

insurance; and sustains responsibility for the action of the employed individuals while they render health care services.

13:45B-13.5 Registration renewal

(a) (No change.)

(b) Commencing with the first registration renewal after *[(12 months after the effective date of this amendment)]* **May 21, 2019***, and for every succeeding renewal, a health care service firm shall submit evidence that it is accredited by an accrediting body recognized by the Department of Human Services as an accrediting body for homemaker agencies participating in the Medicaid program, as set forth in N.J.A.C. 10:60-1.2.

(c) Notwithstanding (b) above, a health care service firm that obtained its initial registration less than 12 months prior to renewal of registration shall not be required to submit evidence of accreditation when renewing registration for the first time.

(d) If a health care service firm is no longer accredited as required under (b) above, either because of failure to renew accreditation or through actions taken by the accrediting body, the health care service firm shall notify the Division **in writing*** within 10 days of losing accreditation.

13:45B-13.5A Audits

(a) Commencing *[(three years from the effective date of this rule)]* **May 21, 2021***, and every third year from that date, a health care service firm shall submit an audit to the Division that complies with the requirements of (b) below as part of the renewal of registration required under N.J.A.C. 13:45B-13.5.

(b) The audit required by (a) above shall:

1. Be conducted by a certified public accountant licensed in New Jersey and shall encompass an examination of the health care service firm’s financial records, financial statements, the general management of its operations, and its internal control systems;

2. Include an audit report with an unqualified opinion and shall be accompanied by any management letters prepared by the auditor in connection with the audit commenting on the internal controls or management practices of the health care service firm; and

3. Be divided into two components of which:

i. One is a compliance component that evaluates the health care service firm’s compliance with laws and rules governing health care service firms; and

ii. One is a financial component that includes an audit of the financial statements and accompanying notes, as specified in the Statements on Auditing Standards issued by the American Institute of Certified Public Accountants.

(a)

**NEW JERSEY HORSE RACING INJURY
COMPENSATION BOARD**

**Workers’ Compensation Insurance Coverage for
Horse Racing Industry Employees**

Readoption with Amendments: N.J.A.C. 13:73

Proposed: December 4, 2017, at 49 N.J.R. 3655(a).

Adopted: April 24, 2018, by the New Jersey Horse Racing Injury Compensation Board, Frank Zanzuccki, Chairman.

Filed: April 24, 2018, as R.2018 d.114, **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. 34:15-129 et seq.

Effective Dates: April 24, 2018, Readoption;
May 21, 2018, Amendments.

Expiration Date: April 24, 2025.

Summary of Public Comment and Agency Response:

The official comment period ended on February 2, 2018. The following is a summary of the comment received and the response of the

New Jersey Horse Racing Injury Compensation Board (Board). The Board received one comment from Michael Musto, Executive Director of the New Jersey Thoroughbred Horsemen’s Association (THA). The comment was made on behalf of the THA.

1. COMMENT: The THA believes that the proposed definition of “horse racing industry employee” is overbroad. Specifically, the THA points to a sentence in the summary of the proposed rule which states, “[t]he definition is also being expanded to include certain licensed stable employees of thoroughbred trainers.” The THA is concerned that this statement would require the Board to provide insurance for independent contractors hired by thoroughbred trainers to perform services, such as “veterinarians, blacksmiths, jockey agents, stable agents and other similarly situated individuals.” The THA points out that the aforementioned contractors are licensed by the New Jersey Racing Commission (Commission) and the definition could be interpreted as requiring coverage for these persons. The THA asserts that requiring the Board to provide workers’ compensation insurance for such contractors would come at a great cost to the industry and that such coverage was not intended by the Legislature when drafting N.J.S.A. 34:15-129 et seq.

RESPONSE: The Board thanks Executive Director Musto for his comments on behalf of the THA. The Board agrees that neither the current rules nor the proposed amendments are intended to require the Board to provide workers’ compensation insurance coverage for independent contractors, such as veterinarians and blacksmiths. “Horse racing industry employee,” as proposed, is correctly defined to mean “jockey, jockey apprentice, driver, exercise rider, or stable employee engaged in performing services for which they are licensed ...”

However, “stable employee,” as proposed, is defined to mean “a person who is employed by a thoroughbred trainer to perform duties, such as a hot walker or groom.” The Board agrees with Mr. Musto that unintended ambiguity can arise from this definition as proposed, as veterinarians and blacksmiths are licensed by the Commission, even though they are not licensed as “stable employees.”

