

(b) [In the event that] If a due date for submission of an installment payment falls on a weekend or a holiday, the payment shall be due on the first business day following the payment due date.

(c) [Payments mailed] **Facilities** shall [be remitted to the following address: Financial Services, New Jersey Department of Health and Senior Services, 12D Quakerbridge Plaza, Quakerbridge Road, Mercerville, NJ 08625-0360, ATTN: Ambulatory Assessment.

(d) Payments hand delivered shall be remitted to the following address: Financial Services, New Jersey Department of Health and Senior Services, 12D Quakerbridge Plaza, Quakerbridge Road, Mercerville, NJ 08619, ATTN: Ambulatory Assessment; telephone (609) 584-4081.] **remit payments, payable to the Treasurer, State of New Jersey, using any of the following means:**

**1. By United States Postal Service regular mail, hand delivery, or overnight mail to the following address:**

**Ambulatory Care Facility Payment Unit  
Accounting and Procurement  
New Jersey Department of Health  
55 North Willow Street, 6th Floor  
PO Box 360  
Trenton, NJ 08625-0360  
Telephone: (609) 376-8530**

**2. Electronically through the Department's licensing portal webpage at <https://dohlicensing.nj.gov>.**

**i. Under "FAQs," select either "Create New Account" or, to sign into an existing account, "Sign in to your account."**

**ii. The direct link to the sign-in page is: <https://dohlicensing.nj.gov/SignIn?returnUrl=%2F>.**

**iii. Instructions to complete an electronic payment through the licensing portal webpage are available at: <https://dohlicensing.nj.gov/hfel-5Epavhelp>.**

**3. Electronically through an Automated Clearing House (ACH) payment after execution and submission to the Department at the address indicated in the Authorizing Agreement for Automated Payments/Deposits form, available at: <https://dohlicensing.nj.gov/ACHform/>.**

8:31A-2.3 Appeal of assessment

(a) (No change.)

(b) An appeal [under] **pursuant to** this section shall be filed with the Commissioner, in writing, [at the following address:] **by regular or electronic mail, to:**

[Ambulatory Care Facility Assessment  
Health Facilities Evaluation and Licensing  
Department of Health and Senior Services Assessment Appeal  
PO Box 367  
Trenton, NJ 08625-0367]  
**Office of Legal and Regulatory Compliance  
New Jersey Department of Health  
PO Box 360  
Trenton, New Jersey 08625-0360  
Email: [OLRC@nj.doh.gov](mailto:OLRC@nj.doh.gov)**

(c)-(h) (No change.)

### SUBCHAPTER 3. FINANCIAL REPORTING

8:31A-3.1 Annual report

(a) (No change.)

(b) The content and format of the annual report for covered facilities [shall be] **is available [from] upon request to the Ambulatory Care Facility Assessment [Program] Unit at PO Box [367] 358, Trenton, NJ 08625-0360, telephone [(609) 341-2124] (609) 913-5791 and from the Department's forms page at [<http://nj.gov/health/hcsa/hcsaforms.html>] <https://nj.gov/health/forms>. Instructions on how to submit the electronic standardized Department form may be found at <https://dohlicensing.nj.gov/helphfel5>.**

(c)-(d) (No change.)

(e) The timetable for submission of annual reports shall be as follows:

1. For State fiscal year 2005, all covered facilities shall provide proof of gross receipts for the calendar year 2003 to the Department no later than September 15, 2004. Covered facilities failing to provide proof of

receipts by September 15, 2004, shall pay the maximum assessment of \$ 200,000 for the State fiscal year.]

[2.] (e) [For State fiscal year 2006 and thereafter, all covered facilities shall provide the] **Covered facilities shall submit an annual report for the calendar year preceding the State fiscal year to the Department, in care of the Ambulatory Care Facility Assessment Unit, by no later than May 31 preceding the start of the State fiscal year.**

1. Facilities failing to provide annual reports by June 30 preceding the start of the State fiscal year shall pay the maximum assessment of [\$200,000] **\$350,000** for the State fiscal year.

