

obtain approval of a plan to distribute gainsharing funds to project participants.

The ACO Demonstration Project is currently scheduled to end June 30, 2018. The Department of Human Services has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 30:4D-1 et seq., and 30:4J-8 et seq., and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period past the end date of the demonstration project, so that the Department will have continuing authority to require reporting of results from the ACOs following the conclusion of the demonstration project, and to oversee any ongoing gainsharing issues arising from the demonstration project.

(a)

COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

Notice of Redoption

Organization and General Provisions

Redoption: N.J.A.C. 10:91

Authority: N.J.S.A. 30:1-12, 30:6-1 et seq., and 52:14B-3(1) et seq.; 29 U.S.C. §§ 3101 et seq., and 34 CFR Parts 74, 76, 77, 79, 80, 82, 85, 86, 361, 363, 395, and 397.

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

Effective Date: November 17, 2017.

New Expiration Date: November 17, 2024.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:91 were scheduled to expire on April 4, 2018. N.J.A.C. 10:91 establishes the organization and general policy provisions for all service programs administered within the agency, including blindness education, independent living, business enterprise, and prevention. Vocational Rehabilitation and the Independent Living-Older Individuals who are Blind programs are also administered at the agency, pursuant to the Workforce Innovation and Opportunity Act (the Act), 29 U.S.C. §§ 3101 et seq., for which the State obtains funding under the Act in order to administer and establish a broad network of services for individuals who are blind, vision-impaired, and deaf-blind. The Commission for the Blind and Visually Impaired, created pursuant to N.J.S.A. 30:6-1 has determined that the chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which it was originally promulgated, as amended and supplemented over time, and should be readopted without amendment. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 10:91 is readopted and shall continue in effect for seven years.

(b)

DIVISION OF FAMILY DEVELOPMENT

Notice of Redoption

Social Services Programs for Individuals and Families

Redoption with Technical Changes: N.J.A.C. 10:123

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

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

Effective Dates: November 17, 2017, Redoption;
December 18, 2017, Technical Changes.

Expiration Date: November 17, 2024.

Take notice that, in accordance with N.J.S.A. 52:14B-5.1, N.J.A.C. 10:123 was scheduled to expire on April 28, 2018. The Division of Family Development (DFD) has reviewed the rules and will readopt this chapter with technical changes.

Take further notice that effective June 29, 2012, P.L. 2012, c. 17, § 93, renamed the Department of Health and Senior Services as the Department of Health. Technical changes are made throughout N.J.A.C. 10:123 to reflect the Department's renaming.

N.J.A.C. 10:123 provides policy and procedures for the DFD and the county welfare agencies (CWAs) to follow in the ongoing implementation of the Rooming and Boarding House Act (Act) of 1979, P.L. 1979, c. 496 (N.J.S.A. 30:1A-1 et seq., and 30:11A-1 et seq.). DFD is responsible for maintaining a Central Registry that provides information about abuse, exploitation, and unsafe and unsanitary conditions in rooming houses, boarding houses, and residential health care facilities. DFD also provides statistical data based on Central Registry cases and follows-up on these cases to assure that remedial action has been taken. DFD is also responsible for setting standards, policies, and procedures for services to residents and monitoring services provided by the CWA to eligible residents of rooming houses, boarding houses, and residential health care facilities.

The following is a description of the subchapters of N.J.A.C. 10:123.

N.J.A.C. 10:123-1 provides the rules for receipt of Federal funds.

N.J.A.C. 10:123-2 provides policy and procedures that DFD and the CWAs must follow in the ongoing implementation of the Rooming and Boarding House Act (Act) of 1979, P.L. 1979, c. 496 (N.J.S.A. 30:1A-1 et seq., and 30:11A-1 et seq.). Pursuant to the Act, DFD is responsible for maintaining a Central Registry of abuse, exploitation, and unsafe and unsanitary conditions in rooming houses, boarding houses, and Residential Health Care Facilities (RHCfs). DFD also provides statistical data based on Central Registry cases and follows-up on these cases to assure that remedial action has been taken. DFD is also responsible for setting standards, policies, and procedures for services to residents and monitoring services provided by the CWA to eligible residents.

