child and Family Services Plan and the Title IV-E plan and to establish the goal for the maximum number of Title IV-E eligible children who can remain in foster care for more than 24 months.

The rules were initially adopted in 1982 to bring New Jersey into compliance with provisions of the recently passed Adoption Assistance and Child Welfare Act of 1980. The rules have been in effect since September 20, 1982, with readoptions in 1987, 1992, 1997, 2003, and 2008.

Subchapter 1 lets the public know where to locate the New Jersey Child and Family Services Plan. This plan is required by Title IV-B of the Social Security Act and public access to the plan is required by Federal regulation, 45 CFR 1355.21(c). The plan includes information on New Jersey's child welfare programs.

The Division proposes to amend N.J.A.C. 10:131-1.1 to include codifying the existing text as subsection (a) and to add new subsection (b). N.J.A.C. 10:131-1.1(a), as proposed for codification, is proposed for amendment to remove the address of the office to which a request for the plan is made and to replace it with the Department's web address where the plan is posted. Proposed new subsection (b) informs the reader of how to obtain the Title IV-E plan.

The Division proposes to amend N.J.A.C. 10:131-2.1 to cite Title IV-E of the Social Security Act, 42 U.S.C. § 671, rather than the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272). The U.S. Code citation is easier for the public to find.

The Division proposes to amend N.J.A.C. 10:131-2.2 to state that New Jersey's goal is that no more than 1,800 Title IV-E eligible children will remain in foster care more than 24 months. The Division has derived this number as New Jersey's goal for fiscal year 2016 forward based on current data, rather than 2008.

The name of the Division of Youth and Family Services is proposed to be changed to the Division of Child Protection and Permanency, pursuant to the amendment of N.J.S.A. 9:3A-9, effective June 29, 2012.

The summary of the rules follows:

N.J.A.C. 10:131-1.1 states where the public can review the New Jersey Child and Family Services Plan and how to request the Title IV-E Plan.

N.J.A.C. 10:131-2.1 states the Title IV-E requirement to state a numeric goal for the maximum number of Title IV-E eligible children in foster care for more than 24 months.

N.J.A.C. 10:131-2.2 states the numeric goal for the maximum number of Title IV-E eligible children who will remain in foster care for more than 24 months.

**Social Impact**

The social impact of Subchapter 1 is to give the public access to the New Jersey Child and Family Services Plan and the Title IV-E plan, so that the public can become better informed about New Jersey's child welfare system.

Subchapter 2 may affect children in New Jersey who are eligible for Title IV-E foster care payments through the Federal Social Security Act, as it sets a goal for the maximum number of these children who remain in foster care for more than 24 months. It is the Division's goal to keep children in foster care for as short a time as possible, provided that they can be moved to safe, permanent homes. As of March 2015, 7,067 children under 18 were in all types of out-of-home placement through the Division. However, not all of the children in foster care are Title IV-E eligible.

The Division anticipates a favorable response to the rules proposed for readoption as amended.

**Economic Impact**

The economic impact of the rules is that they allow the Division to meet the requirement of 42 U.S.C. § 671(a)14, related to Title IV-E funding for the children in out-of-home placement and 45 CFR

1355.21(c), requiring public access to the Title IV-E plan. The Division's fiscal year (FY) 2015 Title IV-E appropriation is \$80,331,998.

The Division also receives an appropriation under Title IV-B of the Social Security Act, \$10,831,000 for FY 2016. The rules in this chapter assist New Jersey to meet the requirement at 45 CFR 1355.21(c), related to public access to the Child and Family Services Plan. The plan is required at 42 U.S.C. § 622(a).

#### Federal Standards Statement

The rules proposed for readoption with amendments allow New Jersey to meet, but not to exceed, the requirements of Federal law. 45 CFR 1355.21(c) requires the state to make its Child and Family Services Plan and the Annual Progress and Services Reports and its Title IV-E plan available for public review and inspection. Subchapter 1 meets this Federal requirement by informing the public of how to access the plan. Subchapter 1 does not exceed the Federal requirement.

42 U.S.C. § 671(a)14 requires state law to have a specific numeric goal of the maximum number of Title IV-E eligible children who will remain in foster care for more than 24 months. Subchapter 2 fulfills and does not exceed that requirement.

#### Jobs Impact

The Division anticipates that the rules proposed for readoption with amendments will not result in the generation or loss of any jobs.

#### Agriculture Industry Impact

The rules proposed for readoption with amendments have no impact on the agriculture industry.

