

Full text of the adoption follows:

- 13:42A-2.2 Requirements for applicants holding a certificate of graduation from a nonaccredited psychoanalytic institute
- (a) The Director or a designee may waive the requirement in N.J.A.C. 13:42A-2.1(a)4 that the applicant hold a certificate from an accredited psychoanalytic institute and allow an applicant to take the examination, if the applicant has:
1. (No change.)
 2. Documented clinical training and work experience from a psychoanalytic institute, which requires at a minimum:
 - i.-ii. (No change.)
 - iii. Three hundred hours of personal psychoanalysis with a psychoanalyst who meets the requirements of (b) below; and
 - iv. One hundred and fifty hours of supervision of psychoanalytic cases with a psychoanalyst who does not serve as the applicant’s personal psychoanalyst and who meets the requirements of (b) below, of which 50 hours shall be individual supervision with one supervisor working on one case, plus a minimum of 100 hours of supervision with at least one other supervisor, not necessarily with one case; at least 50 hours of those 100 hours shall be individual supervision; and
 3. (No change.)
- (b) In order to provide personal psychoanalysis or supervision of psychoanalytic cases pursuant to (a) above, a psychoanalyst shall be:
1. A State-certified psychoanalyst; or
 2. A graduate of a psychoanalytic institute and the holder of a license from a professional board in a profession for which the scope of practice includes the independent provision of psychotherapy.

- 13:42A-7.3 Reporting of conduct of other State-certified psychoanalysts
- (a) A State-certified psychoanalyst shall promptly notify the Committee when in possession of information that reasonably indicates that another State-certified psychoanalyst has demonstrated an impairment, gross incompetence, repeated acts of incompetence, or professional misconduct that would present an imminent danger to a patient or to the public health, safety, or welfare.
- (b)-(c) (No change.)

(a)

**DIVISION OF CONSUMER AFFAIRS
BOARD OF PSYCHOLOGICAL EXAMINERS
Notice of Readoption
Rules of the Board of Psychological Examiners
Readoption: N.J.A.C. 13:42**

Authority: N.J.S.A. 45:14B-13.
Authorized By: Board of Psychological Examiners, Nancy E. Friedman, Ph.D., Chair.
Effective Date: May 18, 2016.
New Expiration Date: May 18, 2023.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 13:42 will expire on July 2, 2016. The rules establish standards for the licensing and regulation of psychologists, as follows.

Subchapter 1 contains rules concerning the scope of psychological practice, requirements for licensure, exemptions to licensure requirements and unlicensed practice. Subchapter 2 sets forth application procedures, qualifications to sit for the licensing examination and requirements for applicants who have degrees in fields allied to psychology. The subchapter also requires the submission of specific information when an applicant seeks licensure based on equivalent training. Subchapter 3 sets forth requirements for the issuance of one-year unsupervised and three-year supervised temporary permits. The rules in this subchapter govern the limitation, suspension or revocation of permits, the extension of temporary permits and return of temporary permits to the Board upon expiration. Subchapter 4 requires that an applicant for licensure have at least two years supervised experience in the practice of psychology. The

rules specify standards for supervisors, supervision requirements for individuals who are exempt from licensure and financial arrangements between supervisors and supervisees.

Subchapter 5 sets forth requirements for written and oral examinations, examination review procedures, admitting out-of-State psychologists to the oral examination, licensure without examination and the process for retaking the written and oral examination. Subchapter 6 sets forth the charges for examinations, licensure and other services provided by the Board. Subchapter 7 specifies the acceptable forms of professional practice. The rules in this subchapter set forth practice requirements for licensees who practice independently or in partnerships, professional service corporations or limited liability entities. The rules also govern the provision of biofeedback services, employment of neuropsychometric technicians, offering of health care services by a shareholder or employee of a general business corporation, provision of services through managed health care plans, and permissible real estate arrangements.

