

Further action on those two proposals will be the subject of separate notices in the New Jersey Register.

(a)

AIR QUALITY, ENERGY, AND SUSTAINABILITY

DIVISION OF AIR QUALITY

Operating Permits

Notice of Administrative Change

N.J.A.C. 7:27-22.11

Effective Date: May 13, 2021.

Take notice that the Department of Environmental Protection (Department) is announcing an administrative change at N.J.A.C. 7:27-22.11(e).

N.J.A.C. 7:27-22.11 sets forth the procedures by which the Department will obtain comment from the public and affected states on certain draft permits. N.J.A.C. 7:27-22.11(e) provides, in part, that the Department will provide notice of draft operating permits through an electronic mailing list to which members of the public may subscribe. N.J.A.C. 7:27-22.11(e) identifies that electronic mailing list as the Department's "Air Quality Regulation Listserv." Since N.J.A.C. 7:27-22.11(e) was originally adopted, the Department has changed its listserv delivery platform. Specifically, members of the public no longer receive notices from an individually titled email address associated with a specific Department listserv. Instead, the Department now uses a single electronic mail address (NJDEP@public.govdelivery.com) to deliver notices on behalf of each electronic mailing list that the Department maintains. Moreover, the Department has determined that the name of this particular listserv, "Air Quality Regulation Listserv," is misleading. The principal purpose of the electronic mailing list identified at N.J.A.C. 7:27-22.11 is to update subscribers when the Department makes changes related to its permits; whereas, the name suggests the listserv's principal purpose is to update subscribers when the Department makes changes to its rules. In fact, the Department maintains one electronic mailing list to notify subscribers of changes related to its permits, and a separate electronic mailing list to update subscribers on rules and State implementation plan revisions.

For these reasons, the Department has decided that deleting the reference to the name of this electronic mailing list will minimize the potential for confusion. New subscribers will sign up based on the description of the purpose of the electronic mailing list as set forth on the Department's webpage. Existing subscribers will not be required to take any action as a result of the name change, but will continue to receive notice of the draft permits identified at N.J.A.C. 7:27-22.11.

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

SUBCHAPTER 22. OPERATING PERMITS

7:27-22.11 Public comment

(a)-(d) (No change.)

(e) The Department will post the public notice and each draft operating permit on the Department's air permitting website (www.nj.gov/dep/agpp) for the duration of the public comment period. The Department will also provide notice of the draft operating permit using [e-mail] **email**, postal service, or other means to persons on a mailing list developed by the Department, including to persons who request in writing to be on the mailing list or who subscribe to the Department's [Air Quality Regulation Listserv] **electronic mailing list that provides periodic email notices when the Department makes changes to permit-related activities**. The Department may occasionally update the mailing list and may delete from the list the name of any person who does not respond to the Department's request for a written indication of continued interest in being on the list, or for whom a notice returns to the Department as undeliverable. The Department will publish the notice for each draft general operating permit in the New Jersey Register. The Department may also provide additional notice by using any other means the Department finds appropriate for

ensuring adequate notice to the public of the opportunity for public comment.

(f)-(n) (No change.)

HIGHER EDUCATION

(b)

HIGHER EDUCATION STUDENT ASSISTANCE AUTHORITY

Student Loan and College Savings Programs Policy Governing New Jersey Better Educational Savings Trust (NJBEST) Program

Adopted Amendment: N.J.A.C. 9A:10-7.15

Proposed: December 7, 2020, at 52 N.J.R. 2091(a).

Adopted: April 21, 2021, by the Higher Education Student

Assistance Authority, Christy Van Horn, Chairperson.

Filed: May 3, 2021, as R.2021 d.056, **without change**.

Authority: N.J.S.A. 18A:71A-1 et seq., and 18A:71C-35 et seq.; and P.L. 2020, c. 81.

Effective Date: June 7, 2021.

Expiration Date: October 26, 2023.

Summary of Public Comment and Agency Response:

The comment period officially ended on February 5, 2021. The Higher Education Student Assistance Authority received no comments.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments are not intended to exceed the statutory requirements for a state college savings program to receive favorable Federal tax treatment under section 529 of the Federal Internal Revenue Code of 1986, 26 U.S.C. § 529, and are consistent with administrative guidance from the Internal Revenue Service.

Full text of the adoption follows:

SUBCHAPTER 7. POLICY GOVERNING NEW JERSEY BETTER EDUCATIONAL SAVINGS TRUST (NJBEST) PROGRAM

9A:10-7.15 Eligibility for NJBEST scholarship

(a) An additional amount of \$1,000, subject to funding available therefor, shall be credited toward the qualified higher education expenses of a designated beneficiary at the time of a qualified withdrawal provided:

1. The contributor demonstrates to the satisfaction of the Authority that the contributor participated in the program by making and not withdrawing a qualifying minimum initial deposit of \$1,200 or that qualifying minimum annual contributions of \$300.00 for a designated beneficiary were made by persons based on the time periods for crediting these contributions in (a)I, ii, and iii below. In all cases involving the eligibility of a designated beneficiary for an NJBEST scholarship, the Authority reserves the right to make the final determination as to whether contributions have met the time periods as stated in this paragraph for participation in the NJBEST Program.

i.-iii. (No change.)

iv. First time enrollment is defined as the first time a student enrolls on either a full- or half-time basis at any institution of post-secondary education. For semester schools, if a student's first term of enrollment is for the summer or winter term, the succeeding fall or spring semester will be considered the student's first term of enrollment.

2. The designated beneficiary in (a) above demonstrates his or her undergraduate attendance or enrollment in a higher education institution in this State by submitting a certification by the higher education institution.

i. (No change.)

