

published annually in the Federal Register[,] pursuant to 7 CFR 273.9(d)(1), and effective October 1 of each year.

(b) The Shelter Deduction shall be that calculated by the United States Department of Agriculture [pursuant to 7 CFR 273.9(d)(8)], published annually in the Federal Register[,] pursuant to [7 CFR 273.9(d)(5)] 7 CFR 273.9(d)(6), and effective October 1 of each year.

(c) The Heating and Cooling Standard Utility Allowance shall be recalculated annually by DFD effective October 1, in accordance with 7 CFR 273.9(d) and the "Texas" methodology described in USDA Notice No. 79-47, issued on May 25, 1979 and shall be the sum of the following:

1. The Major Heating and Cooling Standard Utility component shall be calculated by collecting data from NJ SNAP households in 1977 and 1978 to ascertain the heating utility expenses which those households incurred. The data shall be arranged to project what the 75th percentile of such monthly costs are, thus arriving at a winter Base Period amount of \$128.00 to represent November through April monthly utility costs, and a summer Base Period amount of \$44.00 to represent May through October monthly utility costs. Each base period amount shall be updated to reflect heating utility costs by using the U.S. Bureau of Labor Statistics' Consumer Price Indices-Urban "Fuels" item for the New York/Northern New Jersey and Philadelphia metropolitan regions. The six NJCPI-U statistics for July through December of the previous year shall be trended (straight line, least squares method) to project the average heating index amounts for November of the current year through April of the following year. The six NJCPI-U statistics for January through June of the following year shall be trended (straight line, least squares method) to project the average heating index amounts for May through October of the following year. Each amount shall be compared to the 1977 base data, thus creating an inflation adjustment factor. Each inflation adjustment factor shall be applied to the appropriate winter or summer Base Period amount. The totals shall be averaged to arrive at the annual Heating and Cooling Standard Utility component.

2. The minor Non-Heating and Cooling Standard Utility component described at N.J.A.C. 10:87-12.1(d)2 shall be included in the HCSUA.]

(c) Standard utility allowances have been established pursuant to 7 CFR 273.9(d)(6)(iii). A household may qualify for one utility deduction based on household expenses identified in N.J.A.C. 10:87-5.10(a)5. The standard utility allowances available to NJ SNAP households include the Heating and Cooling Standard Utility Allowance (HCSUA), Limited Utility Allowance (LUA), and the Uniform Telephone Allowance (UTA). Standard utility allowances are updated annually on October 1st, and are calculated using the following methodologies:

1. HCSUA. A standard base period amount was established using the "Texas" methodology described in USDA Notice No. 79-47, issued May 25, 1979, and it is updated annually for inflation adjustments. The base period amount shall be updated annually for inflation adjustments using the U.S. Bureau of Labor Statistics' Consumer Price Index-All Urban Consumers for Fuels and Utilities. The current year's index for June shall be compared to the index two years earlier to determine a percent change, and the percent change shall be applied to the prior year's Base Period amount to determine the annual HCSUA. Should the percent change be negative, the previous year's HCSUA shall be utilized.

2. LUA. A base period was established using the "Texas" methodology described in USDA Notice No. 79-47, issued May 25, 1979, and it is updated annually for inflation adjustments. The Base Period amount shall be updated annually for inflation adjustments utilizing the U.S. Bureau of Labor Statistics' Consumer Price Index-All Urban Consumers for All Items. The current year's index for June shall be compared to the index two years earlier to determine a percent change, and the percent change shall be applied to the prior year's Base Period amount to determine the annual LUA. Should the percent change be negative, the previous year's LUA shall be utilized.

3. UTA. A standard base period amount was established by totaling the Verizon Telephone Company's highest regional Flat Rate charge for New Jersey, the FCC subscriber line charge, wire maintenance fees, and applicable Federal tax and it is updated annually for inflation adjustments. The Base Period amount shall be

updated annually for inflation adjustments utilizing the U.S. Bureau of Labor Statistics' Consumer Price Index-All Urban Consumers for Telephone Services. The current year's index for June shall be compared to the index two years earlier to determine a percent change, and the percent change shall be applied to the prior year's Base Period amount to determine the annual UTA. Should the percent change be negative, the previous year's UTA shall be utilized.

CHILDREN AND FAMILIES

(a)

OFFICE OF LICENSING

Manual of Requirements for Residential Child Care Facilities

Proposed Readoption: N.J.A.C. 10:127

Authorized By: Allison Blake, Ph.D., L.S.W., Commissioner, Department of Children and Families.

Authority: N.J.S.A. 30:1-14 and 15 and 30:4C-4.

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

Proposal Number: PRN 2016-064.

Submit written comments by July 1, 2016, to:

Pamela Wentworth, M.S.W., L.S.W.
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The agency proposal follows:

Summary

As the Division of Child Protection and Permanency (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.

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 10:127 was scheduled to expire on March 27, 2016. As the Department of Children and Families (Department) has filed this notice with the Office of Administrative Law prior to that date, the expiration date is extended 180 days to September 23, 2016, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Department has reviewed these rules and has determined that they continue to be necessary, proper, and reasonable for the purpose for which they were originally promulgated, as required by Executive Order No. 66 (1978).

The Department of Children and Families is authorized by law to inspect, evaluate, and approve publicly and privately-operated residential child care facilities that serve children placed by the Division. N.J.A.C. 10:127 sets the standards by which the programs and physical facilities are evaluated.

N.J.A.C. 10:127-1.1 states the legal authority for the chapter.

N.J.A.C. 10:127-1.2 states the definitions for the types of children's residential facilities.

N.J.A.C. 10:127-1.3 states the definitions used in this chapter.

N.J.A.C. 10:127-2.1 states the application process to obtain a certificate of approval.

N.J.A.C. 10:127-2.2 states information about the issuance of a certificate of approval.

N.J.A.C. 10:127-2.3 states the circumstances and procedures for denying, suspending, revoking, or refusing to renew a certificate of approval.

N.J.A.C. 10:127-2.4 states information about administrative hearings prior to the denial, suspension, revocation, or refusal to renew a certificate of approval.

N.J.A.C. 10:127-2.5 states the process for handling complaints.

N.J.A.C. 10:127-2.6 states the public's access to licensing records.

N.J.A.C. 10:127-3.1 states information about the facility's statement of purpose.

N.J.A.C. 10:127-3.2 states the rights of children in a facility.

N.J.A.C. 10:127-3.3 states information that the facility gives to parents and staff members.

N.J.A.C. 10:127-3.4 states requirements for a facility's governing board.

N.J.A.C. 10:127-3.5 states the requirement for a facility's conflict of interest policy.

N.J.A.C. 10:127-3.6 states the requirements for intake and admissions.

N.J.A.C. 10:127-3.7 states the facility's reporting requirements.

N.J.A.C. 10:127-3.8 states the facility's requirements for the maintenance and confidentiality of records.

N.J.A.C. 10:127-3.9 states the requirements for comprehensive general liability insurance coverage.

N.J.A.C. 10:127-4.1 states the initial physical facility requirements for facilities in New Jersey.

N.J.A.C. 10:127-4.2 states the initial physical facility requirements for facilities located outside of New Jersey.

N.J.A.C. 10:127-4.3 states maintenance and sanitation requirements.

N.J.A.C. 10:127-4.4 states additional maintenance and sanitation requirements for facilities located in New Jersey.

N.J.A.C. 10:127-4.5 states the requirements for emergency procedures and equipment.

N.J.A.C. 10:127-4.6 states the prohibition on tobacco products.

N.J.A.C. 10:127-5.1 states the general requirements for the director and staff members.

N.J.A.C. 10:127-5.2 states staff qualifications.

N.J.A.C. 10:127-5.3 states staff-to-child ratios.

N.J.A.C. 10:127-5.4 states the staff training and development requirements.

N.J.A.C. 10:127-5.5 states the requirements for using volunteers and student interns at a facility.

N.J.A.C. 10:127-5.6 states the requirements related to criminal history record information background checks for the director and staff members.

N.J.A.C. 10:127-5.7 states the requirements related to child abuse record information background checks for the director and staff members.

N.J.A.C. 10:127-5.8 states the procedures for both types of background checks for facilities in New Jersey.

N.J.A.C. 10:127-5.9 states the procedures for both types of background checks for facilities outside of New Jersey.

N.J.A.C. 10:127-6.1 states the requirements for treatment plans for children placed in residential child care facilities.

N.J.A.C. 10:127-6.2 states the requirements for discharge planning.

N.J.A.C. 10:127-6.3 states how children are grouped in living units.

N.J.A.C. 10:127-6.4 states the work and employment standards for children placed in residential child care facilities.

N.J.A.C. 10:127-6.5 states information on allowances and restitution payments to the facility by a child.

N.J.A.C. 10:127-6.6 states the standards for a child's visits and communication with family members and friends.

N.J.A.C. 10:127-6.7 states the education requirements for children placed in residential child care facilities.

N.J.A.C. 10:127-6.8 states the requirements for recreational activities.

N.J.A.C. 10:127-6.9 states standards related to religion.

N.J.A.C. 10:127-6.10 states standards for rest, bedrooms, and sleep for children placed in residential child care facilities.

