

SUBCHAPTER 4. FOLLOW-UP OF LEAD SCREENING RESULTS

8:51A-4.1 Reporting of lead screening results

(a) Each physician, registered professional nurse, as appropriate, or health care facility that screens a child for **elevated blood lead [poisoning] levels** shall provide the parent or legal guardian with the results of the blood lead test and an explanation of the significance of the results.

(b) For each child who has a blood lead test, on a venous blood sample, greater than or equal to [10] **five** micrograms per deciliter, the physician, registered professional nurse, as appropriate, or health care facility shall notify in writing, the child's parent or guardian of the test results and provide the parent or guardian with an explanation in plain language of the significance of the results.

8:51A-4.2 Medical follow-up of lead screening results

(a) Each physician, registered professional nurse, as appropriate, or health care facility that screens a child for **elevated blood lead [poisoning] levels** shall provide or make reasonable efforts to ensure the provision of risk reduction education and nutritional counseling for each child with a blood lead level equal to or greater than [10 micrograms per deciliter (**5** µg/dL)] of whole blood.

(b) The physician, registered professional nurse, as appropriate, or health care facility shall obtain, or make reasonable efforts to obtain, a venous confirmatory blood lead test whenever a capillary blood lead screening sample produces a result greater than or equal to [10 micrograms per deciliter (**5** µg/dL)].

(c) For each child who has a blood lead level of [10 micrograms per deciliter (**5** µg/dL)] or greater on a test performed with a venous blood sample, the physician, registered professional nurse, as appropriate, or health care facility shall provide, or make reasonable efforts to ensure, the provision of diagnostic evaluation, medical treatment, and follow-up blood lead testing in accordance with currently accepted medical guidelines.

(d) (No change.)

(e) When a physician, registered professional nurse, as appropriate, or health care facility performs lead screening on a child and receives a result of [10 micrograms per deciliter (**5** µg/dL)] or greater on a test performed with a venous blood sample, the physician, registered professional nurse, as appropriate, or health care facility shall perform lead screening of all siblings or other members of the same household who are [between] **at least** six months and [six years] **less than 72 months** of age, if these children have not been screened previously, or are at high risk for lead exposure, as determined by a PEA performed in accordance with N.J.A.C. 8:51A-2.1.

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The agency proposal follows:

**Summary**

The Higher Education Student Assistance Authority ("Authority" or "HESAA") is statutorily responsible for the administration of the State's supplemental student loan program, the New Jersey College Loans to Assist State Students (NJCLASS), and for the promulgation of all rules to that effect, pursuant to N.J.S.A. 18A:71C-21 et seq.

NJCLASS ensures that loans are available to, or for the benefit of, eligible students who are not eligible for, or have additional financial need beyond, Federal student loans.

NJCLASS loans are funded by the sale of bonds that are repaid solely through the repayment of the NJCLASS loans. The interest rate on the NJCLASS loans is a pass through rate of the bond interest rate, associated costs of sale, cost of servicing the loans, and other costs determined by the bond sale. In addition to the rules, HESAA is required to administer NJCLASS pursuant to the indentures for the bonds that finance the loans. In order to provide full forgiveness to all parties of the loan in the event that the student for whom the loan was obtained dies or becomes permanently disabled, it is necessary to amend the rules to include additional borrower benefits and protections.

HESAA's current policy provides for loan forgiveness in the event of student death and total and permanent disability, if the student death occurs during the in-school period, or subsequent to the in-school period if the other parties on the loan can demonstrate severe financial hardship. The amended rule would allow the loan to be discharged regardless of whether or not the student was enrolled in school at the time of the death and the rule would apply to all cosigners regardless of their financial situation. Additionally, the rule would allow those who applied for forgiveness in the past to reapply on or after June 1, 2017, and receive forgiveness prospectively.

Staff confirmed with bond counsel and the financial advisor that there are sufficient resources within the existing trusts to fund the expected increase in forgiveness of loans funded from prior year bond issuances. In addition, bond counsel has ensured that the existing indentures can be amended to allow for this regulatory change. For loans that have yet to be made, the cost of the forgiveness will be built into the annual bond deal. It is anticipated that this benefit will result in a modest increase in rates on all borrowers of approximately five basis points.

The proposed amendments are summarized below:

N.J.A.C. 9A:10-6.17(a), (b), and (c) are amended to permit full forgiveness to all parties of the loan in the event that the student for whom the loan was obtained dies or becomes permanently disabled. The words "student" and "or students" are added to N.J.A.C. 9A:10-6.17(b) and (c) to expand applicability of these sections in the event the student for whom the loan was obtained dies or becomes permanently disabled.

HESAA has determined that the comment period for this notice of proposal shall be 60 days; therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this notice is excepted from the rulemaking calendar requirement.

**Social Impact**

The NJCLASS Program serves as this State's supplemental student loan program to help families fund their expected family contribution not met by other sources. While the NJCLASS Program offers one of the lowest fixed rate supplemental loans in the nation, the Authority continuously seeks to maintain and improve service to applicants and borrowers.

It is anticipated that the loan forgiveness upon the death or total and permanent disability of the student will provide families with comfort and closure.

**Economic Impact**

The proposed amendments implement changes to the State supplemental student loan program, which make postsecondary education accessible and affordable to thousands of New Jersey students

**HIGHER EDUCATION**

**(a)**

**HIGHER EDUCATION STUDENT ASSISTANCE AUTHORITY**

**Student Loan and College Savings Programs  
 The New Jersey College Loans to Assist State  
 Students (NJCLASS) Program: Policies and  
 Procedures**

**Discharges**

**Proposed Amendment: N.J.A.C. 9A:10-6.17**

Authorized By: Higher Education Student Assistance Authority,  
 Anthony Falcone, Chairperson.

