

standards, with the exception of those governing health care practitioners' student loan redemptions using Federal funds provided to the State through a matching grant, pursuant to the Public Health Services Act, 42 U.S.C. § 254q-1. The rules governing the Program are consistent with, and do not exceed, the terms and conditions of contracts under the Public Health Services Act; therefore, 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. 9A:16.

Full text of the adopted amendments follows:

SUBCHAPTER 1. GENERAL PROVISIONS

9A:16-1.2 Definitions

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

"Approved site" means a site located within a State-designated underserved area or a health professional shortage area, or a clinic which is part of the extramural network of dental clinics established by the Rutgers School of Dental Medicine of the Rutgers Biomedical and Health Sciences, or a site that has been determined by the Higher Education Student Assistance Authority, in consultation with the Department of Health, to serve medically underserved populations according to criteria determined by the Authority, including:

- 1.-2. (No change.)
- 3. Sites must accept Medicare, Medicaid, Medicaid Managed Care plans, unless they provide services free of charge;
- 4.-6. (No change.)

...
 "Primary care" means the practice of family medicine, general internal medicine, general pediatrics, general obstetrics, gynecology, pediatric dentistry, general dentistry, public health dentistry, psychiatry, and any other areas of medicine or dentistry defined as such by the Commissioner of Health. Primary care also includes the practice of a nurse-practitioner, certified nurse-midwife, and physician assistant as defined by the U.S. Department of Health and Human Services regulations at 42 CFR Part 62.
 ...

SUBCHAPTER 2. PROGRAM REQUIREMENTS

9A:16-2.1 Eligibility

- (a) To be eligible for participation in the program, an applicant must:
 - 1.-2. (No change.)
 - 3. Agree to practice primary care at an approved site, pursuant to the terms specified at N.J.A.C. 9A:16-2.3;
 - 4. Not be in default on any eligible qualifying loan;
 - 5. Not previously have been selected for participation in the program and received the maximum amount of qualifying loan repayment through the program; and
 - 6. (No change in text.)

9A:16-2.2 Application and selection procedures

- (a)-(c) (No change.)
- (d) The Executive Director, in consultation with the Commissioner, shall match eligible applicants to State-designated underserved areas. If an applicant is the owner of the approved site at which the applicant requests to be placed, the site must have operated for a minimum of two years prior to the program participant's application for the program.
- (e) (No change.)
- (f) At the completion of each program participant's probationary period, a primary care staff member at his or her approved site, or in the case of a clinic which is part of the extramural network of dental clinics established by the Rutgers School of Dental Medicine of the Rutgers Biomedical and Health Sciences, the director of the clinics and the vice-dean of the dental school, or whomever is serving in that capacity, shall submit to the Executive Director a recommendation of either the continuation of the program participant's placement, a change of placement, or the program participant's unsuitability for the program.
 - 1.-2. (No change.)

3. In the event the participant is an owner of the approved site, in lieu of a letter of recommendation, the participant must submit supporting documentation, as requested by the Executive Director, demonstrating their suitability for the program and the placement site. The Executive Director shall take such documentation into consideration in determining the participant's final acceptance into the program.

(g)-(h) (No change)

9A:16-2.3 Terms of contract and loan redemption

- (a)-(e) (No change.)
- (f) If the program participant's total loan amounts equal less than \$120,000, or the maximum amount authorized by the Federal government, whichever is greater, a prorated amount of interest costs for the loan will be added to each annual payment. Other than the prorated interest costs, loan repayments cannot exceed the outstanding balance on qualifying educational loans at the time of payment.

9A:16-2.4 Procedure for loan redemption

- (a)-(b) (No change.)
- (c) The Executive Director shall authorize payment to a program participant for that portion of his or her indebtedness to be forgiven as specified in his or her contract. Checks shall be made payable to the lending institution designated by the participant to ensure proper application of the payment to eligible indebtedness as defined at N.J.S.A. 18A:71C-32 et seq. If a program participant is entitled to pro-rated interest amounts, pursuant to N.J.A.C. 9A:16-2.3(f), and submits documentation to substantiate that all qualifying loans have been paid in full, then the prorated amount will be paid directly to the participant.

