

[(g) Each facility that is utilized for the Statewide Respite Care Program shall be licensed by the appropriate State licensing authority, if licensure is required in this State.

(h) Private duty nurses utilized by the Statewide Respite Care Program shall be:

1. Nurses employed by agencies licensed or registered by the New Jersey Division of Consumer Affairs, Department of Law and Public Safety, in accordance with N.J.S.A. 56:8-1.1, and 34:8-43 et seq., and N.J.A.C. 13:45B, as applicable; or

2. Nurses employed by home health agencies licensed by the Department of Health in accordance with N.J.A.C. 8:42.

(i) Agencies licensed or registered, pursuant to (h) above, that employ private duty nurses utilized by the Statewide Respite Care Program shall be accredited by an accreditation program, set forth below, as applicable to the agency:

1. Community Health Accreditation Program (CHAP)
1300 19th Street, Suite 150
Washington, DC 20036;
2. Commission on Accreditation for Home Care (CAHC)
154 South Street, 2nd Floor
New Providence, NJ 07974; or
3. National Association for Home Care and Hospice (NAHCH)
228 Seventh Street, SE
Washington, DC 20003.]

SUBCHAPTER 6. COST LIMITATIONS AND CO-PAYMENT FEE SCALE

10:164B-6.1 Service and cost limitations for eligible persons

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

(d) Respite services shall not be used to duplicate or supplant existing services or resources available to the eligible person and his or her caregiver.

10:164B-6.2 Sliding fee scale for co-payments

(a) Co-payment fees shall apply to eligible persons rendered respite care services in accordance with the co-payment fee scale set forth in (b) below.

1. In all cases the point at which cost-sharing shall be initiated will be based upon the most current Supplemental Security Income (SSI) guidelines in effect under section 1611(c)(1)(A) of the Social Security Act, [(42 U.S.C. § 1382f)], [(as increased pursuant to section 1617 of the Act, [(42 U.S.C. § 1382f)]]].

2. (No change.)

(b)-(h) (No change.)

SUBCHAPTER 7. REIMBURSEMENT AND PAYMENT

10:164B-7.1 Reimbursement

(a) (No change.)

(b) The rates for the various types of respite services are as follows:

<u>Service</u>	<u>Reimbursement Amount</u>
Adult Day Health Services	Medicaid Rate
Alternate Family Care	Negotiated [County] Rate
Assisted Living	Negotiated [County] Rate
Campership	\$ 90.00 per day
Companion Services	\$ 12.00 per hour/weekday \$ 13.00 per hour/weekend
Homemaker/Home Health Aide Services, Personal Care Services, and Homemaker Services	\$ 17.00 per hour/weekday \$ 18.00 per hour/weekend/ holiday \$120.00 per 12-hour block \$140.00 per 24-hour block
Hospital Inpatient Respite	Medicaid Rate
Nursing Facility Respite	[Medicaid] Negotiated Rate
Private Duty Nursing	Medicaid Rate
Social Adult Day Care	\$ 45.00 per day

Service

Reimbursement Amount

Residential Health Care Facility
Respite \$ 60.00 per day

(a)

**OFFICE OF PROGRAM INTEGRITY AND ACCOUNTABILITY
Standards for Placement of Children Out-of-State
Proposed New Rules: N.J.A.C. 10:195**

Authorized By: Elizabeth Connolly, Acting Commissioner,
Department of Human Services.

Authority: N.J.S.A. 30:1-15.3.

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

Proposal Number: PRN 2017-016.

Submit comments by March 18, 2017, to:

Douglas Swan, Administrative Practice Officer
Office of Program Integrity and Accountability
PO Box 700
4th Floor, Capital One Place
222 South Warren Street
Trenton, NJ 08625
doug.swan@dhs.state.nj.us

The agency proposal follows:

Summary

Pursuant to P.L. 2007, c. 286, (N.J.S.A. 30:1-15.3, known as Billy’s Law) the Department of Human Services (Department) is proposing the expired rules at N.J.A.C. 10:195 as new rules without change, except as noted. These rules establish standards and requirements for the placement of children from New Jersey in out-of-State residential schools and programs. The rules, mandated by the Legislature, concern the inspection, contracting with, and registration of such facilities.

Subchapter 1 pertains to the general provisions of the rules.

Subchapter 2 pertains to inspection and placement requirements.

Subchapter 3 pertains to contracts and reporting requirements.

The Department is not proposing to adopt the documentation requirement at expired N.J.A.C. 10:195-3.3(a), as it was a one-time requirement, the deadline for which has long passed.

The Department proposes the expired rules herein as new rules in order to provide protection to New Jersey children who may be placed in such facilities.

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

Social Impact

The expired rules proposed herein as new rules will have a positive impact on all out-of-State programs in which New Jersey children receiving services from the Department are placed. It will require out-of-State facilities to meet or exceed the applicable New Jersey rules for the type of program it most closely resembles. There are currently no children placed by the Department in out-of-State residential schools or programs. The Department believes that it is extremely unlikely that it would place any children in out-of-State programs in the future, but will keep the rules in force until such time that the Department can be absolutely certain that it will not place any children out-of-State or children who were placed out-of-State by other agencies might age into the Department’s jurisdiction. At that time, legislation will be necessary to lift the requirement that the Department adopt rules and regulations concerning these placements. The Department deems it prudent that the rules remain in place at this time, so as to afford protection to service recipients who, in an unlikely event, might be placed out-of-State.