N.J.A.C. 10:127-6.11 states the food and nutritional standards for children placed in residential child care facilities.

N.J.A.C. 10:127-6.12 states the requirements for pets located in the facility.

N.J.A.C. 10:127-6.13 states the standards for the use of restrictive behavior management practices for facilities that choose to use them.

N.J.A.C. 10:127-6.14 states the standards related to discipline and control.

N.J.A.C. 10:127-6.15 states the standards for search and seizure of weapons and contraband.

N.J.A.C. 10:127-6.16 states the prohibition of firearms, chemical, or other weapons within or on the grounds of a facility.

N.J.A.C. 10:127-6.17 states the requirement to obtain written approval before using aversive conditioning procedures with developmentally disabled children.

N.J.A.C. 10:127-7.1 states the requirements for a comprehensive health plan for each child.

N.J.A.C. 10:127-7.2 states the health care and medical treatment requirements for children.

N.J.A.C. 10:127-7.3 states the general medical practices for a facility.

N.J.A.C. 10:127-7.4 states the procedures for handling medications other than psychotropic medications.

N.J.A.C. 10:127-7.5 states the procedures for handling psychotropic medications.

N.J.A.C. 10:127-7.6 states the requirements for the health education and physical care of children in residential child care facilities.

N.J.A.C. 10:127-7.7 states the health requirements for staff.

N.J.A.C. 10:127-7.8 states the environmental sanitation and staff hygiene requirements for facilities.

N.J.A.C. 10:127-8.1 states the general transportation requirements for children.

N.J.A.C. 10:127-8.2 states the vehicle insurance requirements for vehicles owned or leased by the facility and those used to transport children.

N.J.A.C. 10:127-8.3 states additional requirements for transporting children who are physically handicapped and non-ambulatory.

N.J.A.C. 10:127-8.4 states the driver's license, transportation, and vehicle records that a facility must keep.

N.J.A.C. 10:127-9.1 states the general requirements for adventure activities.

N.J.A.C. 10:127-9.2 states the requirements for emergency evacuation and search and rescue plans for adventure activities.

N.J.A.C. 10:127-9.3 states reporting requirements for facilities that provide adventure activities.

N.J.A.C. 10:127-9.4 states the requirements for biking trips.

N.J.A.C. 10:127-9.5 states the requirements for canoeing, kayaking, and tubing trips.

N.J.A.C. 10:127-9.6 states the requirements for caving trips.

N.J.A.C. 10:127-9.7 states the requirements for hiking trips.

N.J.A.C. 10:127-9.8 states the requirements for horseback riding trips.

N.J.A.C. 10:127-9.9 states the requirements for rope initiative and rock climbing trips.

N.J.A.C. 10:127-9.10 states the requirements for sailing and boating trips.

N.J.A.C. 10:127-9.11 states the requirements for snow skiing trips.

N.J.A.C. 10:127-9.12 states the requirements for solo camping experiences.

N.J.A.C. 10:127-9.13 states the requirements for swimming.

N.J.A.C. 10:127-9.14 states the requirements for water skiing.

N.J.A.C. 10:127-9.15 states the requirements for camping trips.

N.J.A.C. 10:127-9.16 states the requirements for wagon trains.

N.J.A.C. 10:127-9.17 states the requirements for health and sanitary practices for adventure activities.

N.J.A.C. 10:127-9.18 states the required qualifications for staff supervising adventure activities.

N.J.A.C. 10:127-9.19 states the staff-to-child ratio requirements for adventure activities.

N.J.A.C. 10:127-9.20 states communication and visiting requirements for facilities providing adventure activities.

N.J.A.C. 10:127-10.1 states the general requirements for facilities providing services to pregnant adolescents and adolescent parents caring for their children.

N.J.A.C. 10:127-10.2 states the staff requirements and the staff ratio requirements.

N.J.A.C. 10:127-10.3 states the staff development and training requirements.

N.J.A.C. 10:127-10.4 states the case management requirements for each adolescent and her infant.

N.J.A.C. 10:127-10.5 states the discharge planning requirements.

N.J.A.C. 10:127-10.6 states the requirements regarding services for paternal involvement.

N.J.A.C. 10:127-10.7 states the requirements for services to the adolescent’s family.

N.J.A.C. 10:127-10.8 states the parenting education requirements.

N.J.A.C. 10:127-10.9 states the infant stimulation requirements.

N.J.A.C. 10:127-10.10 states the safety requirements for infant toys and equipment.

N.J.A.C. 10:127-10.11 states the recreation requirements for adolescents.

N.J.A.C. 10:127-10.12 states the requirements for allowances and expenses due to damage caused by an adolescent or her infant.

