

i. The facility shall provide for and operate adequate ventilation in all areas used by residents.

ii. All areas of the facility used by residents shall be equipped with air conditioning and the air conditioning shall be operated, so that the temperature in these areas does not exceed 82 degrees Fahrenheit.

4. Residents who can regulate temperature controls in their residential units may, by choice, exceed 82 degrees Fahrenheit.

(b) Filters for heaters and air conditioners shall be provided as needed and maintained in accordance with manufacturer's specifications.

8:37-7.9 Control of access

(a) Every exterior door shall be equipped with [heavy duty dead latching locksets (series 161, FF-H-106a, minimum, with a minimum 7/8 inch by 5/8 inch with 1/2 inch minimum throw latch bolt with automatic dead-locking plunger)] a lock.

(b)-(d) (No change.)

(e) Every entrance door to a rooming unit in every dementia care home shall be equipped with a [medium duty dead latching lockset (series 160, FF-H-106a, minimum with a minimum 11/16 inch by 1/2 inch with 1/2 inch minimum throw latch bolt with automatic deadlocking plunger) or with a dead bolt] lock [separate from the latch set]. Each such door shall also be equipped with a viewing device.

1. (No change.)

(f)-(i) (No change.)

8:37-7.12 Living and dining rooms

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

(c) Dining rooms shall be of sufficient size and properly equipped to provide [comfortably] **comfortable** seating for the facility's maximum licensed resident capacity at any one time.

SUBCHAPTER 8. RESIDENT RECORDS

8:37-8.1 Resident records

(a) It shall be the duty of each licensee to maintain an orderly file with respect to each resident containing at least the following information:

1.-12. (No change.)

13. A record of all property of the resident entrusted to the licensee, including, in the case of any resident receiving financial services, a ledger as required pursuant to N.J.A.C. 8:37-[2.5]2.7; and

14. (No change.)

(b) (No change.)

HIGHER EDUCATION

(a)

SECRETARY OF HIGHER EDUCATION

Residency Requirements for Tuition Purposes at Public Colleges and Universities

Proposed Amendment: N.J.A.C. 9A:5-1.1

Authorized By: Rochelle Hendricks, Secretary of Higher Education,
Office of the Secretary of Higher Education.

Authority: N.J.S.A. 18A:62-4.

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

Proposal Number: PRN 2017-116.

Submit comments by September 1, 2017, to:

Audrey Bennerson
Administrative Practice Officer
New Jersey Higher Education
E-mail: Audrey.Bennerson@njhe.state.nj.us
20 West State Street, 4th Floor
PO Box 542
Trenton, NJ 08625-0542

The agency proposal follows:

Summary

The Secretary of Higher Education, is responsible for rules governing residency requirements for tuition purposes. The existing rules elaborate and clarify the basic statutory provisions of N.J.S.A. 18A:62-4, including the requirement of domicile and the right to challenge a presumption of non-domicile, specify means of demonstrating and verifying residency, and the eligibility requirements for undocumented immigrants to receive in-State tuition.

An amendment is proposed to N.J.A.C. 9A:5-1.1, State domicile required, so that New Jersey's residency requirements will also apply to U.S. military personnel or their dependents who are living in New Jersey and are attending public institutions of higher education in New Jersey. The proposed amendment further defines the term "dependent," so that the definition is in accordance with Federal law 38 U.S.C. § 3679(c) that addresses the provisions of the Federal "Veterans Access, Choice, and Accountability Act of 2014" and the Federal "Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016," which makes it possible for an individual who is no longer a dependent of a veteran, to use transferred Post 9/11 GI Bill benefits, while the veteran is on active duty in the uniformed services, to continue to be eligible for those benefits.

A 60-day comment period has been provided on this notice of proposal, thus, excepting this notice from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Office of the Secretary of Higher Education's proposed amendment to the residency requirements for tuition purposes at public colleges and universities will insure that the State of New Jersey is compliant with the new Federal veterans requirements of 38 U.S.C. § 3679(c), which make it possible for an individual who is no longer a dependent of a veteran, to use transferred Post 9/11 GI Bill benefits while the veteran is on active duty in the uniformed services, to continue to be eligible for those benefits. The specific definition of "dependent" in the proposed amendment aligns that definition with the Federal law making it possible for U.S. military personnel or their dependents to maximize the use of their Post 9/11 GI Bill benefits while residing in New Jersey and attending New Jersey public institutions.

Economic Impact

The proposed amendment to the State law regarding domicile in New Jersey for purposes of paying resident tuition at public colleges and universities addresses U.S. military personnel and their dependents and will make it possible for the State of New Jersey to continue its commitment to honor the contributions of members of the U.S. armed forces.

Federal Standards Statement

The proposed amendment provides a definition of a "dependent" that is consistent with Federal law 38 U.S.C. § 3679(c), however it is not subject to a Federal standards analysis under Executive Order No. 27 (1994) and N.J.S.A. 52:14B-22 et seq., because the Office of the Secretary of Higher Education's regulation of residency requirements for tuition purposes at public colleges and universities is consistent with N.J.S.A. 18A:62-4.1.

Jobs Impact

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

Agriculture Industry Impact

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

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendment does not impose reporting, recordkeeping, or compliance requirements on small businesses as defined under N.J.S.A. 52:14B-16 et seq. The proposed amendment pertains strictly to public colleges and universities in New Jersey, none of which qualifies as a small business.