The CWAs are assigned various responsibilities including, but not limited to, providing information and referrals, the investigation of complaints involving residents, the provision of services to eligible residents, the coordination of services provided by various State and local agencies, and visiting facilities on a periodic basis.

N.J.A.C. 10:123-3 provides the rules governing the monthly personal needs allowance, to be reserved by owners and operators of RHCfs and boarding homes, to be used by Supplemental Security Income or Work First New Jersey/General Assistance recipient residents. The personal needs allowance may be adjusted annually through public notice in the New Jersey Register.

N.J.A.C. 10:123-4 provides the financial eligibility standards for individuals and families who receive social services provided by the CWA that are funded through the Social Services Block Grant program.

In accordance with N.J.S.A. 52:14B-5.1.c(1), the new expiration date for readopted N.J.A.C. 10:123 is seven years from submission of notice to the Office of Administrative Law.

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

SUBCHAPTER 2. BOARDING HOMES

10:123-2.3 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

...
 "Residential health care facility" means a facility, whether in single or multiple dwellings, whether public or private, whether incorporated or unincorporated, whether for profit or nonprofit, operated at the direction of or under the management of an individual or individuals, corporation, partnership, society, or association which furnishes food and shelter to four or more persons 18 years of age or older who are unrelated to the proprietor, and which provides dietary services, recreational activities, supervision of self-administration of medications, supervision of and

assistance in activities of daily living and assistance in obtaining health services to any one or more of such persons, excluding, however, any community residence for the developmentally disabled as defined in N.J.S.A. 30:11B-2, any facility or living arrangement operated by or under contract with any State department or agency, upon the written authorization of the Commissioner of the Department of Health [and Senior Services], and any privately operated establishment licensed under N.J.S.A. 30:11.

10:123-2.5 County welfare agency responsibility

(a) Under the supervision of the Division of Family Development, county welfare agencies shall provide services to eligible residents of rooming houses, boarding houses and residential health care facilities, which shall include, but not be limited to, the following:

1.-2. (No change.)

3. Coordination. The county welfare agency shall coordinate all services provided to eligible residents with services provided by other State and local agencies. This coordination includes, but is not limited to, the following activities:

i. (No change.)

ii. Notification and referral of reports to the appropriate agencies (the Department of Community Affairs, the Department of Health [and Senior Services] and other Divisions within the Department of Human Services, etc.) with legal jurisdiction and responsibility for the investigation and follow-up;

iii.-v. (No change.)

4. Personal needs allowance (PNA). The PNA is a monthly amount intended to meet the personal expenses of Supplemental Security Income recipients. The Commissioner of the Department of Human Services has the responsibility for establishing a monthly personal needs allowance (PNA), which shall be no less than \$25.00 per month as per P.L. 1979, c. 496. The county welfare agencies shall assist eligible residents in the receipt or use of their PNA. In situations where the county welfare agency is unable to resolve PNA problems, possible violation of licensure standards shall be referred to the Department of Health [and Senior Services], the Department of Community Affairs, and/or the Office of the Ombudsman for the Institutional Elderly, as appropriate; and

5. (No change.)

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

SUBCHAPTER 3. PERSONAL NEEDS ALLOWANCE

10:123-3.3 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings.

“Residential health care facility” means facility, whether in single or multiple dwellings, whether public or private, whether incorporated or unincorporated, whether for profit or nonprofit, operated at the direction of or under the management of an individual or individuals, corporation, partnership, society, or association which furnishes food and shelter to four or more persons 18 years of age or older who are unrelated to the proprietor, and which provides dietary services, recreational activities, supervision of self-administration of medications, supervision of and assistance in activities of daily living and assistance in obtaining health services to any one or more of such persons, excluding, however, any community residence for the developmentally disabled as defined in N.J.S.A. 30:11B-2, any facility of living arrangement operated by or under contract with any State department or agency, upon the written authorization of the Commissioner of the Department of Health [and Senior Services], and any privately operated establishment licensed under N.J.S.A. 30:11A.