The intention of the proposed amendments is to provide workers’ compensation insurance coverage for the employees of thoroughbred trainers, who are licensed as “stable employees” pursuant to N.J.A.C. 13:70-4.1(a)12, while they are engaged in performing the services for which they are licensed. Veterinarians (N.J.A.C. 13:70-4.1(a)17), blacksmiths (N.J.A.C. 13:70-4.1(a)11), jockey agents (N.J.A.C. 13:70-4.1(a)7), and stable agents (N.J.A.C. 13:70-4.1(a)3) do not fall into this category. To avoid any potential ambiguity, the Board has added the clarifying phrase “licensed as a stable employee pursuant to N.J.A.C. 13:70-4.1(a)12” to the proposed definition of “stable employee” in response to the concerns of the THA.

Federal Standards Statement

A Federal standards analysis is not required as there are no Federal standards or requirements applicable to the rules readopted with amendments.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:73.

Full text of the adopted amendments follows (addition to proposal indicated in boldface with asterisks ***thus***):

SUBCHAPTER 1. GENERAL RULES

13:73-1.1 Scope

This chapter applies to horse racing industry employees while they are engaged in the activities for which they are licensed. To the extent that a horse racing industry employee is also covered by duplicate coverage within this State procured pursuant to another policy of workers’ compensation insurance, the coverage procured by the Board shall be considered primary.

13:73-1.2 Purpose

The Legislature has determined that it is in the public interest to ensure that workers’ compensation insurance or self-insurance coverage is available to horse racing industry employees. Pursuant to N.J.S.A. 34:15-129 et seq., this chapter exists to provide workers’ compensation insurance for horse racing industry employees while they are engaged in

the activities for which they are licensed and to create a mechanism to make assessments to pay the premiums of such coverage.

SUBCHAPTER 2. DEFINITIONS

13:73-2.1 Definitions

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

...
 "Board" means the New Jersey Horse Racing Injury Compensation Board established by the New Jersey Horse Racing Injury Compensation Board Act, N.J.S.A. 34:15-129 et seq.

"Commission" means the New Jersey Racing Commission.

...
 "Exercise rider" means any person who is conducting a jogging or a work-out of a thoroughbred horse at a racetrack for the purposes of conditioning during training hours.

"Horse racing industry employee" means a jockey, jockey apprentice, driver, exercise rider, or stable employee engaged in performing services for which they are licensed for an owner or thoroughbred trainer in connection with the racing of a horse in New Jersey. All such persons must be licensed by the Commission. The definition also includes a trainer who otherwise would be considered an employee of an owner pursuant to N.J.S.A. 34:15-1 et seq., as well as any person assisting such trainer who is required to be licensed by the Commission.

"Jockey" means a thoroughbred race rider, whether jockey or apprentice.

...
 "Stable employee" means a person ***licensed as a stable employee pursuant to N.J.A.C. 13:70-4.1(a)12*** who is employed by a thoroughbred trainer to perform duties, such as hot walker or groom.

SUBCHAPTER 3. ASSESSMENT AND COLLECTION

13:73-3.1 Powers of the Board

(a) The Board shall secure workers' compensation insurance or self-insurance coverage for horse racing industry employees. Pursuant to N.J.S.A. 34:15-133, the Board shall have the power to:

1. Purchase and serve as the master policyholder for any insurance or self-insurance coverage pursuant to N.J.S.A. 34:15-77.

i. Pursuant to N.J.S.A. 34:15-135, a horse racing industry employee shall be deemed to be in the employment of the Board and in the employment of all standardbred owners, thoroughbred owners, or thoroughbred trainers whose horses are stabled at a permitted New Jersey racetrack, as the case may be, who are licensed or are required to be licensed by the Commission at the time of any occurrence for which workers' compensation benefits are payable. Pursuant to N.J.S.A. 34:15-1 et seq., as supplemented by the Act, such horse racing industry employees are not considered solely in the employment of a particular owner or trainer. A horse racing industry employee shall not be deemed to be in the employment of the Board for any other purpose; and

ii. Pursuant to N.J.S.A. 34:15-135, the Board and all standardbred owners, thoroughbred owners, or thoroughbred trainers who are licensed or are required to be licensed by the Commission and whose horses are stabled at a permitted New Jersey racetrack shall be deemed the employer of a horse racing industry employee at the time of any event for which workers' compensation benefits are payable, pursuant to N.J.S.A. 34:15-1 et seq. as supplemented by the Act. The Board shall not be deemed the employer of a horse racing industry employee for any other purpose.

2.-7. (No change.)

