

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.



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