9A:16-2.6 Termination by participant prior to completion of contractual service requirements

- (a)-(c) (No change.)
- (d) A program participant's failure to complete the procedures required at N.J.A.C. 9A:16-2.4 to receive the loan redemption within 60 days of written request for the required documents by the Authority will be deemed to have terminated program participation.

HUMAN SERVICES

(a)

DIVISION OF FAMILY DEVELOPMENT

Notice of Readoption
 Child Support Program
 Readoption: N.J.A.C. 10:110

Authority: N.J.S.A. 30:1-12; 44:10-58 and 2A:17-56.23a; 42 U.S.C. §§ 601, 654, 666, and 669A, as amended in accordance with Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); P.L. 105-34, the Taxpayer Relief Act of 1997; P.L. 105-149, the Balanced Budget Act of 1997; P.L. 105-200, Child Support Performance and Incentive Act of 1998; P.L. 1998, c. 1, the New Jersey Child Support Program Improvement Act (NJCSPIA); and P.L. 1998, c. 2, the New Jersey Uniform Interstate Family Support Act; 42 U.S.C. §§ 651 through 669B; the New Jersey Rules of Court (Rule 5:6A and Appendices IXA through IXH); and P.L. 109-171, the Deficit Reduction Act of 2005.

Authorized By: Sarah Adelman, Commissioner, Department of Human Services.

Effective Date: January 18, 2023.

New Expiration Date: January 18, 2030.

Take notice that, in accordance with N.J.S.A. 52:14B-5.1, the Child Support Program rules at N.J.A.C. 10:110 are readopted. The rules were scheduled to expire on February 22, 2023. The Division of Family Development (DFD) has reviewed the rules and determined that the rules should be readopted because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, in

accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted without amendment. DFD anticipates future amendments to this chapter following the proposed amendments published in the November 7, 2022 New Jersey Register at 54 N.J.R. 2064(a), which are required by the Federal Final Rule for Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs (Final Rule), 42 CFR Part 433, as well as 45 CFR Parts 301, 302, 303, 304, 305, 307, 308, and 309. The notice of re-adoption without change is being filed to preserve the chapter, which has a current expiration date of February 22, 2023, that will occur prior to the final adoption proposed at 54 N.J.R. 2064(a). The new expiration date for re-adopted N.J.A.C. 10:110 is seven years from submission of notice to the Office of Administrative Law.

Take notice that, in the November 7, 2022 issue of the New Jersey Register at 54 N.J.R. 2064(a), DFD proposed amendments at N.J.A.C. 10:110. Some of the major highlights of those proposed amendments address the following significant changes: providing the process for when an IV-A recipient is no longer eligible for services; changes to the case closure reasons for child support cases; procedures to ensure that the financial accounts of non-custodial Supplemental Security Income and Social Security Disability Insurance recipient parents, or recipients of Social Security Retirement benefits are not garnished; providing financial institution data match eligibility criteria for arrears-only cases; providing that incarceration must be included as a basis when reviewing the child support order for an adjustment of the order; and providing that “health care coverage” and “medical support” include public healthcare.

N.J.A.C. 10:110 establishes the policies necessary for the provision of child support services throughout the State. The policies are binding on those entities or partners in New Jersey’s Child Support Program (Program) that administer any of the Child Support Program services or support the function of the Program and include, but are not limited to: the Office of Child Support Services (OCSS), the New Jersey Division of Family Development (DFD), the Department of Human Services (DHS); county welfare agency child support units (CWA/CSUs); attorneys; county sheriffs’ officers; the Judiciary; the Administrative Office of the Courts; the Probation Division Child Support Enforcement; Family Division Intake Units; Vicinage Finance Divisions; child support hearing officers; other departments and agencies with which OCSS shares information; contracted vendors of the New Jersey Child Support Program; and other states through the interstate processes.

