

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: