

# RULE PROPOSALS

## INTERESTED PERSONS

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. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in 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.

## HUMAN SERVICES

### (a)

#### CATASTROPHIC ILLNESS IN CHILDREN RELIEF FUND COMMISSION

##### Limits On Fund Disbursements

##### Proposed Amendment: N.J.A.C. 10:155-1.7

Authorized By: Catastrophic Illness in Children Relief Fund Commission, Christian Heiss, Executive Director.

Authority: N.J.S.A. 26:2-148 through 159.

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

Proposal Number: PRN 2020-106.

Submit comments by January 1, 2021, to:

Christian Heiss, Executive Director  
Department of Human Services,  
Catastrophic Illness in Children Relief Fund  
PO Box 728  
Trenton, NJ 08625  
Fax: 609-633-2947  
Email: [Christian.Heiss@dhs.nj.gov](mailto:Christian.Heiss@dhs.nj.gov)  
Delivery Address:  
140 E. Front Street  
Trenton, NJ 08608

The agency proposal follows:

#### Summary

The Catastrophic Illness in Children Relief Fund (Fund) was established by the Legislature to provide financial assistance to families whose children have experienced an illness or medical condition not fully covered by health insurance, State or Federal programs, or any other resource. The Fund is designed to provide a safety net for families struggling with a child's previously incurred medical expenses. The Catastrophic Illness in Children Relief Fund Commission (Commission) is charged with oversight of the Fund. From time-to-time the Commission finds it necessary and appropriate to propose amendments to the rules that govern the operation of the Fund.

The Commission proposes to amend N.J.A.C. 10:155-1.7(b) to reduce the one-time vehicle allowance cap from \$15,000 to \$7,500. The one-time vehicle allowance applies only to the purchase of the vehicle. The Commission does not cap reimbursements for medically necessary modifications to the vehicle. The Commission recognizes that some families require assistance to purchase a vehicle that can be modified and the one-time vehicle allowance helps defray the cost to purchase the vehicle. The Commission also recognizes that families require a vehicle to transport all members of the family, and, thus, the purchase of a vehicle is not solely related to a child's illness. The unique cost incurred by the

families is the cost associated with modifications. The Commission has noted a dramatic increase in the number of families applying for modified vehicles. In fiscal years 2011 through 2013, an average of 10 percent of families served received awards for a modified vehicle; in fiscal years 2018 through 2020, 24 percent of families received awards for a modified vehicle. For the same time periods, Fund payments for vehicle purchases and modifications increased from 22 percent of total awards (2011-2013) to 46 percent of total awards (2018-2020). As vehicle modification, not purchase, is the primary expense related to the child's illness, and to ensure funds are available for other types of catastrophic medical expenses, the Commission proposes to reduce the cap on vehicle purchases to \$7,500.

The Commission has provided a 60-day comment period for this notice of proposal. Therefore, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

#### Social Impact

The Commission believes the reduction in the one-time allowance for vehicle purchase will have a neutral social impact. While some families will be required to bear additional costs when purchasing a vehicle, the lower allowance will make more funds available to assist other families with the wide range of catastrophic medical expenses the Fund covers, including inpatient hospital treatment, physician and nursing services, durable medical equipment, long-term care, and home health care.

#### Economic Impact

The Commission believes that although the reduction in the allowance for the purchase of a vehicle will have a negative economic impact on families who purchase a vehicle, the Commission believes there will be an overall positive economic impact. As stated in the Summary above, the Commission has noted a dramatic increase in the number of families applying for modified vehicles. The \$15,000 allowance represents a significant percentage of the total awards provided to families: eight percent of total payments in fiscal years 2011-2013, and 14 percent of total payments in 2018-2020. During the same periods, the cost of modifications increased from 14 percent of total awards (2011-2013) to 31 percent of total awards (2018-2020). At the end of Fiscal Year 2019, the Commission had to delay consideration of approximately \$1.6 million in application expenses due to expenses exceeding the amount of money remaining in the Fund. In Fiscal Year 2020, had the proposed \$7,500 cap been in place, the Fund would have experienced a 15 percent reduction in the overall vehicle and modification payments, from \$2.79 million to \$2.36 million. The more than \$423,000 difference would then be available to assist with other catastrophic medical expenses.

#### Federal Standards Statement

State agencies that propose to amend rules that exceed Federal standards regarding the same subject matter are required to include in the notice of proposal, a Federal standards analysis. There are no Federal laws or standards that apply to the proposed amendment. Consequently, a Federal standards analysis is not required.

