

2. All applications for emergency relief will be handled in accordance with N.J.A.C. 1:1-12.6(c).

3. Unless emergency relief is granted, the summary suspension shall remain in effect until lifted by either the Department or a court of competent jurisdiction.

4. Nothing in this subsection shall be construed to prevent the Department from simultaneously or thereafter moving to suspend or revoke a telehealth or telemedicine organization's registration or issuing a monetary penalty.

(b) If the Department proposes to assess a monetary penalty and/or to suspend or revoke a license, or to deny the issuance or renewal of registration for a telehealth or telemedicine organization, the Department shall afford the organization an opportunity for a hearing to contest the proposed action.

1. All monetary penalties, suspensions (excluding summary suspensions), revocations, and denials of renewals shall become effective and final 30 calendar days from the date of the proposed action notice, unless the telehealth or telemedicine organization, within such 30-day period, gives written notice to the Department of its desire for a hearing.

i. Failure to submit a written request for a hearing within the 30-day time period shall result in the organization forfeiting all rights to such a hearing.

ii. If a timely request for a hearing is submitted, then the penalty, suspension (excluding summary suspensions), revocation, and/or denial of the renewal shall be held in abeyance until such time as the hearing is concluded and a final decision rendered.

iii. If a hearing request is timely requested for a monetary penalty, then the penalty is due 45 days after the issuance of a final agency decision by the Commissioner determining the penalty.

2. Denials of registration issuance for a telehealth or telemedicine organization are effective immediately.

i. To contest the Department's denial of a telehealth or telemedicine's request for registration, the telehealth or telemedicine organization must, within 30 days of the date of the notice of denial, submit a written hearing request with a response to the denial notice to the Department.

ii. Failure to submit such written notice within 30 days of the date of the notice shall result in the telehealth or telemedicine organization forfeiting all rights to a hearing.

(c) The Department shall transmit hearing requests to the Office of Administrative Law.

(d) Hearings shall be conducted 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.

HUMAN SERVICES

(a)

DIVISION OF FAMILY DEVELOPMENT

Notice of Readoption Program Administration

Readoption: N.J.A.C. 10:84

Authority: N.J.S.A. 30:1-12.

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

Effective Date: July 22, 2021.

New Expiration Date: July 22, 2028.

Take notice that, in accordance with N.J.S.A. 52:14B-5.1, N.J.A.C. 10:84 was scheduled to expire on January 24, 2021. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 104, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order

No. 244 (2021), and P.L. 2021, c. 104, this notice of readoption is timely filed.

The Division of Family Development (DFD) has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were promulgated, as required by Executive Order No. 66 (1978). Therefore, pursuant to N.J.S.A. 30:1-12 and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period from the date of filing.

A summary of the readopted rules follows:

Subchapter 1. Efficiency and Effectiveness of Program Operations

N.J.A.C. 10:84-1.1 Authority of the Commissioner under P.L. 1990, c. 66

This section sets forth the obligations and authorities of the Commissioner of the Department of Human Services (Department) in accordance with P.L. 1990, c. 66. The authorities include the establishment of rules, regulations, and directives, including incentives and sanctions, pertaining to the administration of public assistance programs. The Commissioner has the power to assume direct administration of county welfare agency (CWA) operations in situations in which a CWA has failed to follow applicable State and Federal laws, rules, and regulations thereby placing clients at serious risk.

N.J.A.C. 10:84-1.2 Factors Prompting the Assumption of County Operations

This section provides the factors that are viewed as particularly significant program irregularities and management deficiencies. Elements, such as unlawful activity and pervasive fiscal and/or program deficiencies are the primary basis for consideration of assumption action. If the county welfare agency fails to address and correct deficiencies identified by the Department, the Department will assume direct administration of county program operations.

N.J.A.C. 10:84-1.3 Corrective Action Plans

This section sets forth a multi-step resolution procedure to allow a county welfare administrative agency reasonable opportunity to correct identified deficiencies. The county's failure to meet corrective action requirements will result in the State's assumption of program administration.

N.J.A.C. 10:84-1.4 State Assumption of Direct Administration of County Operations

This section sets forth fiscal liability of the county and the authorities of the Commissioner when the Department assumes direct administration of county operations.

N.J.A.C. 10:84-1.5 State Fair Hearings for State Assumption of CWA Operations

This section sets forth those administrative procedures applicable when a county wishes to appeal a decision by the Department concerning State assumption of the CWA's operations. If the county requests a fair hearing, the matter will be transmitted to the Office of Administrative Law (OAL) by the DFD Bureau of Administrative Review. The OAL initial decision will be reviewed by the Commissioner, or the Commissioner's designee, and a final agency decision will be rendered. The county may appeal the final agency decision through the Appellate Division of the Superior Court.

N.J.A.C. 10:84-1.6 Standard of Need

This section requires the Commissioner of the Department to update the standard of need annually. The standard of need is comprised of housing, food, transportation, and miscellaneous expenses. The standard of need only serves as a benchmark to assist the Legislature in determining payment levels in public assistance programs, as may be required.

Subchapter 2. Exclusion from Contract Participation in the New Jersey Department of Human Services, Division of Family Development Programs, Pilot Projects, or Initiatives (Suspension, Department, and Disqualification)

N.J.A.C. 10:84-2.1 Program Participation

This section provides the basis for the authority vested in DFD for program implementation. This section also sets forth policies and

procedures for the suspension, debarment, and/or disqualification of a provider in order to exclude or render ineligible certain persons or entities, as defined in the rule, from contracting or subcontracting with DFD. The section provides 25 specific causes, including: the commission of State and Federal crimes involving a public or private contract, the willful failure to perform in conformance with the contract, or any cause of a serious and compelling nature that indicates a lack of responsibility by the provider. The decision to exclude a provider from contracting with DFD is within the discretion of the Director of DFD, unless otherwise required by law.

