

SUBCHAPTER 2. GENERAL RULES OF OPTOMETRIC PRACTICE

13:38-2.4 Requirements for issuing prescriptions and dispensing of medications

(a)-(e) (No change.)

Recodify existing (g) and (h) as (f) and (g) (No change in text.)

(h) All licensees are prohibited from prescribing controlled dangerous substances as outlined in N.J.S.A. 24:21-5, Schedule I, and 24:21-6, Schedule II, except that licensees may prescribe controlled dangerous substances containing hydrocodone, regardless of schedule.

Recodify existing (j) and (k) as (i) and (j) (No change in text.)

(a)**DIVISION OF CONSUMER AFFAIRS****OFFICE OF THE DIRECTOR****Notice of Administrative Corrections****Prescription Monitoring Program****Definition of the Term “Controlled Dangerous Substance”****N.J.A.C. 13:45A-35.2**

Take notice that the Division of Consumer Affairs (Division), Office of the Director has found an error in the text of N.J.A.C. 13:45A-35.2.

On November 7, 2016, as published in the New Jersey Register at 48 N.J.R. 2374(a), the Division adopted N.J.A.C. 13:45A-35. In the notice of proposal published in the New Jersey Register on November 16, 2015, at 47 N.J.R. 2736(a), N.J.A.C. 13:45A-35.2 set forth the definition of “controlled dangerous substance.” In accordance with N.J.S.A. 45:1-44, “controlled dangerous substance means any substance that is listed in Schedules II, III, and IV of the schedules provided under the “New Jersey Controlled Dangerous Substances Act,” P.L. 1970, c. 226 (N.J.S.A. 24:21-1 et seq.). Controlled dangerous substance also means any substance that is listed in Schedule V under the “New Jersey Controlled Dangerous Substances Act” when the Director has determined that reporting Schedule V substances is required by Federal law, regulation, or funding eligibility, consistent with N.J.A.C. 13:45H.”

However, the rule text improperly references Schedule V twice. Through this notice of administrative correction, the Division is administratively correcting this oversight by revising the definition of “controlled dangerous substance” to specify Schedule IV. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rule follows (addition indicated in boldface **thus**; deletion indicated in brackets [thus]):

SUBCHAPTER 35. PRESCRIPTION MONITORING PROGRAM

13:45A-35.2 Definitions

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

... “Controlled dangerous substance” means any substance that is listed in Schedules II, III, and [V] **IV** of the schedules provided under the “New Jersey Controlled Dangerous Substances Act,” P.L. 1970, c. 226 (N.J.S.A. 24:21-1 et seq.). Controlled dangerous substance also means any substance that is listed in Schedule V under the “New Jersey Controlled Dangerous Substances Act” when the Director has determined that reporting Schedule V substances is required by Federal law, regulation, or funding eligibility, consistent with N.J.A.C. 13:45H.

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TRANSPORTATION**(b)****MOTOR VEHICLE COMMISSION****REGULATORY AFFAIRS (COMMERCIAL PASSENGER TRANSPORTATION)****Zone of Rate Freedom****Adopted Amendment: N.J.A.C. 16:53D-1.1**

Proposed: June 20, 2016, at 48 N.J.R. 1061(a).

Adopted: October 13, 2016, by the Motor Vehicle Commission, Raymond P. Martinez, Chairman.

Filed: November 1, 2016, as R.2016 d.165, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 48:2-21, and 48:4-2.20 through 2.25.

Effective Date: December 5, 2016.

Expiration Date: September 21, 2017.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendment is dictated by State statutes and is not subject to Federal requirements or standards.

Full text of the adoption follows:

SUBCHAPTER 1. GENERAL PROVISIONS

16:53D-1.1 General provisions

(a) Any regular route autobus carrier operating within the State, which carrier seeks to revise its rates, fares, or charges in effect as of the time of the promulgation of this rule, shall not be required to conform with N.J.A.C. 16:51-3.12, Tariff filings, that do not propose increases in charges to customers, or 3.13, Tariff petitions, that propose increases in charges to customers, provided the increase or decrease in the rate, fare, or charge, or the aggregate of increases and decreases in any single rate, fare, or charge is not more than the maximum percentage increase (10 percent for 2016) or decrease (10 percent for 2016), upgraded to the nearest \$.05.

1. For illustrative purposes, the following chart sets forth the 2016 percentage maximum for increases to particular rates, fares, or charges and the resultant amount as upgraded to the nearest \$.05:

(No change in table.)

2. For illustrative purposes, the following chart sets forth the 2016 percentage maximum for decreases to particular rates, fares, or charges and the resultant amount as upgraded to the nearest \$.05:

(No change in table.)