**Jobs Impact**

The Commission does not anticipate that any jobs will be generated or lost as a result of the proposed amendment. Commenters may submit data or studies on the potential jobs impact of the proposed amendment together with their comments on other aspects of the notice of proposal.

**Agriculture Industry Impact**

The Commission does not believe the proposed amendment will have any impact on the agriculture industry in New Jersey.

**Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required because the proposed amendment does not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Since the proposed amendment only applies to families served by the Commission, it does not impact small businesses or private industry, in general.

**Housing Affordability Impact Analysis**

The Commission does not believe the proposed amendment will have an impact on housing affordability in this State or evoke a change in the average costs of housing in this State because the proposed amendment relates to assisting families with their children's medical expenses.

**Smart Growth Development Impact Analysis**

The Commission does not believe the proposed amendment will have an impact on smart growth in the State or that the proposed amendment will have an effect on smart growth development in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. The proposed amendment relates to assisting families with their children's medical expenses.

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

The Commission 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 proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. CATASTROPHIC ILLNESS IN CHILDREN  
RELIEF FUND PROGRAM

10:155-1.7 Limits on Fund disbursements

(a) (No change.)

(b) A one-time vehicle allowance will be capped at \$[15,000]**7,500** for the purchase or lease of a specialized vehicle. The allowance does not include modifications, which can be considered separately. The one-time vehicle allowance of \$[15,000]**7,500** shall be included in the total disbursement cap, in the year the vehicle allowance was disbursed.

(c)-(e) (No change.)

## LAW AND PUBLIC SAFETY

### (a)

**DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PSYCHOLOGICAL EXAMINERS  
Client Records for Minors**

**Proposed Amendment: N.J.A.C. 13:42-8.1**

Authorized By: Board of Psychological Examiners, Indira Nunez,  
Executive Director.

Authority: N.J.S.A. 45:14B-13.

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

Proposal Number: PRN 2020-107.

Submit comments by January 1, 2021, to:

Indira Nunez, Executive Director  
State Board of Psychological Examiners  
124 Halsey Street  
PO Box 45017  
Newark, New Jersey 07101  
or electronically at: <http://www.njconsumeraffairs.gov/Proposals/Pages/default.aspx>.

The agency proposal follows:

**Summary**

N.J.A.C. 13:42-8.1 requires licensed psychologists to retain client records for at least seven years from the date of the last entry. Given that psychological care provided to minors can significantly affect them and to ensure that records of such care are available to patients well after they are no longer minors, the Board of Psychological Examiners (Board) proposes to amend N.J.A.C. 13:42-8.1 to require that a licensee retain records for a minor for seven years from the date of the last entry or until the client turns 25 years of age, whichever is longer.

The Board has provided a 60-day comment period for this notice of proposal. Therefore, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

**Social Impact**

The proposed amendment will help to protect minors who receive psychological services in that the proposed amendment will ensure that the records of such services are retained until well after the client is no longer a minor. This will afford clients sufficient time to obtain records of services provided while they were minors, if such records become relevant to services the client receives later in life.

**Economic Impact**

The proposed amendment will impose recordkeeping costs on licensees who will need to retain records of psychological services provided to minors for a longer period of time than that required by the existing rule.

**Federal Standards Statement**

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the proposed amendment.

**Jobs Impact**

The Board does not believe that the proposed amendment will result in the creation or loss of jobs in the State.

**Agriculture Industry Impact**

The Board does not believe that the proposed amendment will have an impact on the agriculture industry in the State.

**Regulatory Flexibility Analysis**

Since licensees are individually licensed by the Board under the Regulatory Flexibility Act (the Act), N.J.S.A. 52:14B-16 et seq., they may be considered "small businesses" for the purposes of the Act.

The proposed amendment will have the same economic impact on small businesses as it will on all businesses, as detailed in the Economic Impact above. The Board does not believe that licensees will need to employ any professional services to comply with the requirements of the proposed amendment. The proposed amendment imposes no reporting requirements but imposes compliance and recordkeeping requirements upon licensees, as detailed in the Summary and Economic Impact above.

The proposed amendment ensures that client records for minors are retained at least until minors have turned 25 years old; therefore, no differing compliance requirements are provided to licensed psychologists based upon the size of a business.

**Housing Affordability Impact Analysis**

The proposed amendment will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the proposed amendment would evoke a change in the average costs associated with housing because the proposed amendment concerns recordkeeping requirements for licensed psychologists.

**Smart Growth Development Impact Analysis**

The proposed amendment will have an insignificant impact on smart growth and there is an extreme unlikelihood that the proposed amendment would evoke a change in housing production in Planning Areas 1 or 2, or