#### Regulatory Flexibility Statement

The rules proposed for readoption with amendments refer only to the Division, which is not considered a small business under N.J.S.A. 52:14B-16 et seq., the Regulatory Flexibility Act. The rules impose no reporting, recordkeeping or other compliance requirements on small businesses. Therefore, a regulatory flexibility analysis is not required. These rules state how members of the public can review the New Jersey Child and Family Services Plan and the Title IV-E plan and a goal for the maximum number of Title IV-E eligible children who will remain in foster care in New Jersey for more than 24 months.

#### Housing Affordability Impact Analysis

The rules proposed for readoption with amendments will have no impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules pertain to the Division meeting requirements of the Titles IV-B and IV-E of the Federal Social Security Act.

#### Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments will have no impact on smart growth and there is an extreme unlikelihood that the rules 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 rules pertain to the Division's meeting requirements of Titles IV-B and IV-E of the Social Security Act.

**Full text** of the rules proposed for readoption with amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

#### CHAPTER 131

#### ADOPTION ASSISTANCE AND CHILD WELFARE ACT OF 1980 REQUIREMENTS

#### SUBCHAPTER 1. NEW JERSEY CHILD AND FAMILY SERVICES PLAN

#### 10:131-1.1 New Jersey Child and Family Services Plan

(a) New Jersey develops an annual Child and Family Services Plan. Copies of the New Jersey Child and Family Services Plan may be obtained from[:] <http://nj.gov/def/>.

[Division of Youth and Family Services  
DYFS Director

50 East State Street  
PO Box 717  
Trenton, New Jersey 08625-0717]

**(b) The Department of Children and Families develops a Title IV-E plan. The public may request the Title IV-E Plan from:  
Office of Advocacy  
Department of Children and Families  
PO Box 717  
Trenton, NJ 08625**

#### SUBCHAPTER 2. GOALS FOR CHILDREN REMAINING IN FOSTER CARE IN EXCESS OF 24 MONTHS

#### 10:131-2.1 State child welfare services permanency planning

[The Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272)] **Title IV-E of the Social Security Act, 42 U.S.C. § 671**, mandates that specific goals be established by State law before October 1st for each fiscal year as to the maximum number of Title IV-E eligible children who will remain in foster care for more than 24 months. This requirement is consistent with the intent of the legislation to improve services provided to children and their families, therefore reducing the number of children removed from their families and increasing the number of children returned to their families from out-of-home placement. This requirement is also consistent with the goal of the Division of [Youth and Family Services] **Child Protection and Permanency**, under N.J.S.A. 30:4C-1 et seq., to provide all children with permanency planning, therefore minimizing the number of children in temporary out-of-home placement.

#### 10:131-2.2 State child welfare services goals

New Jersey has established the goal that no more than 1,800 Title IV-E eligible children will remain in foster care for more than 24 months during Federal fiscal year [2008] **2016** and thereafter. The Division of [Youth and Family Services] **Child Protection and Permanency** will make every effort within available resources to ensure that services are provided to maintain children in their own homes and to reunify children in out-of-home placement with their families as quickly as possible.

## LAW AND PUBLIC SAFETY

### (a)

#### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF NURSING

#### Notice of Public Hearing and Extension of Comment Period

#### Delegation and Certification; Homemaker-Home Health Aides

**Proposed Amendments: N.J.A.C. 13:37-5.5, 8.2, 8.3,  
14.1, 14.2, 14.4, 14.5, 14.7, 14.10, and 14.15**

**Proposed Repeals and New Rules: N.J.A.C. 13:37-  
6.1, 6.2, 14.3, 14.6, 14.8, 14.12, 14.13, and 14.14**

**Proposed New Rules: N.J.A.C. 13:37-6.3, 6.4, 6.5, 6.6,  
14.11, 14.15, and 14.17**

**Proposed Repeal: N.J.A.C. 13:37-14.9**

**Take notice** that the Board of Nursing will conduct a **public hearing** for the purpose of eliciting input from the public on proposed amendments to, and new rules and repeals at, N.J.A.C. 13:37-6 and 14, the rules which regulate the delegation of nursing tasks and the certification and practice of homemaker-home health aides. While sufficient public interest, as set forth in N.J.A.C. 13:1E-4.3, has not been evidenced through the comments the Board has received on the proposal (published in the New Jersey Register on February 2, 2015, at 47 N.J.R. 406(a)), the Board believes that it would be in the interest of the nursing and certified homemaker-home health aide communities and the public to hear their concerns regarding the proposed changes to N.J.A.C. 13:37-6