Subchapter 8 addresses the preparation and maintenance of client records, the use of computers to prepare client records, access to client records and the confidentiality of information obtained from a client. Subchapter 9 deals with advertising. The rules in this subchapter set forth the minimum content required in advertising. The rules also set forth standards for the use of professional credentials and certifications in advertising, required disclosures when a licensee advertises fees and standards for the use of testimonials in advertisements.

Subchapter 10 sets forth professional practice requirements for licensees. The subchapter requires licensees to post a specific notice at practice sites about filing complaints, to notify the Board of a change of address, to report specific violations and the misconduct of other licensees to the Board and to disclose financial arrangements for psychological services to clients. The subchapter also sets forth standards for testing and research, the termination of professional relationships with clients and billing. Licensees are prohibited from engaging in sexual contact with clients, charging excessive fees, entering into professional relationships when there is a conflict of interest or a dual relationship with a client, from paying or receiving referral fees and from splitting fees. The subchapter also sets forth requirements for license renewal and the reinstatement of suspended licenses. Subchapter 11 sets forth procedures by which a client may authorize a licensee to disclose confidential information upon the request of an insurer or other third-party payor.

The Board of Psychological Examiners has reviewed the rules and has 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). Therefore, pursuant to N.J.S.A. 45:914B-13, 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.

PUBLIC UTILITIES

(b)

BOARD OF PUBLIC UTILITIES

**Service Connections
Extensions of Service**

Adopted Amendments: N.J.A.C. 14:3-8.5 and 8.14

Proposed: December 21, 2015, at 47 N.J.R. 3103(a) (see also 48 N.J.R. 103(a)).
Adopted: May 25, 2016, by the New Jersey Board of Public Utilities, Richard S. Mroz, President, Joseph L. Fiordaliso, Mary-Anna Holden, Dianne Solomon, and Upendra J. Chivukula, Commissioners.
Filed: May 25, 2016, as R.2016 d.069, **without change**.
Authority: N.J.S.A. 48:2-13, 16, 16.1 through 16.4, 17, 20, 23, 24, 25, and 27; 48:3-2.3, 3, 4, and 7.8; and 48:19-17.
BPU Docket Number: AX15111248.

Effective Date: June 20, 2016.
Expiration Date: February 11, 2022.

Summary of Public Comment and Agency Response:
No comments were received.

Federal Standards Statement

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-22 through 24 require State agencies that adopt, readopt, or amend State rules that exceed any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. The adopted amendments are not promulgated under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards, or requirements. Accordingly, Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq., do not require a Federal standards analysis for the adopted amendments.

Full text of the adoption follows:

SUBCHAPTER 8. EXTENSIONS TO PROVIDE REGULATED SERVICES

14:3-8.5 General provisions regarding costs of extensions

(a)-(c) (No change.)

(d) Regulated entities, customers, applicants, developers, builders, municipal bodies, and other persons shall cooperate fully in order to facilitate construction of an extension at the lowest reasonable cost consistent with system reliability and safety. This includes sharing trenches, where practicable, allowing the applicant, where practicable, to dig the portion of the trench located on the property to be served, and coordinating scheduling and other aspects of construction to minimize delays and to avoid difficult conditions, such as frozen or unstable soils. If the applicant elects to dig the portion of the trench located on the property to be served, the applicant is responsible for ensuring that the excavation is done in accordance with utility/utilities standards and that the resulting trench complies with utility/utilities standards. Whether using an individual trench, a shared trench, or applicant-dug trench, a utility shall not place an extension within a trench unless the trench complies with the appropriate utility/utilities standards. A municipality shall not impose an ordinance or other requirement that conflicts with this subchapter or which would prevent or interfere with another person's compliance with this subchapter.

(e)-(j) (No change.)

14:3-8.14 Refunds of contributions paid for extensions built from March 20, 2005 through December 30, 2009, to serve areas not designated for growth

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

(c) The refund process is as follows:

1.-5. (No change.)