13:73-3.2 Assessment; general

(a) Pursuant to N.J.S.A. 34:15-134, the Board shall assess and collect sufficient funds to pay the costs of the workers' compensation insurance or self-insurance coverage required by the Act and by the workers' compensation laws of this State. This assessment may also include sufficient funds to pay any additional costs necessary to carry out the Board's other duties. The Board shall ascertain the total funding

necessary, establish the sums that are to be paid, and determine the method of assessing and collecting these funds.

1. Assessments to pay the cost of insurance or self-insurance coverage for horse racing industry employees may include, but shall not be limited to, deductions from that portion of gross overnight purses paid to owners, so long as such deductions do not exceed three percent of standardbred purses or four percent of thoroughbred purses, as applicable. Additional assessments may be collected from standardbred owners, thoroughbred owners, and thoroughbred trainers who are licensed or required to be licensed by the Commission. Any such additional assessments shall be made at the discretion of the Board.

2. (No change.)

(b)-(c) (No change.)

13:73-3.3 Calculation of cost of workers' compensation insurance or self-insurance coverage for horse racing industry employees

(a) The cost of workers' compensation insurance or self-insurance coverage is based upon the total payroll of the horse racing industry employees plus all additional costs necessary for the Board to carry out its duties pursuant to this chapter.

(b) In calculating the total payroll of horse racing industry employees, the Board shall ascertain, to the extent possible, the number of horse racing industry employees and the total salaries of these employees. The Board shall use information regarding the number of horse racing industry employees and the total of their salaries from the 12 months prior to the date on which the assessment is being calculated.

1. In ascertaining the number of horse racing industry employees, the Board may collect and utilize information from:

i. Information submitted to the Board by the Commission, including information regarding the number of licensed horse racing industry employees; and

ii. Any other information relevant to the number of horse racing industry employees or their salaries.

2. In estimating the salaries of employees, the Board may utilize, to the extent necessary, information regarding the average or actual annual salaries of jockeys, jockey apprentices, exercise riders, drivers, and other horse racing industry employees.

i. In estimating the average or actual annual salaries, the Board may utilize information obtained from the horsemen's bookkeeper at each racetrack concerning the actual payroll earned by jockeys and drivers pursuant to N.J.A.C. 13:70-3.46 and 13:71-6.31.

ii. In estimating the average or actual annual salaries, the Board may utilize information provided to the Board by the representative of the thoroughbred industry serving on the Board and by the representative of the standardbred industry serving on the Board regarding the thoroughbred and standardbred industry pay scales for horse racing industry employees.

iii. The representatives of the thoroughbred and standardbred industries serving on the Board shall collect information regarding the industry pay scale for horse racing industry employees from horsemen and horsemen associations within the horse racing industry, including the horsemen associations recognized by the Commission pursuant to N.J.A.C. 13:70-1.30 and 13:71-1.25.

3. The Board may compel production of any information, including Internal Revenue Service documents, regarding the payroll of employees from any person licensed or required to be licensed by the Commission.

4. (No change.)

13:73-3.4 Assessment of cost for horse racing industry employees

(a) The Board shall base the assessment upon the amount of gross overnight purses paid to owners for any race occurring in the 12 months preceding the date on which the assessment is being calculated.

(b) Information regarding the actual gross overnight purses paid to owners shall be obtained from the Commission.

(c) (No change.)

13:73-3.5 Collection of assessment of cost for horse racing industry employees

(a) Every owner and trainer of horses shall establish a horsemen's bookkeeper account at each track association where horses owned or trained by him or her have been or will be entered to race.

(b) (No change.)

(c) Pursuant to N.J.A.C. 13:70-3.29 and 13:71-21.8, the horsemen's bookkeepers shall transmit on a weekly basis all monies collected pursuant to this chapter for the cost of workers' compensation insurance or self-insurance coverage to the Commission, which shall deposit those monies in a separate account for the use of the Board.

SUBCHAPTER 4. PURCHASE

13:73-4.1 Purchase of workers' compensation insurance for horse racing industry employees

The Board shall review the quotations of premiums provided through the Department of Treasury for workers' compensation insurance coverage submitted by insurers and shall, within its discretion, select the type of coverage and insurer, pursuant to applicable State law.

SUBCHAPTER 6. APPEALS

13:73-6.1 Appeal procedure

Any owner or trainer who has paid the cost of assessment pursuant to N.J.A.C. 13:73-3.5, who contests the calculation of the amount of gross overnight purses or other assessment deducted from his or her horsemen's bookkeeper account, may request information from the Board regarding the calculation of the amount deducted. Within three days after receipt of the requested information, the owner or trainer may appeal to the Board and submit written documentation of an error in the calculation of the gross overnight purses or other assessment. The Board, which may act through its Director or other designated staff, shall review the written submissions and determine if the calculation was in error and notify the owner or trainer of its decision.

13:73-6.2 Hearing

Within 10 days after receipt of the Board's decision, the owner or trainer may request a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, and seek reimbursement for any assessment paid in error.

13:73-6.3 No stay pending appeal

All assessments pursuant to this chapter shall be paid when due. No owner or trainer shall be granted a stay of the payment of any assessment.

(a)

**DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
Notice of Readoption
State Board of Medical Examiners
Readoption: N.J.A.C. 13:35**

Authority: N.J.S.A. 45:9-2.

Authorized By: Board of Medical Examiners, Paul Carniol, M.D., F.A.C.S., President.

Effective Date: April 3, 2018.

New Expiration Date: April 3, 2025.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 13:35 were scheduled to expire on May 3, 2018. The rules establish standards for the licensing and regulation of physicians, podiatrists, midwives, physician assistants, hearing aid dispensers, acupuncturists, athletic trainers, electrologists, perfusionists, and genetic counselors. Subchapter 1 contains rules concerning medical training. Subchapter 1A is reserved. Subchapter 2 contains rules providing for limited licenses for podiatry and diagnostic testing centers. Subchapter 2A addresses the licensure and regulation of midwives. Subchapter 2B contains rules for physician assistants. Subchapter 3 deals with licensing examinations, endorsements, and exemptions from licensure for graduates of medical schools. Subchapter 4 contains rules governing the performance of surgery. Subchapter 4A concerns the performance of

surgery, special procedures, and anesthesia services performed in an office setting. Subchapter 5 contains rules concerning eye examinations and eyeglasses. Subchapter 6 sets forth general rules of practice for Board licensees. Subchapter 6A deals with declarations of death upon the basis of neurological criteria. Subchapter 7 contains rules governing the prescription, administration, and dispensing of drugs and Subchapter 7A establishes standards for the medical use of marijuana. Subchapter 8 regulates hearing aid dispensers. Subchapter 9 contains rules concerning the practice of acupuncture. Subchapter 10 concerns the licensure and regulation of athletic trainers. Subchapter 11 establishes the Alternative Resolution Program. Subchapter 12 concerns the licensing and regulation of electrologists, electrologist instructors, and electrologists' offices. Subchapter 13 concerns the licensing and regulation of perfusionists. Subchapter 14 deals with the licensing and regulation of genetic counselors.

The Board of Medical Examiners has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated, as required by Executive Order No. 66 (1978). Therefore, pursuant to N.J.S.A. 45:9-2, and in accordance with N.J.S.A. 52:14B-5.1(c)(1), these rules are readopted without amendments and shall continue in effect for a seven-year period.

(b)

**DIVISION OF GAMING ENFORCEMENT
Gaming Operation Accounting Controls and Standards**

Temporary Adopted Amendments: N.J.A.C. 13:69D-1.1, 1.22, 1.23, 1.25, 1.26, 1.30, 1.33, 1.39, 1.40, 1.40C, 1.42, 1.52, and 1.54; and 13:69E-1.3 and 1.37

Authority: N.J.S.A. 5:12-69.a, 69.e, 70.a, 76.g, and 99.a.

Take notice that the Division of Gaming Enforcement shall, pursuant to N.J.S.A. 5:12-69.e, adopt temporary amendments regarding gaming operation accounting controls and standards.

The experiment for the accounting control changes will be conducted in accordance with temporary rule amendments, which shall be available in each participating casino and shall also be available from the Division upon request.

This experiment could begin on or after May 28, 2018, and continue for a maximum of 270 days from that date, unless otherwise terminated by the Division or any of the participating casino licensees prior to that time, pursuant to the terms and conditions of the experiment.

Should the temporary amendments prove successful in the judgment of the Division, the Division will propose them for final adoption in accordance with the public notice and comment requirements of the Administrative Procedure Act and N.J.A.C. 1:30.

(c)

**DIVISION OF GAMING ENFORCEMENT
Accounting Controls
Complimentary Services or Items
Promotional Gaming Chips**

Temporary Adopted New Rules: N.J.A.C. 13:69D-1.15A and 13:69E-1.5A

Temporary Adopted Amendments: N.J.A.C. 13:69D-1.1, 1.2, 1.9, 1.10, 1.15, 1.16, 1.32, 1.33, and 1.34

Authority: N.J.S.A. 5:12-69.a, 69.e, 70.a(7), 70.a(14), and 76.g.

Take notice that the Division of Gaming Enforcement shall, pursuant to N.J.S.A. 5:12-69.e, adopt new temporary rules and amendments