Authority: N.J.S.A. 18A:71A-1 et seq., and 18A:71C-21 et seq.

Calendar Reference: See Summary below for explanation of  
 exception to calendar requirement.

Proposal Number: PRN 2016-194.

Submit written comments by February 3, 2017, to:

and families. For the State's NJCLASS Loan Program, more than \$200 million was made available last year alone in affordable NJCLASS loans. The entire cost of the program is self-funded through bond financing of NJCLASS loans. As such, the proposed amendments will have no impact on the State budget.

To finance the proposed loan forgiveness, there are currently sufficient resources within the existing NJCLASS trust estates to fund the forgiveness of existing loans, subject to amendments to the bond indentures permitting such funding. Prospectively, the forgiveness will need to be funded through a small increase in interest rates charged to all future borrowers. It is anticipated that this increase will be limited to five basis points.

#### Federal Standards Statement

A Federal standards analysis is not required because the subject matter of this State student loan program is not subject to any Federal requirements or standards except for the standards for tax-exempt bonds, section 144(b) of the Federal Internal Revenue Code. NJCLASS loans funded by tax-exempt bonds are intended to qualify under the standards of section 144(b) of the Federal Internal Revenue Code, and do not exceed the standards of that section.

#### Jobs Impact

Because the NJCLASS Program administered by the Authority makes postsecondary education accessible to thousands of New Jersey students and their families, it promotes access to one of the keys to economic development: higher education. Programs so significant to the financing of a college-trained New Jersey workforce can only be expected to add to the job opportunities in this State. It is not anticipated that the proposed amendments will result in the generation or loss of jobs.

#### Agriculture Industry Impact

The proposed amendments will have no impact on the agriculture industry.

#### Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments to the NJCLASS Program do not impose reporting, recordkeeping, or other compliance requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The Authority does not anticipate that any educational institution participating in this program would be covered by the definition of a small business because these entities have over 100 full-time employees. Additionally, NJCLASS loan applicants are not covered by the definition because they are individuals, not businesses.

#### Housing Affordability Impact Analysis

The proposed amendments will have an insignificant impact on the affordability of housing in New Jersey. There is an extreme unlikelihood that the amendments would evoke a change in the average costs associated with housing because the proposed amendments concern student loans, which have no impact on housing.

#### Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey. The proposed amendments concern student loans, which have no impact on housing.

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

#### SUBCHAPTER 6. THE NEW JERSEY COLLEGE LOANS TO ASSIST STATE STUDENTS (NJCLASS) PROGRAM: POLICIES AND PROCEDURES

##### 9A:10-6.17 Discharge

(a) Rules governing the discharge of loans based on filing for relief in bankruptcy, and discharge of loans due to death or total and permanent disability are set forth in this section. If an NJCLASS Loan Program loan was obtained by two borrowers as co-makers or by a borrower and one or more cosigners, and only one of the borrowers dies, becomes

totally and permanently disabled, has collection of his or her loan obligation stayed by a bankruptcy filing, or has that obligation discharged in bankruptcy, the other borrower or cosigner remains obligated to repay the loan, beginning with NJCLASS Loan Program loans using promissory notes dated 1994 or later. **If the student for whom the loan was obtained dies or becomes permanently disabled, the obligation of all parties to the loan to make any further payments on the loan is discharged, beginning with requests for discharge received on or after June 1, 2017.**

(b) If an individual borrower dies, the obligation of the borrower to make any further payments on the loan is discharged. A discharge of a loan based on the death of the borrower **or student** must be based on an original or certified copy of the death certificate, or an accurate and complete photocopy of the original or certified copy of the death certificate.

(c) If the Authority determines that an individual borrower **or student** is totally and permanently disabled, the obligation of the borrower to make any further payments on the loan is discharged. A borrower **or student** is not considered totally and permanently disabled on the basis of a condition that existed at the time he or she applied for the loan, unless the borrower's condition has substantially deteriorated later, so as to render the borrower totally and permanently disabled. A borrower **or student** is not considered totally and permanently disabled if he or she continues to receive an equal or greater amount of income from the source of income that was used to meet the minimum income requirements at the time the loan was approved. After being notified by the borrower, **student**, or the borrower's **or student's** representative, that the borrower **or student** claims to be totally and permanently disabled, the Authority shall request that the borrower, **or student**, or the borrower's, **or student's** representative, submit the discharge application provided by the Authority. The application must contain a certification by a physician, who is a doctor of medicine or osteopathy and legally authorized to practice in a state, that the borrower **or student** is totally and permanently disabled as defined in N.J.A.C. 9A:10-6.3.

(d) (No change.)

## HUMAN SERVICES

### (a)

#### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Vision Care Services Manual

#### Proposed Readoption with Amendments: N.J.A.C. 10:62

#### Proposed Repeals: N.J.A.C. 10:62-1.6, 1.10, and 3.3

Authorized By: Elizabeth Connolly, Acting Commissioner,  
Department of Human Services.

Authority: N.J.S.A. 30:4D-1 et seq. and 30:4J-8 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Agency Control Number: 16-P-06.

Proposal Number: PRN 2016-191.

Submit comments by February 3, 2017, to:

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The agency proposal follows: