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(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Notice of Readoption Psychological Services

Readoption with Technical Changes: N.J.A.C. 10:67

Authorized By: Sarah Adelman, Acting Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:4D-1 et seq., and 30:4J-8 et seq.

Agency Control Number: 21-A-10.

Effective Dates: November 15, 2021, Readoption;
December 20, 2021, Technical Changes.

Expiration Date: November 15, 2028.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:67, Psychological Services, were scheduled to expire on July 31, 2020. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) 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) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 103, this notice of readoption is timely filed.

This chapter contains the rules of the New Jersey Medicaid/NJ FamilyCare program related to the provision of psychological services to Medicaid/NJ FamilyCare beneficiaries by psychologists in private practice who are reimbursed on a fee-for-service basis. This chapter does not apply to psychologists who are employed by State, county, or private psychiatric hospitals; independent clinics; or those psychologists who are employed by residential treatment centers under contract with a State agency.

The technical changes being made include the following:

Throughout the chapter all references to “Department of Health and Senior Services” are changed to “Department of Health” to reflect the current name of that Department.

Throughout the chapter all references to “Division of Youth and Family Services” are changed to “Child Protection and Permanency within the Department of Children and Families” to reflect the current name of that agency.

Throughout the chapter and the chapter Appendix the name of the Division of Medical Assistance and Health Services (DMAHS) fiscal agent is changed from “Unisys Corporation” to “Gainwell Technologies” to reflect the name of the current fiscal agent.

At N.J.A.C. 10:67-1.2, in the definition for the “residential treatment center” the name of the accreditation agency is changed from “Joint Commission on the Accreditation of Health Care Organizations (JCAHO)” to “Joint Commission” to reflect the current name of the agency.

At N.J.A.C. 10:67-1.3(a)1, a technical change provides the phone number and website of the provider enrollment office for applicants to contact to request a provider application.

At N.J.A.C. 10:67-1.5(b), the technical changes clarify that the Fiscal Agent Billing Supplement is not located in the chapter Appendix, but instructions on how to obtain a copy of the billing supplement are in the chapter Appendix.

At N.J.A.C. 10:67-2.2(b), a reference to “intermediate care facility/mental retardation” is changed to “intermediate care facility for individuals with intellectual disabilities” to reflect the current designation of these facilities.

At N.J.A.C. 10:67-2.3(d), the technical changes clarify that the Fiscal Agent Billing Supplement is not located at the end of the chapter as part

of the chapter Appendix, but rather that the chapter Appendix provides instruction how to obtain a copy of the billing supplement.

The Department of Human Services has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 30:4D-1 et seq., and 30:4J-8 et seq., and in accordance with N.J.S.A. 52:14B-5.1.c(1), the rules are readopted and shall continue in effect for a seven-year period.

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

SUBCHAPTER 1. INTRODUCTION

10:67-1.1 Scope and purpose

(a) (No change.)

(b) This chapter does not apply to psychologists employed by State or [County] **county** (Governmental) or private psychiatric hospitals, independent clinics, or to psychologists employed by residential treatment centers under contract with [the Division of Youth and Family Services (DYFS)] **Child Protection and Permanency (DCP) within the Department of Children and Families (DCF)** and/or the Division of Mental Health and Addiction Services ([DMHS] **DMHAS**).

10:67-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

...

“Nursing facility (NF)” means an institution (or distinct part of an institution) certified by the New Jersey State Department of Health [and Senior Services] and approved for participation in Medicaid/NJ FamilyCare and primarily engaged in providing:

1.-3. (No change.)

...

“Residential health care facility” means a facility, licensed by the New Jersey State Department of Health [and Senior Services], which furnishes food and shelter to four or more persons 18 years of age and older who are unrelated to the owner and which provides dietary services, recreational activities, supervision of self-administration of medications, supervision of and assistance in activities of daily living (ADL), and assistance in obtaining health services to one or more of such persons. As used in this chapter, the term “residential health care facility” means a “boarding home for sheltered care” as defined by the New Jersey State Department of Health [and Senior Services].

“Residential treatment center” means a facility that:

1. Has a facility or program accreditation by the Joint Commission [on the Accreditation of Health Care Organizations (JCAHO)], or other accreditation as specified in the Department’s rules;

2.-3. (No change.)

10:67-1.3 Conditions of participation

(a) To be approved as a Medicaid/NJ FamilyCare provider by the New Jersey Medicaid/NJ FamilyCare program, the psychologist or psychologist specialist shall:

1. Complete and submit the Medicaid/NJ FamilyCare “Provider Application” (FD-20) and the “Medicaid/NJ FamilyCare Provider Agreement” (FD-62).

i. The documents, referenced [in] at (a)1 above, are located as Forms #8 and #10 in the Appendix of the Administration Chapter (N.J.A.C. 10:49--Appendix) at the end of the chapter, and may be obtained from and submitted to:

[Unisys Corporation] **Gainwell Technologies**
Provider Enrollment
PO Box 4804
Trenton, New Jersey 08650-4804

A provider application can also be requested by calling 609-588-6036 or downloaded from the DMAHS fiscal agent website at njmmis.com.

ii. (No change.)

2. (No change.)

(b)-(c) (No change.)

10:67-1.5 Basis of reimbursement

(a) (No change.)

(b) The Maximum Fee Allowance Schedule is based on the Healthcare Common Procedure Coding System (HCPCS). For HCPCS codes and Maximum Fee Allowance Schedule, see N.J.A.C. 10:67-3. For billing instructions, see the Fiscal Agent Billing Supplement [in]. **For instructions on how to obtain a copy of the Fiscal Agent Billing Supplement see the Appendix of this chapter.**

(c) (No change.)

SUBCHAPTER 2. GENERAL PROVISIONS

10:67-2.2 Provisions for services rendered in specific settings including institutional settings

(a) (No change.)

(b) A psychologist employed and/or under contract with a facility including a general hospital, a private psychiatric, or State or [County] **county** (Government) psychiatric hospital, an intermediate care [facility/mental retardation] **facility for individuals with intellectual disabilities**, or a residential treatment center (that has a provider agreement with the New Jersey Medicaid/NJ FamilyCare program) may not bill directly for psychological services provided to Medicaid/NJ FamilyCare patients.

(c) (No change.)

10:67-2.3 Prior authorization

(a)-(c) (No change.)

(d) The request for prior authorization shall be submitted on the Form FD-07 "Request for Prior Authorization for Mental Health Services and/or Mental Health Rehabilitation Services" and the Form FD-07A "Request for Prior Authorization: Supplemental Information." See the [Fiscal Agent Billing Supplement for] **Appendix** following this chapter **for instructions on obtaining a copy of the Fiscal Agent Billing Supplement, which contains a sample of the forms, [for] instructions on how to complete them, and [for] information about the need for the authorization number on the claim form.**

1.-4. (No change.)

APPENDIX

FISCAL AGENT BILLING SUPPLEMENT

AGENCY NOTE: The Fiscal Agent Billing Supplement is appended as part of this chapter but is not reproduced in the New Jersey Administrative Code. When revisions are made to the Fiscal Agent Billing Supplement, replacement pages will be distributed to providers and copies will be filed with the Office of Administrative Law. For a copy of the Fiscal Agent Billing Supplement, access www.njmmis.com or write to:

[Unisys] **Gainwell Technologies**
 Provider Services Unit
 PO Box 4804
 Trenton, New Jersey 08650-4804

or contact:

Office of Administrative Law
 Quakerbridge Plaza, Building 9
 PO Box 049
 Trenton, New Jersey 08625-0049

CORRECTIONS

(a)

THE COMMISSIONER

**Notice of Readoption
 Security and Control**

Readoption: N.J.A.C. 10A:3

Authority: N.J.S.A. 30:1B-6 and 30:1B-10.

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

Effective Date: November 23, 2021.

New Expiration Date: November 23, 2028.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 10A:3, Security and Control, is readopted and shall continue in effect for a seven-year period. The rules were scheduled to expire on February 9, 2022. The Department of Corrections has reviewed these rules and has determined that the rules should be readopted without change because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated.

The Security and Control rules at N.J.A.C. 10A:3 set forth provisions for: authorization, transfers to, and removal from: 1) keep separate status; 2) custody staff authority and the use of force, restraints, of chemical or natural agents, related training, and penalties for violation; 3) firearms training, qualification, and requalification, authorization, storage, penalties for violations; 4) searches of inmates and facilities, discovery, seizure, and disposal of prohibited substances and contraband, and polygraph; 5) inmate transports and supervision; and 6) security threat groups.

In accordance with N.J.S.A. 52:14B-5.1.c(1), timely filing of this notice extends the expiration date of the chapter seven years from the date of filing.

INSURANCE

(b)

**DEPARTMENT OF BANKING AND INSURANCE
 DIVISION OF INSURANCE**

**Notice of Readoption
 Legal Insurance**

Readoption: N.J.A.C. 11:12

Authority: N.J.S.A. 17:1-8.1, 17:1-15.e, and 17:46C-1 through 31.

Authorized By: Marlene Caride, Commissioner, Department of Banking and Insurance.

Effective Date: November 23, 2021.

New Expiration Date: November 23, 2028.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 11:12 were scheduled to expire on August 6, 2021. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) 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) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 103, this notice of readoption is timely filed.

The rules at N.J.A.C. 11:12 govern legal insurance in this State. N.J.A.C. 11:12-1.1 sets forth definitions of terms used in the chapter. N.J.A.C. 11:12-1.2 requires entities to meet certain conditions before writing legal insurance and to provide certain documentation to the Commissioner of the Department of Banking and Insurance (Commissioner). These conditions include providing evidence of authority to transact the business of insurance in New Jersey, the submission of a copy of the policy and certificate forms to be used by the entity, and the submission of the rating system upon which legal insurance rates will be based. N.J.A.C. 11:12-1.3 requires an insurer transacting legal insurance to submit experience reports no later than March 1 on a form to be prescribed by the Commissioner. N.J.A.C. 11:12-1.4 requires an insurer who obtains a certificate of authority pursuant to N.J.S.A. 17:46C-4 to submit an annual report no later than March 1 on a form to be prescribed by the Commissioner.