

RULE PROPOSALS INTERESTED PERSONS

The Department of Corrections provides notices of rule proposals in the New Jersey Register (N.J.R.), a semi-monthly official publication of the Office of Administrative Law which contains all State agency rule proposals and adoptions. The following paragraph is quoted from the Proposal section of the New Jersey Register: Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal. The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30- day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B3. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register. At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

CORRECTIONS

THE COMMISSIONER

Healthcare Services Compassionate Release

Proposed Amendments: N.J.A.C. 10A:16-8.5 and 8.6

Authorized By: Victoria L. Kuhn Esq., Commissioner, Department of Corrections.

Authority: N.J.S.A. 2A:154-3 and 4, 2C:58-15, 30:1B-6, 30:1B-10, 30:4-123.47.c, and 52:17B-169.

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

Proposal Number: PRN 2026-057.

Submit written comments by December 4, 2026, to:

Kathleen Cullen
Administrative Rules Unit
New Jersey Department of Corrections
PO Box 863
Trenton, New Jersey 08625-0863
or through email to ARU@doc.nj.gov

The agency proposal follows:

Summary

The Compassionate Release Act (Act), N.J.S.A. 30:4-123.51e, requires the Department of Corrections (Department) to establish and maintain rules by which an inmate may obtain a medical diagnosis to determine whether the inmate is eligible for compassionate release. The high level internal departmental processes have changed and impact the associated rules at N.J.A.C. 10A:16-8.6(a), necessitating these amendments.

In order to provide more specific information as to how inmates can obtain the form used to apply for compassionate release, the Department proposes to replace “health services” with “contracted healthcare vendor” in the last two sentences at N.J.A.C. 10A:16-8.5(a).

In addition, the Department proposes to clarify the process at N.J.A.C. 10A:16-8.6(a) used following submission of the clinical reports to the Department Healthcare Compliance Unit (HCU) by replacing the last sentence, “Following review of the medical records, the medical director shall make a medical determination of eligibility or ineligibility and issue a memo to the Commissioner of the Department of Corrections detailing the same.” with “The Healthcare Compliance Unit will utilize the submitted clinical reports to summarize the clinical findings and produce a Healthcare Compliance Unit report that supports the conditions for compassionate release are either met or not met.”

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments provide information regarding the healthcare services provided to incarcerated persons while assigned to a correctional facility. The Department anticipates a positive social impact, as the proposed amendments are necessary for the healthcare and well-being of incarcerated persons and the amendments reflect recent changes within the Department.

Economic Impact

Additional funding is not necessary to implement the requirements of the proposed amendments. The cost of meeting and maintaining the requirements of the proposed amendments is met by the Department through the established budget with funds allocated by the State and has no external economic impact.

Federal Standards Statement

The proposed amendments are promulgated pursuant to the authority of the rulemaking requirements of the Department, as established at N.J.S.A. 30:1B-6 and 10. The proposed amendments are not subject to any Federal statutes, requirements, or standards; therefore, a Federal standards analysis is not required.

Jobs Impact

The proposed amendments will cause neither the generation, nor the loss, of any jobs.

Agriculture Industry Impact

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

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined pursuant to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments affect the Department and governmental entities responsible for the enforcement of the rules.

Housing Affordability Impact Analysis

The proposed amendments will have no impact on housing affordability and there is an extreme unlikelihood that the proposed amendments would evoke a change in the average costs associated with housing. The proposed amendments concern the process for the compassionate release of inmates, as used by the Department.

Smart Growth Development Impact Analysis

The proposed amendments will have no impact on the achievement of smart growth and there is an extreme unlikelihood the proposed amendments will evoke a change in housing production within Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan. The proposed amendments concern the process for the compassionate release of inmates, as provided in correctional facilities in New Jersey.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention or sentencing. Healthcare services do not directly impact probation and potential parole and have been implemented and updated in compliance with related State laws. Accordingly, no further analysis is required.

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

SUBCHAPTER 8. EXECUTIVE CLEMENCY AND MEDICAL PAROLE

10A:16-8.5 Eligibility requirements for compassionate release

(a) A medical diagnosis to determine an inmate's eligibility for compassionate release may be initiated by the [administrator, superintendent] **Administrator, Superintendent**, a staff member of a correctional facility, or by the inmate, a member of the inmate's family, or the inmate's attorney by submitting the Compassionate Release Request Form to the [Health] **Healthcare** Compliance Unit. The form will be available from members of the custody staff or [health services] **contracted healthcare vendor staff** in all correctional facilities. The medical diagnosis required for compassionate release shall be made by two

[health services] **contracted healthcare vendor** licensed physicians designated by the Commissioner of the Department of Corrections and shall include, but not be limited to:

1.-4. (No change.)

10A:16-8.6 Medical diagnosis and Certificate of Eligibility for Compassionate Release

(a) The two designated physicians **required pursuant to N.J.A.C. 10A:16-8.5** will complete the required examinations and forward their attestations, and all related medical records, to the [Health] **Healthcare Compliance Unit** medical director for review. [Following review of the medical records, the medical director shall make a medical determination of eligibility or ineligibility and issue a memo to the Commissioner of the Department of Corrections detailing the same.] **The Healthcare Compliance Unit will utilize the submitted clinical reports to summarize the clinical findings and produce a Healthcare Compliance Unit report that supports the conditions for compassionate release are either met or not met.**

(b)-(e) (No change.)