N.J.A.C. 10:84-2.2 Withholding of Provider Payments

This section provides for the withholding of provider payments when DFD receives reliable evidence of theft, fraud, willful misrepresentation, or tampering with records by a provider.

N.J.A.C. 10:84-2.3 Provider Reinstatement

This section provides the process for provider reinstatement to the DFD contracting process after a period of exclusion. The Director of DFD may order the reinstatement of a suspended, debarred, or disqualified provider or refer the matter to the Commissioner of the Department of Human Services for consideration.

(a)

**HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT**

**Notice of Readoption
Families First Program**

Readoption: N.J.A.C. 10:88

Authority: N.J.S.A. 30:1-12.

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

Effective Date: July 12, 2021.

New Expiration Date: July 12, 2028.

Take notice that, in accordance with N.J.S.A. 52:14B-5.1, N.J.A.C. 10:88 was scheduled to expire on August 22, 2021. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 104, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 104, this notice of readoption is timely filed.

The Division of Family Development has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were promulgated, as required by Executive Order No. 66 (1978). Therefore, pursuant to N.J.S.A. 30:1-12 and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period from the date of filing.

The following is a description of the subchapters of N.J.A.C. 10:88.

N.J.A.C. 10:88-1, General Provisions, establishes the purpose and scope of the Families First Program and recognizes the Electronic Benefits Transfer (EBT) card as the mandatory method for the issuance of Temporary Assistance for Needy Families (TANF) benefits, New Jersey Supplemental Nutrition Assistance Program (NJ SNAP) benefits, General Assistance (GA) benefits, and child support bonus payments to eligible households. The subchapter also provides the authority for the operation of the Families First Program, provides guidance for the properties of Families First accounts, and defines terms that are used throughout the chapter.

N.J.A.C. 10:88-2, Recipient Training, establishes county welfare agency responsibilities for training recipients on EBT card usage, and addresses the process by which Families First cards are issued to eligible households. Additionally, Subchapter 2 addresses card issuance and the process for selecting a personal identification number (PIN).

N.J.A.C. 10:88-3, Card Utilization, establishes the process for accessing and spending NJ SNAP and cash assistance benefits through the Families First card. The subchapter addresses transaction fees, designation of authorized representatives and payees, staggered issuances of benefits, and the use of non-traditional food retailers. Additionally, the subchapter addresses benefit issuances related to certain authorized institutions, communal dining facilities, Meals on Wheels, adjustments to Families First NJ SNAP accounts, and penalties for inappropriate use of Families First cards.

N.J.A.C. 10:88-4, Inactive Accounts (Aging), addresses the process of aging and the expungement of inactive NJ SNAP and cash benefits, detailing the aging process and addressing how households can access aged benefits.

N.J.A.C. 10:88-5, Replacement of Benefits and Cards, addresses the replacement of benefits, replacement of lost or stolen EBT cards, and PIN re-selection.

N.J.A.C. 10:88-6, Fiscal Procedure, addresses NJ SNAP card replacement fees, the use of Families First benefits to repay NJ SNAP claims, crediting aged Family First cash benefits on county welfare agency fiscal reports, and provides procedures for the security and control of Families First cards.

CORRECTIONS

(b)

STATE PAROLE BOARD

Parole Board Rules

Division of Parole Rules

Readoption with Amendments: N.J.A.C. 10A:72

Adopted Repeals and New Rules: N.J.A.C. 10A:71-3.22, 7.6, 7.10, and 7.11; and 10A:72-4.11 and 5.9

Adopted Amendments: N.J.A.C. 10A:71-1.1, 1.2, 1.4, 1.5, 1.10, 2.10, 3.1, 3.2, 3.3, 3.5, 3.7, 3.8, 3.12, 3.15, 3.16, 3.21, 3.48, 3.49, 3.50, 3.54, 4.1, 5.1, 5.2, 5.7, 5.8, 6.1, 6.3, 6.4, 6.5, 6.6, 6.9, 6.10, 6.11, 6.12, 7.2, 7.3, 7.7, 7.9, 7.12, 7.13, 7.15, 7.16, 7.17B, 7.18, and 7.19A

Adopted New Rules: N.J.A.C. 10A:71-2.12 and 6.14; and 10A:72-15

Adopted Repeals: N.J.A.C. 10A:71-3.23 through 3.33, 3.57, 7.17, and 7.17A

Proposed: February 16, 2021, at 53 N.J.R. 211(a).

Adopted: May 26, 2021, by the New Jersey State Parole Board, Samuel J. Plumeri, Jr., Chairman.

Filed: July 23, 2021, as R.2021 d.090, **without change**.

Authority: N.J.S.A. 30:4-123.48.d.

Effective Dates: July 23, 2021, Readoption; August 16, 2021, New Rules, Repeals, and Amendments.

Expiration Dates: March 19, 2025, N.J.A.C. 10A:71; July 23, 2028, N.J.A.C. 10A:72.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10A:72 were scheduled to expire on June 3, 2021, as the State Parole Board timely filed a notice of proposal to readopt the chapter. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 104, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 104, this notice of readoption is timely filed.