3. (No change.)

(b) For every two additional years in which the minimum annual contribution of \$300.00 is deposited in the account of a designated beneficiary, an additional amount of \$500.00, up to a maximum scholarship of \$3,000, subject to funding available therefor, shall be credited toward the qualified higher education expenses of a designated beneficiary at the time of a qualified withdrawal provided the requirements of (a)2 and 3 above are met.

(c) (No change.)

(d) A designated beneficiary satisfying the requirements of (a) or (a) and (b) above shall be eligible to receive a scholarship in any term of enrollment at an eligible institution of post-secondary education in New Jersey, but shall not be eligible to receive more than one such additional amount provided under (a) or (a) and (b) above.

(e) (No change.)

HUMAN SERVICES

(a)

DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES

Organizational Rules

Readoption with Amendments: N.J.A.C. 10:30

Adopted: April 19, 2021, by Sarah Adelman, Acting Commissioner, Department of Human Services.

Filed: April 28, 2021, as R.2021 d.054.

Authority: N.J.S.A. 26:2BB-5, 30:1B-6, and 52:14B-3 and 4(b); Reorganization Plans 001-2018 and 002-2004; and State Fiscal Year 2011 Budget.

Effective Date: April 28, 2021.

Expiration Date: April 28, 2028.

Take notice that N.J.A.C. 10:30, Division of Mental Health and Addiction Services: Organizational Rules, are intended to inform the public about the basic mission, functions, and organization of the Division of Mental Health and Addiction Services (Division). In addition, this chapter describes how the public can obtain information about the Division's services. On readoption of the Division's Organizational Rules, the Division is making amendments to improve readability and grammar, update agency names, and reflect the retention of the State Psychiatric Hospitals by the Department of Health, upon the return of the Division to the Department of Human Services, pursuant to Reorganization Plan 001-2018.

These organizational rules are exempt from the notice and public comment requirements of the Administrative Procedure Act and are effective upon filing with the Office of Administrative Law pursuant to N.J.S.A. 52:14B-1 et seq.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 10:30.

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

SUBCHAPTER 1. MISSION AND FUNCTIONS

10:30-1.1 Division mission and functions

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

[(d)] (d) The Division operates four psychiatric hospitals: three regional hospitals (Ancora Psychiatric Hospital, Greystone Park Psychiatric Hospital, and Trenton Psychiatric Hospital); and the Ann Klein Forensic Center. Specialized services for geriatrics, dually diagnosed, hearing impairment, and other co-occurring conditions are also provided at one or more of the four hospitals operated by the Division.]

[(e)] (e) (No change in text.)

[(f)] (f) The Division oversees the provision of a broad range of community mental health and addiction services throughout the State including, but not limited to, the following:

1. The Division contracts with various entities to provide and support community-based prevention, early intervention, treatment, education, and recovery mental health and addiction services, including **services** for at-risk and special populations.

2. The Division monitors and/or participates in the provision of community [and State institutional] care for quality assurance and improvement, training, program development, evaluation, management, information systems, fiscal and systems planning, and compliance with required assessment and treatment protocols and grant requirements.

3. (No change.)

4. The Division is responsible for the Statewide Intoxicated Driving Program (N.J.S.A. 39:4-50), which schedules individuals convicted of [driving under the influence] **intoxicated driving and/or related offenses to county-designated intoxicated driver resource centers** for detention, screening, evaluation, education, and treatment referral [by the county-based intoxicated driver resource centers].

5. The Division contracts with community agencies **and hospitals** to deliver screening services in order to provide clinical assessment and crisis stabilization to individuals in the least restrictive, clinically appropriate setting, as well as to coordinate access to various mental health care resources, such as inpatient and outpatient treatment.

[(g)] (f) (No change in text.)

[(h)] (g) The Department of [Human Services, Office of Licensing (OOL)] **Health, Health Systems Branch, Certificate of Need and Licensing (CN&L)**, licenses all community mental health programs and addiction treatment facilities and programs. [OOL] CN&L staff consult[s] with Division staff, including when reviewing and deciding waiver requests affecting mental health and addiction treatment licenses.

[(i)] (h) Through the Division's Disaster and Terrorism Branch, the Division works with, **and supports**, Federal, State, and local **partners, including emergency management and law enforcement**, to coordinate [and provide disaster crisis counseling] **behavioral health programs and/or interventions during disasters, terrorist events, public health emergencies, and community crises**.

SUBCHAPTER 2. PUBLIC INFORMATION

10:30-2.1 Public information, requests, and submissions

(a)-(b) (No change.)

[(c)] Questions concerning a specific State psychiatric hospital should be submitted in writing to the Chief Executive of that hospital.]

Recodify existing (d)-(f) as (c)-(e) (No change in text.)

[(g)] (f) The Division [and each hospital have] **has** advisory boards and/or stakeholder committees to facilitate ongoing public participation in the development of the mental health and addiction system.

(b)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Podiatry Services

Readoption with Amendments: N.J.A.C. 10:57

Proposed: April 20, 2020, at 52 N.J.R. 855(a).

Adopted: April 19, 2021, by Sarah Adelman, Acting Commissioner, Department of Human Services.

Filed: April 28, 2021, as R.2021 d.053, **without change**.

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

Agency Control Number: 19-A-09.

Effective Date: April 28, 2021, Readoption;
June 7, 2021, Amendments.

Expiration Date: April 28, 2028.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

Podiatry services are an optional Medicaid/NJ FamilyCare service consistent with Section 1902(a)(10)(A)(ii) of the Social Security Act, 42