Housing Affordability Impact Analysis

The proposed amendment will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the proposed amendment would evoke a change in the average costs associated with housing because the proposed amendment governs residency tuition requirements for the State’s public colleges and universities.

Smart Growth Development Impact Analysis

It is extremely unlikely that 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, because the proposed amendment governs residency requirements for tuition purposes at public colleges and universities.

Full text of the proposal follows (additions indicated in boldface thus):

SUBCHAPTER 1. ELIGIBILITY FOR STATE RESIDENT TUITION

9A:5-1.1 State domicile required

(a)-(g) (No change.)

(h) United States military personnel and their dependents who are living in New Jersey and are attending public institutions of higher education in New Jersey shall be regarded as residents of the State for the purpose of determining tuition.

1. As used in this subsection, a dependent means an individual who is eligible for covered individual status under 38 U.S.C. § 3679(c).

HUMAN SERVICES

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

AFDC-Related Medicaid

Proposed Readoption with Amendments: N.J.A.C. 10:69

Proposed Repeal: N.J.A.C. 10:69-5.5

Authorized By: Elizabeth Connolly, Acting Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:4D-1 et seq. and 30:4J-8 et seq.

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

Agency Control Number: 17-P-01.

Proposal Number: PRN 2017-095.

Submit comments by September 1, 2017, to:

Margaret M. Rose – Attn: Proposal 17-P-01
 Division of Medical Assistance and Health Services
 Mail Code #26
 PO Box 712
 Trenton, NJ 08625-0712
 Fax: (609) 588-7343
 E-mail: Margaret.Rose@dhs.state.nj.us
 Delivery: 6 Quakerbridge Plaza
 Mercerville, NJ 08619

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 10:69, the AFDC-Related Medicaid chapter, was scheduled to expire on June 22, 2017. As the Department of Human Services (Department) filed this notice of proposed re-adoption with the Office of Administrative Law prior to that date, the expiration date is extended 180 days to December 19, 2017, pursuant to N.J.S.A. 52:14B-5.1.c(2). Aid to Families with Dependent

Children (AFDC)-related Medicaid is a State program with Federal participation designed to make payments to providers for medical care and services on behalf of certain individuals whose income is determined to be inadequate to enable them to secure quality medical care at their own expense. The Department proposes to re-adopt N.J.A.C. 10:69 with amendments. The chapter regulates the procedures and standards applied in the administration of the AFDC-related Medicaid program.

The Department has reviewed the chapter and finds that it should be re-adopted, with the amendments described below, because the rules are necessary, reasonable, adequate, efficient, understandable, and responsive to the purposes for which they were originally promulgated.

N.J.A.C. 10:69 is organized into the following 12 subchapters:

Subchapter 1, AFDC-Related Medicaid in New Jersey, contains the background, purpose and scope of the chapter, the administrative organization of the Division, the segments of the AFDC-related Medicaid program, and definitions of terms that are used throughout the chapter.

Subchapter 2, The Application Process, contains requirements related to the role of the client, the county welfare agency (CWA), and the Division in the submission and processing of applications, and general eligibility factors.

Subchapter 3, Establishing Program Eligibility in AFDC-related Medicaid, explains the procedures for establishing eligibility for AFDC-related Medicaid, including documentation and recording of program eligibility requirements. It also contains requirements concerning income, the components of an eligible unit, citizenship, identity, age, parental support, absent parents, residency and temporary absence from the State, family members in institutions, and legally responsible relatives. Requirements concerning the liquidation of all debts, claims, interests, settlements, and trust funds, and repayment are also included, as well as actions to be taken by the CWA regarding voluntary liquidation.

Subchapter 4, Medicaid Special, contains general provisions regarding the program, determination of eligibility, and eligibility of college students related to Medicaid Special.

Subchapter 5, Continuing Eligibility in AFDC-Related Medicaid, contains criteria to be met to continue eligibility in the program. This subchapter contains requirements regarding periodic redetermination, competency and institutional status, deprivation of parental support, marriage or remarriage, special conditions relating to parent(s), and a legally responsible relative’s capacity to support the applicant. Requirements for recording and recommendation for changes in AFDC-Related Medicaid eligibility are provided. Requirements regarding notice of agency decision, periodic notice to the beneficiary, extension of Medicaid benefits, and change in the eligible unit are also provided in Subchapter 5.

Subchapter 6, Complaints, Hearings, and Administrative Reviews, includes definitions, provisions regarding the right to a fair hearing and administrative review, and the responsibilities of the CWA and the Division of Medical Assistance and Health Services. The subchapter also addresses the responsibilities of the Office of Administrative Law upon transmittal of a contested case from the Division, administrative hearings and administrative reviews, complaint and adjustment procedures, time limitations on entitlement to fair hearings, eligibility for continued Medicaid coverage, and access to discovery of information in contested cases. Additional rules include representation at hearings, adjournments, hearings involving medical issues, and decisions by the Director of the Division of Medical Assistance and Health Services.

Subchapter 7, Case Records and Files, explains the purpose of case records, what documents belong in the case record, how documentation of verification of eligibility requirements must be recorded in the case record, and how the case records are to be maintained, moved, transferred, retained, and destroyed. Also included are the agency controls for other operational procedures, disclosure of records or information for formal proceedings, and the release of information for statistical purposes.

Subchapter 8, Other Governmental Programs, sets forth retirement, survivors, and disability insurance (RSDI). The subchapter explains the procedures for securing information from the Social Security