

Personal Care Assistants and Assisted Living Administrators, were scheduled to expire on May 13, 2017.

The rules establish standards in New Jersey for the required fingerprint supported criminal history record background checks on certified nurse aides, personal care assistants, and assisted living administrators. Subchapter 1 contains the purpose and scope of the chapter, establishes definitions of terms, provides how forms may be obtained from the Department, and sets forth the mandate for the submission of Social Security numbers as part of the background check process. Subchapter 2 establishes the criminal background check process for nurse aides, explains the rehabilitation process for those nurse aides with criminal histories, and sets forth the hearing rights for nurse aides denied certification based upon the background check. Subchapter 3 establishes the criminal background check process for personal care assistants, explains the rehabilitation process for those personal care assistants with criminal histories, and sets forth the hearing rights for personal care assistants denied certification based upon the background check. Subchapter 4 establishes the criminal background check process for assisted living administrators, explains the rehabilitation process for those administrators with criminal histories, sets forth the hearing rights for administrators denied certification, and reiterates the requirement that administrators assume the cost of the criminal history background check, as required by N.J.S.A. 26:2H-7.19.

The Department is developing a rulemaking to revise and update N.J.A.C. 8:43I, and anticipates filing this rulemaking with the Office of Administrative Law for processing in the ordinary course. However, this rulemaking could not be proposed prior to the expiration of N.J.A.C. 8:43I. The Commissioner has reviewed N.J.A.C. 8:43I and has determined that, pending the finalization of the anticipated rulemaking described above, the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive for the purposes for which it was originally promulgated, as amended and supplemented over time, and should be readopted. Therefore, pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 8:43I is readopted and shall continue in effect for a seven-year period.

HUMAN SERVICES

(a)

DIVISION OF DEVELOPMENTAL DISABILITIES

**Notice of Administrative Changes
Contribution to Care and Maintenance
Requirements**

**Notice of Family Maintenance Standard, Medical
Cost Standard, Tuition Deduction, and the Cost
of Care and Maintenance Rates**

N.J.A.C. 10:46D-3.2

Take notice that, in accordance with N.J.A.C. 10:46D-3.2, the Department of Human Services announces that the following family maintenance standard (N.J.A.C. 10:46D-3.2(a)), medical cost standard (N.J.A.C. 10:46D-3.2(a)), tuition deduction standard (N.J.A.C. 10:46D-3.2(a) and (f)), and the cost of care and maintenance rates shall be utilized in the determination of eligibility and the contribution to care and maintenance of individuals residentially placed by the Division of Developmental Disabilities and their legally responsible relatives for the period beginning January 1, 2017.

The approved calendar year 2017 patient payment per diem rate for State developmental centers is \$860.00. The approved calendar year 2017 patient payment per diem rate for residential functional services is \$276.00. These changes are effective January 1, 2017. This notice of administrative changes is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the changed rule follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

10:46D-3.2 DDD Formula B-DDD (B) for individuals under age 18

(a) This section shall apply to the individual under age 18 being served, LRR(s) or any other person responsible for the estate of such individual and/or LRR(s). The family maintenance standard for a family of four, for calendar year [2016] **2017**, is [\$31,903] **\$32,296**, the medical cost standard (for a family of four is [\$8,137] **\$8,482**) and the tuition deduction shall be revised annually, using the Consumer Price Index figures then applicable and the cost for in-State tuition at Rutgers, the State University, ([\$11,217] **\$11,408** for school year [2015-16] **2016-17**). These revisions shall be published annually by the Department as public notices in the New Jersey Register. Additionally, the Department shall publish in the New Jersey Register, the cost of care and maintenance rates as established by the Commissioner.

(b)-(e) (No change.)

(f) The deduction for college tuition shall be the actual college tuition cost paid, but shall not exceed the maximum of the annual in-State tuition expenses for Rutgers University. The deduction shall be the net of any scholarships, awards or grants, and shall cover tuition paid but shall not cover such items as room, board, books and lab fees. The maximum college tuition deduction for school year [2015-2016] **2016-2017** is [\$11,217] **\$11,408**. This shall be revised annually as required by (a) above.

(g)-(j) (No change.)

(b)

DIVISION OF FAMILY DEVELOPMENT

**Notice of Administrative Changes
Standard of Need**

N.J.A.C. 10:84-1.6

Take notice that, in accordance with N.J.A.C. 10:84-1.6(d), the Department of Human Services announces an updated standard of need for 2016. The standard of need is required to be established pursuant to P.L. 1997, c. 13. The law also requires that the standard of need be updated annually.

Full text of the changed rule follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

10:84-1.6 Standard of need

(a)-(c) (No change.)

(d) The standard of need is set forth in the table below. Each year, the Department of Human Services will provide, through a notice of administrative change published in the New Jersey Register, an updated standard of need.

	<u>Standard of Need</u>	
	<u>Number in Family</u>	<u>Monthly Standard</u>
	1	[\$1,848] \$1,898
	2	[\$2,151] \$2,210
	3	[\$2,800] \$2,920
	4	[\$3,653] \$3,782
	5	[\$3,956] \$4,095
	6	\$5,004
	7	[\$5,307] \$5,316
	8	[\$5,610] \$5,629
	more than 8	add [\$303] \$313 each person