

HUMAN SERVICES

(a)

COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

Organizational and General Policy Provisions of the Commission for the Blind and Visually Impaired

Readoption with Amendments: N.J.A.C. 10:91

Proposed: January 2, 2024, at 56 N.J.R. 26(a).

Adopted: April 2, 2024, by Sarah Adelman, Commissioner, Department of Human Services.

Filed: April 4, 2024, as R.2024 d.042, **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. 30:1-12, 30:6-1 et seq., and 52:14B-3(1) et seq.; 29 U.S.C. §§ 3101 et seq.; and 34 CFR Parts 74, 76, 77, 79, 80, 82, 85, 86, 361, 363, 395, and 397.

Effective Dates: April 4, 2024, Readoption;
May 6, 2024, Amendments.

Expiration Date: April 4, 2031.

Summary of Public Comment and Agency Response:

The Commission for the Blind and Visually Impaired (Commission) received a submission from Katherine Gabry. The Commission thanks Ms. Gabry for her submission. The comments and the Commission’s responses follow.

COMMENT: The commenter requested clarification regarding when the low vision services rate increases went into effect and asked about costs in reference to whether consumers would have to pay more towards their appointments for services.

RESPONSE: The low vision services rates went into effect July 1, 2023, through the budget appropriation process. In order to retain the rate increases beyond June 30, 2024, the Commission is codifying the increased amounts into the Commission’s fee schedule. The fee schedule updates are specific to increases in Commission payments to low vision practitioners. Consumer co-pays or payments toward appointments for services are outside of the scope of this chapter.

COMMENT: The commenter submitted a comment clarifying that optometrists are not physicians in relation to the reference to the New Jersey State Board of Optometrists, regarding the licensing of physicians who specialize in ophthalmology.

RESPONSE: The Commission agrees with the commenter that the reference to the New Jersey Board of Optometrists is incorrect. Ophthalmologists are physicians licensed in New Jersey by the State Board of Medical Examiners. The Commission will revise the definition of “medical professionals” accordingly. Two other changes are made to this definition upon adoption to correct a misstated title and State board name.

Federal Standards Statement

The readopted rules with amendments do not include any standards or requirements that exceed those imposed by Federal law pursuant to the Federal Rehabilitation Act, 29 U.S.C. §§ 701 through 744 and the Workforce Investment Act of 2014. Consequently, a Federal standards analysis is not required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 10:91.

Full text of the adopted amendments follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 1. PURPOSE AND SCOPE OF COMMISSION SERVICES

10:91-1.2 Definitions

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

...
“Medical professionals” for the purposes of consultation regarding exceptions to the fee schedule, as well as*[.]* services and medical matters, means physicians who specialize in ophthalmology *[licensed by the New Jersey State Board of Optometrists]* ***(certified by the American Board of Ophthalmology)***; psychiatrists and *[neuropsychologists]* ***neuropsychiatrists*** licensed by the State Board of Medical Examiners; psychologists licensed by the State Board of Psychological Examiners; ophthalmic dispensers and technicians licensed by the State Board of ***Examiners of*** Ophthalmic Dispensers and Ophthalmic Technicians; and clinical social workers licensed by the State Board of Social Work Examiners.
...

SUBCHAPTER 7. MEDICAL POLICIES AND FEE SCHEDULES

10:91-7.1 Fee schedule

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

(c) The Commission, in consultation with the necessary medical professionals*,* shall review exceptions to the Commission’s medical fee schedule and establish non-listed fees on a case-by-case basis. In determining exceptions to the Commission’s fee schedule, the Commission and the medical professionals shall consider factors such as, but not limited to:

1.-2. (No change.)

(d) (No change.)

(e) The Commission’s medical fee schedule follows:

1. (No change.)

2. Vision-related consultative specialty examinations:

Low vision exam for clients whose most recent eye report is one year old or less	250.00
Low vision exam for clients whose most recent eye report is over one year old	275.00
Up to three low vision exam follow-up visits which occur within six months of the date of the initial low vision exam, each	65.00

...
3.-25. (No change.)

(b)

COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

Notice of Readoption

The Business Enterprise Program of the New Jersey Commission for the Blind and Visually Impaired

Readoption: N.J.A.C. 10:97

Authority: N.J.S.A. 30:1-2, 30:6-15.1, 30:6-15.2, 30:6-15.3, 30:6-15.4, and 30:6-15.5; 20 U.S.C. §§ 107 et seq.; and 34 CFR Part 395.

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

Effective Date: March 27, 2024.

New Expiration Date: March 27, 2031.

Take notice that N.J.A.C. 10:97, the Business Enterprise Program of the New Jersey Commission for the Blind and Visually Impaired (the Commission), was scheduled to expire on June 8, 2024. The chapter sets forth the administrative requirements governing the operation of the Business Enterprises New Jersey Program (BENJ). BENJ is designed to provide blind individuals with career opportunities, enlarge the economic opportunities available, stimulate blind individuals toward greater efforts in striving to make themselves self-supporting and independent, and improve public awareness of their business capabilities.

The following is a summary of the subchapters at N.J.A.C. 10:97:

Subchapter 1, General Provisions, provides the legal authority and uniform applicability of chapter compliance with Federal standards and objectives of the program. This subchapter also includes the definition of terms utilized throughout the chapter.

Subchapter 2, Program Entry Requirements, describes the application, qualification, selection, and training process to become a manager, as well as the on-the-job evaluation and training, the initial assignment process, the duration and requirements of the probationary period, and the loss of eligibility for failure to complete the probationary period.

Subchapter 3, Licensing of Managers, describes the completion of the probationary period and the steps for licensure, requirements for upward mobility training, operating agreement between the Commission and manager, Commission’s responsibility, Commission loans to start a business and repayment of loans, as well as inventory management.

Subchapter 4, Rules of Operation, describes the operating procedures and parameters of running a business pursuant to this program. This includes areas such as the role of managers to personally operate the business and of their responsibility during their absence; the requirements for when managers hire employees; the responsibilities for using credit to purchase supplies; necessary insurance policies; titling of equipment; equipment maintenance and responsibility for repair costs; rules on disposition of equipment; sanitation; types of stock permitted and levels of stock required; rules for signage; merchandise pricing; notification of unusual incidents; manager responsibility for damage; and policies concerning vending machines.

Subchapter 5, Records and Monitoring, describes the policies concerning sales reports and recordkeeping. This subchapter also addresses the Department of Human Services, Commission for the Blind and Visually Impaired’s right of inspection and confidentiality of records.

Subchapter 6, Program: Fiscal Requirements, describes the two Business Enterprise New Jersey Funds and what the funds can be used for; vending machine income that is due to managers; and managers’ access to program and financial information.

Subchapter 7, Transfer of Facility from One Manager to Another, describes the policies and procedures regarding advance notice of termination and leaving a business enterprise location; promotions/transfers; and appointing an interim manager.

Subchapter 8, Suspensions and Grievance Procedures, describes the policies concerning suspension; disciplinary probation; as well as administrative reviews and hearings.

Subchapter 9, Committee of Business Enterprise Managers, describes how the committee is elected and delineates the required responsibilities.

Subchapter 10, New Private Business Enterprise Opportunities, provides a financial incentive for managers to identify and secure vending locations in private, non-governmental buildings for inclusion as vending locations in the BENJ program.

The Department of Human Services (Department) recognizes that further rulemaking is necessary to update these rules to be consistent with best practices. To that end, the Department is considering substantial amendments to be published following this re adoption.

The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purposes for which they were originally promulgated, as required pursuant to N.J.S.A. 30:1-12 et seq. In accordance with N.J.S.A. 52:14B-5.1.c(1), these rules shall be readopted and continue in effect for a seven-year period.

(a)

DIVISION OF DISABILITY SERVICES
Notice of Re adoption
Division of Disability Services Organizational Rules
Re adoption with Technical Changes: N.J.A.C.
10:139

Authority: N.J.S.A. 30:6E-1 et seq., and 52:14B-4(b).
 Authorized By: Sarah Adelman, Commissioner, Department of Human Services.

Effective Dates: April 20, 2024, Re adoption;
 May 6, 2024, Technical Changes.
 Expiration Date: April 20, 2031.

Take notice that the Department of Human Services (Department) hereby readopts N.J.A.C. 10:139 with the following technical changes. N.J.A.C. 10:139 provides a description of the organizational structure and operation of the Division of Disability Services (“DDS” or “Division”) and how to obtain public information from the Division. Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 10:139 was scheduled to expire on May 25, 2024. This organizational rule is being readopted to comply with N.J.S.A. 52:14B-3(1). This chapter is intended to inform the public of the basic composition, mission, and core principals of the Division of Disability Services.

Upon re adoption of the Division’s Organizational Rules, the Division is making technical changes to align with its current mission statement, update titles of staff, correct the names of councils, update the functions of the Division, and provide the current contact information.

This organizational chapter is exempt from the notice and public comment requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and is effective upon filing with the Office of Administrative Law, pursuant to N.J.S.A. 52:14B-4(b).

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

SUBCHAPTER 1. MISSION AND METHOD OF OPERATIONS

10:139-1.1 Division of Disability Services’ mission

The Division of Disability Services (DDS) provides a single point of entry for people seeking disability related information in New Jersey. DDS works to streamline access to services and information that promote and enhance independent living for individuals with disabilities by facilitating coordination and cooperation among local, county, and State government agencies. DDS promotes maximum independence, **equity, inclusion, and works to ensure** the full participation of people with disabilities within all aspects of community life **including health, education, employment, recreation, and social engagement**. [DDS serves individuals with all disabilities, Statewide.]

10:139-1.2 Division method of operations

(a) (No change.)

(b) Division operations are administered by [a] **an Executive Director**, who is appointed by the Commissioner, Department of Human Services. The **Executive Director** reports to [an Assistant] **a Deputy Commissioner**, Department of Human Services.

(c) Under the direction of the **Executive Director** of the Division of Disability Services, the specific functions and goals of the Division include, but are not limited to:

1.-4. (No change.)

5. Serving as staff to the mandated [Traumatic Brain Injury] Advisory Council **on Traumatic Brain Injury** and the **Statewide Consumer Advisory Council** on Personal Assistance Services [Advisory Council];

6. (No change.)

[7. Operating the New Jersey Personal Preference Program;]

[8.] **7.** (No change in text.)

[9. Overseeing enrollment of NJ WorkAbility;]

8. Providing support and promoting enrollment for NJ WorkAbility;

[10.] **9.** (No change in text.)

[11. Assisting with and promoting community discharge;]

[12.] **10.** Initiating assessments for the determination of Managed Long-Term Services and Supports (MLTSS) eligibility for children [17] **and young adults, 20** years and younger, who are not otherwise eligible for NJ FamilyCare;

[13.] **11.** (No change in text.)

[14.] **12.** Publishing guides/informational brochures including, but not limited to, New Jersey Resources and the New Jersey Guide to Accessible Parking; [and]

[15.] **13.** Attending disability related events throughout the State to disseminate information to, and create rapport with, the public[.];