

The **public comment period** on the FY 2017 Annual Fee Report and Assessment of Fees will remain open until March 8, 2017. Please submit written comments to:

Mail Code 401-02B
Terry Beym, Project Manager
NJDEP- Water Pollution Management Element
Office of Permit Management
PO Box 420
401 East State Street
Trenton, New Jersey 08625-0420

A written notice that the FY 2017 Annual Fee Report and Assessment of Fees is available for viewing on the Department's website at <http://www.nj.gov/dep/dwg/njpdessfees.html> will be mailed to NJPDES permittees on or about February 6, 2017. Any person may also request a paper copy of the Report by contacting the Office of Permit Management at (609) 984-4428.

HEALTH

(a)

PUBLIC HEALTH SERVICES BRANCH DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL, AND OCCUPATIONAL HEALTH CONSUMER AND ENVIRONMENTAL HEALTH SERVICES

Notice of Action on Petition for Rulemaking N.J.A.C. 8:27, Body Art Procedures

Petitioner: Rose Marie Beauchemin, Owner, Director of Education,
Beau Institute, Mount Laurel, New Jersey.

Take notice that in response to the notice of petition for rulemaking to change certain provisions of N.J.A.C. 8:27 applicable to the permanent cosmetics profession, published at 49 N.J.R. 146(a), the Department of Health (Department) hereby refers the petition for rulemaking to the Consumer and Environmental Health Services (CEHS) of the Division of Epidemiology, Environmental, and Occupational Health of the Public Health Services Branch of the Department, for further deliberation, pursuant to N.J.S.A. 52:14B-4(f) and N.J.A.C. 1:30-4.2(a)3, in view of the ongoing development of rulemaking to revise all subchapters of N.J.A.C. 8:27, in which the CEHS is engaged.

The petition was duly considered pursuant to law.

(b)

THE COMMISSIONER Availability of Grants Department of Health Directory of Grant Programs

Take notice that, in compliance with N.J.S.A. 52:14-34.4 et seq. (P.L. 1987, c. 7), the Department of Health hereby publishes notice of grant availability, subject to fund availability, in the Department of Health Directory of Grant Programs. Copies of the Directory can be obtained by contacting the Grants Unit, Division of Management and Administration, Department of Health at (609) 633-7809. This publication may be viewed through the Internet at: <https://healthapps.state.nj.us/noticeofgrant/noticegrants.aspx>.

HUMAN SERVICES

(c)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Notice of Action on Petition for Rulemaking Managed Health Care Services for Medicaid and NJ FamilyCare Beneficiaries

N.J.A.C. 10:74-3.3

Petitioner: Curtis D. Edmonds, Esq.

Take notice that on August 11, 2016, the Division of Medical Assistance and Health Services in the Department of Human Services (Department) received a petition for rulemaking pursuant to N.J.S.A. 52:14B-4(f) and N.J.A.C. 1:30-4.1 and 4.2 from Curtis D. Edmonds, Esq. (petitioner).

The petitioner specifically requested that the Department amend its rules at N.J.A.C. 10:74-3.3 to add a new subsection (b) that would require that a Managed Care Organization (MCO) providing health care services to Medicaid and NJ FamilyCare Plans A, B, and C beneficiaries may not deny or refuse to provide medically necessary services to those beneficiaries, as set forth in N.J.A.C. 10:74-3.3(a), on the grounds that such services are investigational or experimental in nature. The petition states that such action would assist beneficiaries who would otherwise receive denials of medically necessary services that are investigational or experimental in nature, and who consequently would have to appeal such denials.

A notice of receipt of the petition was published in the October 3, 2016, New Jersey Register at 48 N.J.R. 2078(a).

Take further notice that, in accordance with N.J.A.C. 1:30-4.2(a)3, the Department determined to refer the matter for further deliberation, in order to allow for sufficient review of the petition. A notice of action on the petition was published in the November 7, 2016, New Jersey Register at 48 N.J.R. 2400(d).

Take further notice that, in accordance with N.J.A.C. 1:30-4.2(d), the petition was duly considered pursuant to law and, upon due deliberation, the Department has determined that the petition should be denied for the reasons stated below.

The Department has reviewed the specific amendment requested and believes that the requested amendment is not needed to ensure the provision of such services. N.J.A.C. 10:74-3.3 requires MCOs to "provide all services required by the managed care contract." Section 4.2.8 of the managed care contract addresses the beneficiary's participation in clinical trials and the provision of investigational and experimental treatment. It is specifically stated that "the Contactor shall permit participation in an approved clinical trial to a qualified enrollee" and that the contractor may not deny the enrollee participation in an approved clinical trial in which the enrollee is eligible to participate with respect to the treatment of his or her illness. Participation in clinical trials or the provision of investigational/experimental treatment is based on the referral of the treating physician to an internal review group that is not associated with the case or the referral center and, if denied, is then reviewed by a second, ad hoc group with a minimum of two experts in the field who are also not directly involved with the case. The Department maintains that this approach provides access to investigational and/or experimental treatment or services but requires that each case be reviewed individually to determine if such treatment or services are medically necessary and would provide the potential for the best outcome for the enrollee while safeguarding the enrollee from potential harm from unnecessary treatment.

For all of the reasons above, the petition for rulemaking is denied.

A copy of this public notice has been mailed to the petitioner.