(a)

**DIVISION OF AGING SERVICES
OFFICE OF STATE HEALTH INSURANCE FOR THE
AGED AND DISABLED AND FACILITIES
MANAGEMENT**

**Notice of Administrative Changes
Pharmaceutical Assistance to the Aged and
Disabled Eligibility Manual: Income Standards
Senior Gold Prescription Program Manual: Income
Standards
Lifeline Credit Program/Tenants Lifeline Assistance
Program Manual: Income Standards
Hearing Aid Assistance to the Aged and Disabled:
Income Standards
N.J.A.C. 10:167-6.2, 10:167B-6.2, 10:167D-4.2, and
10:167E-5.2**

Take notice that the Department of Human Services is changing the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Eligibility Manual at N.J.A.C. 10:167-6.2 to reflect an increase of the maximum annual income limits for PAAD eligibility by 2.0 percent. This change will be operative on January 1, 2018.

N.J.S.A. 30:4D-21 establishes that PAAD annual income eligibility limits are to “increase by the amount of the maximum Social Security benefit cost-of-living increase for [each] year for single and married persons, respectively.” On October 13, 2017, the Social Security Administration (SSA) announced that the cost-of-living adjustment for 2018 would increase by 2.0 percent. See www.socialsecurity.gov/cola and <http://www.ssa.gov/pressoffice/pressrel.htm>. N.J.A.C. 10:167-6.2(m) authorizes the Department to announce changes to PAAD income eligibility limits due to SSA cost-of-living adjustments through publication of notice in the New Jersey Register. Therefore, the Department is changing existing N.J.A.C. 10:167-6.2(a) and (b) to increase the maximum income that a person can have to be eligible for PAAD to less than \$27,189 for single persons and less than \$33,334 of combined income for married couples.

Pursuant to N.J.S.A. 48:2-29.16, 48:2-29.32, and 30:4D-38, persons who are eligible for PAAD are also eligible for Lifeline Credit, Tenants Lifeline Assistance, and Hearing Aid Assistance to the Aged and Disabled (HAAAD). N.J.A.C. 10:167D-4.2(j) and 10:167E-5.2(i) authorize the Department to announce changes in income eligibility limits for these programs, due to SSA cost-of-living adjustments, through publication of notice in the New Jersey Register.

Take further notice, therefore, that the Department is changing the annual income eligibility standards at N.J.A.C. 10:167D-4.2 for Lifeline Credit Program/Tenants Lifeline Assistance Program Manual and at N.J.A.C. 10:167E-5.2 for HAAAD to correspond to the PAAD maximum annual income eligibility limits described above by reflecting an increase of 2.0 percent. This change will be operative on January 1, 2018.

N.J.S.A. 30:4D-45 establishes that, for persons to be eligible for the Senior Gold Prescription Discount Program (Senior Gold), annual income limits shall not be “more than \$10,000 above the applicable PAAD income eligibility limits for single and married persons.” N.J.A.C. 10:167B-6.2(m) authorizes the Department to announce changes in Senior Gold eligibility limits through publication of notice in the New Jersey Register.

Take further notice, therefore, that the Department is changing the Senior Gold income limits for the Senior Gold Prescription Program Manual at N.J.A.C. 10:167B-6.2 to reflect an increase of the maximum annual income limits for Senior Gold eligibility, established at N.J.A.C. 10:167B-6.2, by 2.0 percent. Therefore, to be eligible for Senior Gold, persons can have annual income between \$27,189 and \$37,189, for single persons, and a combined income between \$33,334 and \$43,334, for married persons. This change will be operative on January 1, 2018.