The policies at N.J.A.C. 10:110 comport with Federal and State statutes and rules that affect the Child Support Program, including the requirements of the applicable sections of the Social Security Act (42 U.S.C. §§ 651 through 669B), 45 CFR 301 through 310, New Jersey statutes, New Jersey Rules of Court, and directives of the Federal Office of Child Support Enforcement.

The following is a description of the subchapters at N.J.A.C. 10:110:

N.J.A.C. 10:110-1 sets forth the general provisions of the Child Support Program, which includes the purpose and scope of the Program, as defined by Title IV-D of the Social Security Act. It further introduces the OCSS, within DFD, DHS, as the designated entity within the State responsible for supervising and administering the New Jersey Child Support Program. The subchapter also defines child support services provided, indicates that there shall be no discrimination in the administration of such services, and delineates eligibility for services, including how both public assistance and non-public assistance applicants/recipients can access services. In addition, the subchapter provides for confidentiality of information and privacy of custodial and non-custodial parents and their children while setting forth how requests for information shall be addressed to comply with all applicable Federal and State laws, regulations, and court rules.

N.J.A.C. 10:110-1A defines the words and terms used within the chapter, unless the content of the subchapters clearly indicates otherwise.

N.J.A.C. 10:110-2 provides for the administration of the Child Support Program. The subchapter authorizes the OCSS to enter into cooperative agreements and contracts for IV-D services. Further, the subchapter provides for the processing of intergovernmental cases in accordance with the Uniform Interstate Family Support Act (UIFSA) and provides full faith and credit, in accordance with N.J.S.A. 2A:17-56.23a, to other states’ and eligible foreign jurisdictions’ child support orders. In addition, the

subchapter provides for the ability to publicize child support services in accordance with 45 CFR 302.30.

N.J.A.C. 10:110-3 sets forth the continuing responsibilities of all entities involved in the delivery of child support services, including the OCSS; CWAs/CSUs and attorneys; the Judiciary; the Administrative Office of the Courts; the Probation Division Child Support Enforcement; Family Division Intake Units; Vicinage Finance Divisions; and child support hearing officers.

N.J.A.C. 10:110-4 delineates the rights and responsibilities of both the custodial and non-custodial parents in the child support process. The subchapter provides that both parents shall be provided with easy access to an application for child support services, and that once the case is established, that both are entitled to notice of actions that significantly impact the status of the case. Further, the subchapter provides that the custodial parents shall be given access to their child support information through the New Jersey Child Support Hotline and/or the New Jersey Child Support website. Responsibilities of the custodial and non-custodial parents are also set forth within the subchapter, including such responsibilities as the duty to cooperate in providing information to establish paternity and providing updates regarding any changes in information concerning addresses, employment, or custody.

N.J.A.C. 10:110-5 provides that child support services are delivered through administrative subpoena and that compliance with established child support orders, whenever possible, is accomplished through administrative enforcement. Administrative enforcement may be intrastate, interstate, or extend to any foreign reciprocating jurisdiction. Use of the administrative subpoena and the penalties for refusal to comply are detailed within the subchapter. In addition, the subchapter authorizes the Program to petition the court to have a non-custodial parent (both those with a child(ren) receiving public assistance and those that are non-assistance cases) participate in work activities due to the non-payment of child support.

N.J.A.C. 10:110-6 focuses on child support authorizations granted to agencies providing specific services to children. The subchapter sets forth that an assignment of child support rights to a CWA is automatic upon application for or receipt of Work First New Jersey/Temporary Assistance for Needy Families (WFNJ/TANF) benefits on behalf of a child, or upon referral of a case by the Division of Child Protection and Permanency (CP&P). Further, an assignment of medical support rights to the Division of Medical Assistance and Health Services (DMAHS) is automatic upon application for Medicaid. Provision is also made by this subchapter for any application for child support services by a non-public assistance individual to serve as authorization by that individual to have the Child Support Program locate or assist that individual in establishing parentage and establishing, modifying, or enforcing child and medical support orders for the individual’s child(ren).