3. (No change.)

(c)**MOTOR VEHICLE COMMISSION****Notice of Readoption****Bus Safety Compliance Oversight, Enforcement, Out-of-Service Violations, and Penalties****Readoption: N.J.A.C. 16:53A**

Authority: N.J.S.A. 2A:58-10 et seq., 48:4-2.1c et seq., and 52:14D-6; and October 5, 1978 Executive Reorganizational Plan.

Authorized By: Raymond P. Martinez, Chairman and Chief Administrator, Motor Vehicle Commission.

Effective Date: October 31, 2016.

New Expiration Date: October 31, 2023.

Take notice that pursuant to the provisions of Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 16:53A were

scheduled to expire on January 15, 2017. The purpose of these rules is to promote bus safety in the State of New Jersey by enforcement of statutory sanctions and penalties for bus safety out-of-service violations.

Subchapter 1 contains general provisions. N.J.A.C. 16:53A-1.1(c) provides that the rules are consistent with national safety standards established by the Federal Highway Administration and the Commercial Vehicle Safety Alliance, which is an organization of Federal, State, and Provincial government agencies and representatives from private industry in the United States, Canada, and Mexico dedicated to the improvement of commercial vehicle safety.

Subchapter 2 contains the definitions of words and terms used in the chapter.

Subchapter 3 sets forth the schedule of violations and applicable penalties for the following mechanical systems: brake system, exhaust system, frame, fuel system, lamps and turn signals, steering mechanism, suspension, tires, wheels and rims, windshield wipers, and emergency exits.

Subchapter 4 establishes standards for evidence of insurance for New Jersey and out-of-State bus companies.

Subchapter 5 sets forth the sanctions for out-of-service violations, including the placement of buses out-of-service and the impoundment of buses by authorized representatives of the Commission or by law enforcement authorities.

Subchapter 6 provides for the examination of driver operating credentials and sets forth driver out-of-service violations and penalties.

Subchapter 7 relates to vehicle inspection reports. N.J.A.C. 16:53A-7.2 provides that no operator shall compel, coerce or otherwise cause a driver to include false information on a vehicle inspection report and provides for a maximum civil penalty of \$5,000.

Subchapter 8 provides the method for the collection of penalties.

The Motor Vehicle Commission has reviewed these rules and has determined that the rules should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c, these rules are readopted and shall continue in effect for a seven-year period.

TREASURY—GENERAL

(a)

OFFICE OF THE STATE TREASURER

Offset of State Lottery Prizes to Satisfy Defaulted Federal and State Student Loans

Adopted New Rules: N.J.A.C. 17:43

Proposed: May 16, 2016, at 48 N.J.R. 799(a).

Adopted: November 7, 2016, by Ford M. Scudder, State Treasurer.

Filed: November 7, 2016, as R.2016 d.172, **without change**.

Authority: N.J.S.A. 5:9-13.10 through 5:9-13.18.

Effective Date: December 5, 2016.

Expiration Date: December 5, 2023.

As the Office of the State Treasurer was not able to file this notice of adoption with the Office of Administrative Law on or before October 31, 2016, the chapter expired on that date. The expired rules are herein adopted as new rules pursuant to N.J.A.C. 1:30-6.4(h)1.

Summary of Public Comment and Agency Response:

COMMENT: A comment in opposition was received from Deborah Carney-Gumpper. Ms. Carney-Gumpper is in opposition to the readoption without change of N.J.A.C. 17:43 until pending legislation is introduced concerning the administration of the Higher Education Student Assistance Authority's (HESAA's) NJCLASS Student Loans and the ability of HESAA to offset or garnish assets without prior court approval is resolved.

RESPONSE: The Division is committed to compliance with its current offset rules and will continue to administer N.J.A.C. 17:43 until any legislative action may take effect.

Federal Standards Statement

N.J.A.C. 17:43-1.4 contains a stipulation that for lottery prizes in excess of \$5,000, Federal income tax withholding will take precedence over any other setoffs, deductions, or set asides under this chapter. The precedence for Federal income tax withholding is required by section 1942 of the Energy Policy Act, which amends Internal Revenue Code § 3402(q); Reg. §§ 31.3402(q)-1 and 1.6011-3.

There are no other Federal laws or regulations that impact the adopted new rules. N.J.A.C. 17:43 is based on State statute, which establishes authority for this chapter. Therefore, a Federal standards analysis is not required.

Full text of the expired rules adopted herein as new rules can be found in the New Jersey Administrative Code at N.J.A.C. 17:43.