Economic Impact

There are currently no children placed by the Department in out-of-State residential schools or programs. If there were any placed children, there would be no economic impact on them, since they are not required to pay for Departmental services. This will continue under the expired rules proposed herein as new rules. The ultimate goal of the chapter was that there would be a decrease in the number of out-of-State placements by the Department. This goal was to increase the amount of Department funds expended within the State, rather than out-of-State.

The Department anticipates that there will be no further, or minimal, costs involved with travel to or contracting for the mandatory on-site inspections of out-of-State schools or programs. These costs have declined with the number of children placed. The costs of out-of-State schools and programs are believed to be approximately the same as costs currently being experienced by New Jersey schools and programs of a similar nature because out-of-State programs are held to the same standards as those in New Jersey. The decline in out-of-State placement has not increased costs to the Department and has resulted in the Department's funds being disbursed within New Jersey.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the expired rules proposed herein as new rules.

Jobs Impact

The expired rules proposed herein as new rules are anticipated to increase the in-State placement of the Department's clients. Currently, the Department places no service recipients out-of-State. With the Department's efforts to expand New Jersey's capacity to provide in-State residential programs, there has been a gradual increase in the number of opportunities for employment created in New Jersey to serve the Department's clients that might have otherwise been sent out-of-State.

Agriculture Industry Impact

The expired rules proposed herein as new rules are not expected to have an impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

The expired rules proposed herein as new rules would impose no reporting or recordkeeping requirements on small businesses as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., nor would the rules impose any compliance requirements on such small businesses. The rules impose compliance requirements only on the Department or any out-of-State entities with which it contracts.

Housing Affordability Impact Analysis

The expired rules proposed herein as new rules would have no impact on the affordability of housing or the average costs associated with housing in New Jersey because the rules pertain to compliance requirements on the Department or any out-of-State entities with which it contracts imposed under Billy's Law.

Smart Growth Development Impact Analysis

The expired rules proposed herein as new rules would have no impact on smart growth or housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules pertain to compliance requirements on the Department or any out-of-State entities with which it contracts imposed under Billy's Law.

Full text of the expired rules proposed herein as new rules may be found in the New Jersey Administrative Code at N.J.A.C. 10:195.

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

SUBCHAPTER 3. CONTRACTS AND REPORTS

10:195-3.3 Reports to the Legislature and the public

[(a) By July 6, 2010, the Department shall document that all out-of-State programs housing children previously placed by the Department

have been inspected and have valid contracts consistent with this chapter.]

Recodify existing (b) and (c) as (a) and (b) (No change in text.)

LAW AND PUBLIC SAFETY**(a)**

**DIVISION OF CONSUMER AFFAIRS
CONTROLLED DANGEROUS SUBSTANCES
Schedules of Controlled Dangerous Substances
Proposed Amendment: N.J.A.C. 13:45H-10.1**

Authorized By: Steve C. Lee, Director, Division of Consumer Affairs.

Authority: N.J.S.A. 24:21-3(a) and 24:21-5(a).

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

Proposal Number: PRN 2017-009.

Submit comments by March 18, 2017, to:

Steve C. Lee, Director
Division of Consumer Affairs
124 Halsey Street
PO Box 45027
Newark, New Jersey 07101
or electronically at DCAProposal@dca.lps.state.nj.us

The agency proposal follows:

Summary

The Director of the Division of Consumer Affairs, pursuant to his authority under N.J.S.A. 24:21-31(b)(3)(a) of the New Jersey Controlled Dangerous Substances Act (the Act), is proposing to amend the controlled dangerous substances schedules set forth in N.J.A.C. 13:45H-10.1 to permanently place the following seven substances in the list of Schedule I substances in New Jersey: Furanyl Fentanyl, with a chemical composition of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furan-carboxamide, monohydrochloride or N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide; 3-Methylfentanyl, with a chemical composition of 3-methyl-N-phenyl-N-[1-(2-phenethyl-4-piperidyl)-propanamide]; 3-Methyl Butyrylfentanyl, with a chemical composition of 3-Methyl, N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide, monohydrochloride; Valeryl Fentanyl, with a chemical composition of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide, monohydrochloride; Norfentanyl, with a chemical composition of N-phenyl-N-4-piperidinyl-propanamide; Para-Fluorobutyryl-Fentanyl, with a chemical composition of N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide, monohydrochloride; and Carfentanyl, with a chemical composition of 2-hydroxypropane-1, 2, 3-tricarboxylic acid; methyl 1-(2-phenylethyl)-4-(N-propanoylanilino) piperidine-4-carboxylate.

On September 27, 2016, the Director, pursuant to his authority under the Act, issued an order to temporarily place these seven illicit fentanyls in Schedule I. Legitimately produced fentanyl is a Schedule II substance under Federal and New Jersey law, and is considered the most potent opioid available for use in medical treatment, being 50 to 100 times more potent than morphine. It is approved for use in managing acute or chronic pain most often associated with advanced cancer and as an anesthetic agent in surgery, and can be lethal in very small doses. Illicit fentanyl products are produced by drug trafficking networks in clandestine laboratories and are sold on illicit drug markets, and have been linked to increases in reported drug deaths and non-fatal overdoses throughout the United States, including in New Jersey.

Illicit fentanyls pose a significant danger to persons who abuse these substances, and overdoses may lead to seizures, severe drowsiness, low blood pressure, slowed heartbeat, and respiratory depression. In addition, these substances pose a significant danger to public health workers, first responders, and law enforcement personnel who come into contact with these substances through the skin or by accidental inhalation of airborne powder. These substances have no known medical use in the United