N.J.A.C. 10:127-10.13 states the requirements for adolescent and infant visitation with family members, including the infant’s father.

N.J.A.C. 10:127-10.14 states the requirements for behavior management of adolescents and discipline of infants.

N.J.A.C. 10:127-10.15 states the requirements for a comprehensive health plan for each pregnant adolescent.

N.J.A.C. 10:127-10.16 states the requirements for a comprehensive health plan for each infant.

N.J.A.C. 10:127-10.17 states the requirements for a comprehensive health plan for each adolescent mother who is not pregnant.

N.J.A.C. 10:127-10.18 states the requirements for the care of sick infants.

N.J.A.C. 10:127-10.19 states general medical practices for adolescents and infants.

N.J.A.C. 10:127-10.20 states the requirements for handling medications.

N.J.A.C. 10:127-10.21 states the environmental sanitation requirements for disinfecting certain items.

N.J.A.C. 10:127-10.22 states personal hygiene requirements for adolescents and staff members.

N.J.A.C. 10:127-10.23 states the requirements on health education and physical care for adolescents and infants.

N.J.A.C. 10:127-10.24 states the food and nutrition requirements for infants.

N.J.A.C. 10:127-10.25 states the life skills development requirements for adolescent mothers.

Social Impact

The Department anticipates a positive social impact on the 24 residential child care facilities regulated under this chapter by providing clear requirements that they must meet and on the children who live in those facilities, as these rules protect their health, safety, and well-being.

Economic Impact

The rules proposed for readoption will not have an additional economic impact on the facilities licensed under this chapter.

The rules assist the Department of Children and Families to meet the standards of Title IV-E of the Social Security Act. 42 U.S.C. § 671(a)(10) requires standards for child care institutions that are reasonably in accord with recommended standards of national organizations in areas such as admission, safety, sanitation, and protection of civil rights. 42 U.S.C. § 671(a)(11) requires the periodic review of these standards to assure their continued appropriateness. This chapter meets those requirements for residential child care facilities used by the Division. The 2016 Title IV-E appropriation is \$157,461,000.

Federal Standards Statement

The rules proposed for readoption do not exceed Federal requirements, since there are no existing statutes or requirements pertaining to residential child care facilities imposed by Federal law within the scope of this chapter.

Jobs Impact

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

Agriculture Industry Impact

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

Regulatory Flexibility Analysis

As of April 8, 2016, there are 24 residential child care facilities with certificates of approval and no pending applications for approval. Of the

24 facilities, 19 are in New Jersey and five are out-of-State. Of the 19 New Jersey facilities, 13 are small businesses under the terms of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The other six are parts of large non-profit organizations. Since the rules proposed for readoption impose reporting, recordkeeping, and other compliance requirements on all residential child care facilities, a regulatory flexibility analysis is required.

The rules require reporting at N.J.A.C. 10:127-3.7, 7.3(c), 9.3, and 10.12. The reporting is to be done by the facility, with no specified person responsible. N.J.A.C. 10:127-4.3(a)7 requires a report on extermination services. Reports from licensed medical practitioners are required in Subchapter 7.

The rules require numerous types of recordkeeping. The required recordkeeping is to be done by the facility, or occasionally by the staff or the director. The facility does not need to hire specific staff or consultants to perform the required recordkeeping.

Costs for professional services necessary for compliance are borne by the State through funding to the regulated programs. The Department does not differentiate the reporting and recordkeeping requirements between small businesses and other businesses because the requirements are necessary to protect the health, safety, and welfare of the children placed in all residential child care facilities.

No capital expenditures are imposed by the rules proposed for readoption in order to meet the reporting, recordkeeping, or compliance requirements.

Housing Affordability Impact Analysis

There is an extreme unlikelihood that the rules proposed for readoption would evoke a change in the affordability of housing or the average costs associated with housing because the rules address the requirements to keep children placed in residential child care facilities safe.

Smart Growth Development Impact Analysis

The rules proposed for readoption have no impact on smart growth development 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 Department’s licensing of residential child care facilities.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:127.

INSURANCE

(a)

**DEPARTMENT OF BANKING AND INSURANCE
DIVISION OF INSURANCE**

Producer Licensing

Proposed Readoption with Amendments: N.J.A.C. 11:17

Authorized By: Richard J. Badolato, Acting Commissioner,
Department of Banking and Insurance.

Authority: N.J.S.A. 17:1-8.1 and 15.e; and 17:22A-26 et seq.
Calendar Reference: See Summary below for explanation of
exception to calendar requirement.

Proposal Number: PRN 2016-061.

Submit comments by July 1, 2016, to:

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