

## HEALTH

(a)

**PUBLIC HEALTH SERVICES BRANCH  
DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL,  
AND OCCUPATIONAL HEALTH SERVICES  
COMMUNICABLE DISEASE SERVICE  
ZONOTIC DISEASE EPIDEMIOLOGY  
SURVEILLANCE UNIT**

**Notice of Readoption**

**Importation of Dogs, Reporting of Rabies in  
Animals, Control of Avian Chlamydiosis in Pet  
Birds, Sales and Distribution of Turtles and Turtle  
Eggs and Transportation by Animal Control  
Officers**

**Readoption: N.J.A.C. 8:23**

Authority: N.J.S.A. 4:19-15.16, 26:1A-7 and 15, and 26:4-78 et seq.

Authorized By: Shereef Elnahal, Commissioner, Department of  
Health (in consultation with the Public Health Council).

Effective Date: August 13, 2018.

New Expiration Date: August 13, 2025.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 8:23, Importation of Dogs, Reporting of Rabies in Animals, Control of Avian Chlamydiosis in Pet Birds, Sales and Distribution of Turtles and Turtle Eggs, and Transportation by Animal Control Officers, were to expire on September 12, 2018.

N.J.A.C. 8:23 regulates the importation of dogs, rabies reporting, transportation of confined animals, the quarantine of pet birds, and the sales of live turtles and turtle eggs. Subchapter 1 provides specifics regarding the certification requirements for imported dogs; reporting requirements of rabies in animals; the transportation of confined animals; the quarantine, testing, and transportation of quarantined pet birds; and the record maintenance of pet bird dealers. Subchapter 2 establishes the requirements for the sale or distribution of viable turtle eggs and live turtles. Subchapter 3 establishes the responsibilities of animal control officers in the transportation of animals.

The Department is developing rulemaking to revise and update existing N.J.A.C. 8:23 and anticipates filing this rulemaking with the Office of Administrative Law for processing in the ordinary course. However, this rulemaking could not be proposed prior to the expiration of existing N.J.A.C. 8:23. The Commissioner has reviewed N.J.A.C. 8:23 and determined that, pending the finalization of the anticipated rulemaking described above, the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive for the purposes for which it was originally promulgated, as amended and supplemented over time, and should be readopted. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:23 is readopted and shall continue in effect for a seven-year period.

## HUMAN SERVICES

(b)

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH  
SERVICES**

**Home Care Services**

**Adopted Amendments: N.J.A.C. 10:60-1.1, 1.2, 1.3,  
1.6, 1.7, 1.8, 1.9, 2.2, 2.3, 2.5, 3.1 through 3.9, 5.1  
through 5.11, and 11.2 and 10:60 Appendix A**

**Adopted Repeals and New Rules: N.J.A.C. 10:60-6**

**Adopted New Rules: N.J.A.C. 10:60-3.10**

**Adopted Repeals: N.J.A.C. 10:60-4, 7, 8, 9, and 10**

Proposed: August 21, 2017, at 49 N.J.R. 2698(a).

Adopted: August 20, 2018, by Carole Johnson, Commissioner,  
Department of Human Services.

Filed: August 21, 2018, as R.2018 d.172, **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. 30:4D-1 et seq., and 30:4J-8 et seq.

Agency Control Number: 17-A-02.

Effective Date: September 17, 2018.

Expiration Date: April 4, 2020.

**Summary of Public Comments and Agency Responses:**

Comments were received from: The Arc of New Jersey, Thomas Buffuto, Executive Director; Community Health Law Project, Stuart H. Weiner, Government Affairs Agent; Disability Rights New Jersey, Susan Saidel, Legal Director; Health Force, Mindy Rosenblum, President; Home Care and Hospice Association of NJ, Chrissy Buteas, President and CEO; and New Jersey Association of Community Providers, Valerie Sellers, CEO.

1. COMMENT: General. Health Force. The commenter asks: "Are [managed care organizations (MCO)] members who refuse the hands-on assistance, as described above, required to be discharged from services or can the MCO transfer the member to another home care agency?"

RESPONSE: Beneficiaries have the right to refuse personal care assistant (PCA) services and there is a large array of reasons why. If the reason is related to an individual provider or an individual home care agency, the MCO can transfer the authorization to provide services to another agency. For those beneficiaries who continue to refuse, PCA services should be discontinued.

2. COMMENT: General. Home Care and Hospice Association of NJ. The commenter submits that since many of the home and community-based services regulated by N.J.A.C. 10:60 are administered under managed care, each subchapter of the chapter should be clearly delineated into separate categories as they apply to a fee-for-service versus managed care environment.

RESPONSE: The Department of Human Services ("Department" or "DHS") disagrees with the need to restructure N.J.A.C. 10:60. Home care providers in an MCO's network are required to comply with the terms of the contract with their MCO, and with any applicable provisions in the MCO's contract with DHS/Division of Medical Assistance and Health Services (DMAHS). They are required to comply with N.J.A.C. 10:60 only if mandated by the terms of those contracts, or if mandated by specific language in N.J.A.C. 10:60 or other applicable rules.

3. COMMENT: General. Home Care and Hospice Association of NJ. The commenter notes that there are several terms used in the proposed rulemaking to indicate the Medicaid/NJ FamilyCare beneficiary, including the terms beneficiary, client, recipient, individual, and patient and the suggestion was made to use one consistent term to alleviate confusion.

RESPONSE: The Department agrees with the commenter and the various terms have been changed to "beneficiary" throughout the chapter upon adoption.