(f) Annual reports mailed shall be submitted to the following address:

[Ambulatory Care Facility Assessment Program, Health Facilities Evaluation and Licensing, Department of Health and Senior Services, PO Box 367, Trenton, NJ 08625-0367; facsimile: (609) 633-9087.] **New Jersey Department of Health, Office of Health Care Financing, Ambulatory Care Facility Assessment Unit, PO Box 358, Trenton, NJ 08625-0358, telephone (609) 913-5791.**

(g) Annual reports hand delivered shall be submitted to the following address: [Department of Health and Senior Services, 120 S. Stockton St., Lower Level, Trenton, NJ 08611; telephone (609) 341-2124.] **New Jersey Department of Health, Office of Health Care Financing, Ambulatory Care Facility Assessment Unit, 55 North Willow Street, 5th Floor, Room 5015, Trenton, NJ 08608, telephone (609) 913-5791.**

8:31A-3.2 Audit of annual report

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

(c) If the **Department determines**, upon audit [as provided for in] **pursuant to** this section, [it is determined by the Department] that a covered facility understated its gross receipts in its annual report by more than a de minimis amount, the **Department shall increase retroactively** the covered facility's assessment for the fiscal year that was based on the defective report [shall be retroactively increased by the Department] to the appropriate amount and the facility shall be liable for a penalty in the amount set forth at N.J.A.C. 8:31A-4.1(c).

### SUBCHAPTER 4. ENFORCEMENT

8:31A-4.1 Penalties

(a) (No change.)

(b) A covered facility that is operating one or more ambulatory care services listed [in] **at N.J.A.C. 8:31A-1.1(b)** without a license from the Department [, on or after July 1, 2004,] shall be liable for double the amount of the assessment provided [for in] **at N.J.A.C. 8:31A-2.1**, in addition to such other penalties as the Department may impose by law [or rule] for operating an ambulatory care facility without a license.

(c) If the **Department determines**, upon audit [as provided for in] **pursuant to** N.J.A.C. 8:31A-3.2, [it is determined by the Department] that a covered facility understated its gross receipts in its annual report by more than a de minimis amount, the covered facility shall be liable for a penalty in the amount of the difference between the original and corrected assessments, **which shall be in addition to the amount of the retroactive assessment difference that the Department imposes pursuant to N.J.A.C. 8:31A-3.2(c).**

## HIGHER EDUCATION

(a)

### SECRETARY OF HIGHER EDUCATION

#### Institutional Codes of Ethics

#### Proposed Readoption: N.J.A.C. 9A:3

Authorized By: Dr. Brian K. Bridges, Secretary of Higher Education.

Authority: N.J.S.A. 18A:3B-14.e and 18A:3B-15.

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

Proposal Number: PRN 2022-014.

Submit written comments by April 8, 2022, to:

Eric Taylor, Esq.  
 Director, Office of Licensure  
 Office of the Secretary of Higher Education  
 1 John Fitch Plaza, 10th Floor  
 PO Box 542  
 Trenton, NJ 08625-0542  
 Email: [eric.taylor@oshe.nj.gov](mailto:eric.taylor@oshe.nj.gov)

The agency proposal follows:

**Summary**

Pursuant to N.J.S.A. 18A:3B-14.e, the Secretary of Higher Education (Secretary) is responsible for the adoption of a code of ethics applicable to colleges and universities in New Jersey. To fulfill this requirement, the rules at N.J.A.C. 9A:3 were last readopted in 2014 to serve as a general model for institutions to use in designing their own ethics codes for their officers and employees. The rules proposed for readoption outline broad criteria in existing statutory standards for ethical conduct by public officers and employees and require each public institution’s code of ethics to address those criteria.

Pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 9A:3 were scheduled to expire on January 23, 2021. Pursuant to Executive Order No. 127 (2020) and P.L. 2021, c. 103, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) was extended through January 1, 2022. Therefore, this chapter has not yet expired and is extended 180 days from the later of the existing expiration date or the date of publication of this notice of proposed readoption, whichever is later, which date is June 19, 2022, pursuant to N.J.S.A. 52:14B-5.1.c, Executive Order No. 244 (2021), and P.L. 2021, c. 103.

The staff of the Office of the Secretary of Higher Education conducted an administrative review of the regulatory language and concluded that the existing rules continue to serve their intended purpose. Therefore, the Secretary proposes the readoption of N.J.A.C. 9A:3 without amendment.

The rules proposed for readoption are organized in one subchapter, General Standards, as follows:

N.J.A.C. 9A:3-1.1 sets forth the purpose of the rules.

N.J.A.C. 9A:3-1.2 presents the various legal sources applicable to institutional codes of ethics at public institutions.

N.J.A.C. 9A:3-1.3 sets forth the general minimum standards for institutional codes of ethics at public institutions.

N.J.A.C. 9A:3-1.4 sets forth specific requirements for inclusion in the code of ethics for every institution governed by the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq.

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

**Social Impact**

The rules proposed for readoption provide guidelines that allow each public college and university the latitude to develop a code of ethics tailored to its own needs. Such general guidance recognizes that codes of ethics are already governed by applicable statutes, rules, and executive orders and acknowledges the proper locus of responsibility for adopting said codes are the institutions themselves. The rules proposed for readoption foster institutional autonomy and accountability within the existing statutory framework.

**Economic Impact**

The rules proposed for readoption would not create any new costs for institutions of higher education. Institutional codes of ethics are important tools to minimize impropriety and the waste or misuse of public and institutional funds, and, therefore, create a general cost savings for the State and its residents.

**Federal Standards Statement**

The rules proposed for readoption are not subject to a Federal standards analysis pursuant to N.J.S.A. 52:14B-1 et seq., because the Secretary’s institutional code of ethics is not subject to any Federal requirements or standards.

**Jobs Impact**

The rules proposed for readoption will not result in the generation or loss of any jobs.

**Agriculture Industry Impact**

The rules proposed for readoption have no impact on the agriculture industry.

**Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required because the rules proposed for readoption do not impose requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption pertain strictly to public colleges and universities in New Jersey, none of which qualify as a small business, as no public colleges and universities are businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

**Housing Affordability Impact Analysis**

The rules proposed for readoption will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules proposed for readoption would evoke a change in the average costs associated with housing because the rules proposed for readoption govern codes of ethics for State and county colleges and universities.

**Smart Growth Development Impact Analysis**

It is extremely unlikely that the rules proposed for readoption 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 rules proposed for readoption govern codes of ethics for State and county colleges and universities.

**Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Secretary has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 9A:3.

(a)

**SECRETARY OF HIGHER EDUCATION  
 Residency Requirements for Tuition Purposes at  
 Public Colleges and Universities  
 Proposed Readoption with Amendments: N.J.A.C.  
 9A:5**

Authorized By: Dr. Brian K. Bridges, Secretary of Higher Education.

Authority: N.J.S.A. 18A:62-4 and 18A:62-4.4.

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

Proposal Number: PRN 2022-013.

Submit written comments by April 8, 2022, to:

Eric Taylor, Esq.  
 Director, Office of Licensure  
 Office of the Secretary of Higher Education  
 1 John Fitch Plaza, 10th Floor  
 PO Box 542  
 Trenton, NJ 08625-0542  
 Email: [eric.taylor@oshe.nj.gov](mailto:eric.taylor@oshe.nj.gov)

The agency proposal follows:

**Summary**

In accordance with the provisions of the Executive Reorganization Plan No. 005-2011, the Commission on Higher Education was eliminated, and its powers, functions, and duties were transferred to the Secretary of Higher Education (Secretary), who is responsible for the rules governing