N.J.A.C. 10:110-7 sets forth the application process, fees, and acceptance process for child support services for both non-public assistance and public assistance recipients. The subchapter sets forth that applications are to be made publicly accessible, that there is no application fee for public assistance recipients, and that the application fee for non-public assistance recipients is six dollars. There is a \$25.00 Non-Title IV-D Annual Fee offered by the child support agency for monitoring services only.

N.J.A.C. 10:110-8 sets forth case procedures to initiate child support services for WFNJ/TANF applicants/recipients, who must cooperate in order to receive public assistance benefits, as well as for non-public assistance applicants/recipients requesting child support services. In addition, the subchapter sets forth information for establishment and maintenance of case records, as well as standards for case records retention.

N.J.A.C. 10:110-9 sets forth the cooperation rules and requirements for WFNJ/TANF and Medicaid applicants/recipients. WFNJ/TANF applicants/recipients are required to cooperate with the child support agency to establish parentage and establish, modify, and enforce child and medical support orders. If a WFNJ/TANF applicant/recipient fails to cooperate by not providing necessary information, the child support agency shall send notice to the applicant/recipient that a non-cooperation determination shall be made, unless the individual takes specified actions to cooperate. Specifically, the subchapter highlights the continuing

responsibility of the applicant/recipient to provide all new and necessary information, such that the CWA/CSU can assist with parentage determinations and obtain collection of support money. In addition, the subchapter includes how cases requesting good cause exceptions to cooperation with the child support requirements are handled.

N.J.A.C. 10:110-10 sets forth the requirements for the service of process in child support proceedings to establish, modify, and enforce support orders. The subchapter sets forth methods of service and the meaning of diligent efforts to serve process, including, but not limited to, inquires of government agencies, such as the United States Postal Service, the New Jersey Motor Vehicle Commission, the New Jersey Department of Labor and Workforce Development, the New Jersey Department of Corrections, and the Division of Taxation within the New Jersey Department of the Treasury, to obtain necessary information to attempt service of process.

N.J.A.C. 10:110-11 sets forth the timeframes for conducting location efforts in pursuing non-custodial parents and/or their assets. The subchapter provides that all available local, State, and Federal resources shall be utilized during location investigations. In addition, the subchapter provides that when location attempts fail, that repeat attempts shall be made upon the receipt of any new location information, or quarterly through automated sources. The subchapter further delineates location sources and the access of OCSS to location records.

N.J.A.C. 10:110-12 sets forth paternity establishment policies, such as the timeframes for commencing a paternity establishment action. Before initiating proceedings to establish paternity, an allegation of paternity shall be made. Further, the subchapter provides for the voluntary establishment of paternity through the Certificate of Parentage. If paternity is not voluntarily established, a complaint shall be filed in a court of competent jurisdiction. If genetic testing is warranted, such testing shall be scheduled with a State-approved facility. If genetic test results show the alleged father meets the 95 percent or higher threshold of probability, a rebuttable presumption of paternity is created, and is the basis for entry of a judgment of paternity. In addition, the subchapter provides for paternity establishment policies regarding intergovernmental cases, adoptions, artificial insemination, and other special circumstances.

N.J.A.C. 10:110-13 provides for the establishment and amount determination of child support obligations in accordance with the New Jersey Child Support Guidelines. The subchapter provides timeframes for establishing child and medical support obligations in cases where parentage has been legally established, but where a support order does not exist. The Child Support Guidelines of the New Jersey Supreme Court, Rule 5:6A, are incorporated by reference into this subchapter for use both in the establishment and modification of child support orders. Further, the subchapter sets forth that the court may only deviate from the Child Support Guidelines when good cause is demonstrated.

N.J.A.C. 10:110-14 sets forth the requirement for a triennial review by the CWA/CSU for the possible adjustment or modification of child support orders for all WFNJ/TANF, foster care, and Medicaid cases in which a support order has been established, or which were last reviewed or adjusted in the prior three-year period. Further, for non-public assistance cases, the subchapter sets forth a triennial notification of the right to request a review for possible adjustment or modification of the child support order. In addition, the subchapter identifies situations in which a review shall not be initiated, as well as describing the review process and appropriate notices concerning the review of the support order.