6. The party requesting the refund shall agree in writing to hold harmless and indemnify the utility, as to the amount of the refund, against any competing claim for a refund.

Recodify existing 6. and 7. as 7. and 8. (No change in text.)

(d) (No change.)

TREASURY — GENERAL

(a)

DIVISION OF PENSIONS AND BENEFITS

General Administration

Readoption with Amendments: N.J.A.C. 17:1

Adopted New Rules: N.J.A.C. 17:1-3.13, 5.8, and 6.4

Proposed: January 19, 2016, at 48 N.J.R. 119(a).

Adopted: May 17, 2016, by Florence J. Sheppard, Acting Director,
Division of Pensions and Benefits.

Filed: May 17, 2016, as R.2016 d.65, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 52:14-15.1a (P.L. 1996, c. 8) and 52:18A-96 et seq.

Effective Dates: May 17, 2016, Readoption;
June 20, 2016, Amendments and New Rules.

Expiration Date: May 17, 2023.

Summary of Public Comments and Agency Responses:

The comment period officially ended on March 19, 2016. Comments on the notice of proposed readoption were received from Paul L. Kleinbaum, of the Law Offices of Zazzali, Fagella, Nowak, Kleinbaum & Friedman and representing the State Police Benevolent Association (PBA).

N.J.A.C. 17:1-6.1(a)

1. COMMENT: The commenter asserts that in cases where a member is subject to charges that may render the member's service or part of that service dishonorable, the Division should establish a window of 30 days for the employer to submit documentation regarding such charges, to ensure no undue delay occurs in the processing of a member's retirement application. The commenter states that if charges against a member were rendered before the member submitted a retirement application, the employer will already possess the documentation regarding those charges, so a 30-day window would provide adequate time for employer submittal. If the documentation is not submitted within the 30-day limit, the Division should proceed with processing the member's retirement application.

RESPONSE: While it is noble of the commenter to express concern about the expedient delivery of retirement benefits to members, it is the responsibility of each board of trustees to protect the taxpayer public by working to prevent members with dishonorable service from receiving service credit and full retirement benefits for such service. Pursuant to N.J.S.A. 43:1-3, "The board of trustees of any State or locally-administered pension fund or retirement system created under the laws of this State is authorized to order the forfeiture of all or part of the earned service credit or pension or retirement benefit of any member of the fund or system for misconduct occurring during the member's public service which renders the member's service or part thereof dishonorable and to implement any pension forfeiture ordered by a court pursuant to section 2 of P.L.2007, c.49 (C.43:1-3.1)."

Establishing a 30-day window for the submittal of documentation regarding a member's dishonorable service would provide a loophole that could allow members with dishonorable service and/or their employers to circumvent the statutory provisions regarding their dishonorable service, by allowing the 30-day limit to lapse before submitting such documents. If an employer failed to submit documentation within the allotted time frame, the member could end up receiving approval for service credit and retirement benefits for periods of dishonorable service, despite the existing statutory provisions that authorize the forfeiture of earned service credit and retirement benefits when dishonorable service has occurred.

Further, N.J.S.A. 43:1-3.2 allows the board of trustees of any State-administered retirement system to "require the production of documents in a matter concerning the rendering of honorable service by a public officer or employee seeking to receive a public pension or retirement benefit. If any person shall refuse to ... produce any books, papers or documents, the board may apply ex parte to the Superior Court to compel the person to comply ..." No time frame is provided in statute for the submittal of documents regarding dishonorable service, and the applicable board may require more than 30 days to request employer submittal of documentation regarding the member's dishonorable service when the employer fails to do so, or to appeal to the Superior Court to obtain documents related to a member's dishonorable service, if any person refuses to produce such evidence. In addition, when the Division requests documents regarding a member's dishonorable service from the employer, the member receives a copy of the notice as well, so the member also has the opportunity to submit documentation related to the dishonorable service, to ensure submittal.