N.J.A.C. 10:110-15 sets forth enforcement of support obligations including the timeframes for enforcing support obligations, available enforcement remedies, and collection practices.

N.J.A.C. 10:110-16 provides for the distribution of excess child support payments and the timeframes for distribution of any amounts collected.

N.J.A.C. 10:110-17 sets forth how payments on past due child support amounts (known as arrearage payments) shall be used to satisfy claims after payment. Arrearage payments are to be distributed in accordance with 42 U.S.C. § 657(a)(2)(B). Exceptions to the Federal provisions are payments from Federal tax intercepts.

N.J.A.C. 10:110-18 sets forth how incentive payments received by the IV-D Program of the State pursuant to 42 U.S.C. § 458(f) of the Social

Security Act and 45 CFR 304.12 are to be distributed. These payments supplement funds spent on the State IV-D Program. The subchapter describes the methodology for distribution of incentive funds to improve the effectiveness and efficiency of the State Program, as well as when reduction or reinvestment of incentives is required.

N.J.A.C. 10:110-19 sets forth the requirement for a State Case Registry, which shall be maintained in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (P.L. 104-193) and the New Jersey Child Support Program Improvement Act, P.L. 1998, c. 1.

N.J.A.C. 10:110-20 sets forth all Federal requirements and timeframes for closure of IV-D cases in accordance with 45 CFR 303.11. Details are provided as to when child support cases should be administratively closed to maintain a caseload that includes only cases for which adequate information is available and which have a greater likelihood of resulting in provision of support to children. Procedures in the subchapter enable the Child Support Program to be more responsive to those individuals and children it can assist, while being administratively efficient in establishing parentage and securing monetary support. In addition, the subchapter focuses on retention of case records including retention periods, processes for destruction of records, and criteria for case closure and the reopening of a closed case.

INSURANCE

(a)

REAL ESTATE COMMISSION

Notice of Readoption Real Estate Commission

Readoption with Technical Changes: N.J.A.C. 11:5

Authority: N.J.S.A. 45:15-6, 45:15-10.4, 45:15-16.2g, 45:15-16.49, 45:15-16.82, 45:15-17(t), 45:15-17.4, and 45:15-42.

Authorized By: Real Estate Commission, Aurelio Romero,
Executive Director.

Effective Dates: January 24, 2023, Readoption;
February 21, 2023, Technical Changes.

New Expiration Date: January 24, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 11:5 were scheduled to expire on February 24, 2023. The rules in this chapter implement and interpret the Real Estate Brokers and Salesmen Act, N.J.S.A. 45:15-1 et seq., the Real Estate Sales Full Disclosure Act, N.J.S.A. 45:15-16.27 et seq., and the Real Estate Timeshare Act, N.J.S.A. 45:15-16.50 et seq.

Subchapter 1 sets forth the responsibilities, organization, and functions of the Real Estate Commission (Commission). It also sets forth Commission information available to the public, and those Commission records that are not open to public inspection.

Subchapter 2 provides the educational requirements for licensure as a real estate broker, salesperson, or referral agent, and the criteria for the issuance of waivers of the educational requirement. It also sets forth the license qualifications and procedures, license renewal procedures, and operating standards for real estate brokerage schools and instructors. The rules summarize the types of applications and forms processed by the Commission Education Bureau, and the fees and processing times for such transactions.

Subchapter 3 sets forth the terms of real estate licenses, the application procedures and qualifications for licensure as a real estate broker, broker-salesperson, salesperson, referral agent, and branch office. It also sets forth the method of payment of fees, as prescribed by statute and includes provisions governing criminal history record checks and the broker, salesperson, and referral agent licensing examinations. Subchapter 3 also sets forth a rule governing Commission requests for disclosure of Social Security numbers and electronic mailing addresses. The rules also provide requirements for when a broker ceases to be active, closes an office, or changes the broker of record. The rules further provide who may sponsor