

iii. Waive any right, forum, or procedure afforded to the student, including any right to file and pursue a civil action, class action, or a complaint with, or otherwise notify, any State agency, other public prosecutor, law enforcement agency, or any court or other governmental entity of any alleged violation of the student’s rights; or

iv. Be prohibited from disclosing, discussing, describing, or commenting upon the terms of the student’s enrollment agreement, or any violation of the student’s enrollment agreement.

(c)-(d) (No change.)

9A:9-2.2 Residency

(a) Students must be legal residents of New Jersey for a period of not less than 12 consecutive months immediately prior to the academic period for which aid is being requested. The residence of a student is defined in terms of domicile. Domicile is defined as the place where a person has his or her true, fixed, permanent home and principal establishment, and to which, whenever he or she is absent, he or she has the intention of returning.

1. A dependent student, as defined [in] at N.J.A.C. 9A:9-2.6, shall be [presumed to be a legal resident of the state in which he or she and his or her parent(s) is domiciled. A dependent student whose parent(s) has not established a domicile in New Jersey shall be presumed to be in the State for the temporary purpose of obtaining an education and shall be ineligible for State student financial aid. A student may rebut both of these presumptions by submitting evidence to the Authority establishing that he or she is a legal resident of New Jersey notwithstanding the residency of his or her parent(s). Any dependent student who continues to reside in this State and who has previously received at least one semester of payment of a State grant or scholarship shall continue to be eligible for State student financial aid during the course of each academic year at an eligible institution of higher education in New Jersey, despite his or her parent(s)’ subsequent change of domicile to another state.] **considered domiciled in this State for the purposes of determining eligibility for a State student grant or scholarship if the student meets the following criteria:**

- i. **The student is a United States citizen or an eligible noncitizen, as determined at 20 U.S.C. § 1091;**
- ii. **The student and the student’s parent(s) have resided in the State for a period of not less than 12 consecutive months immediately prior to the academic period for which State student assistance is being requested; and**
- iii. **The student’s parent(s) or guardian provides the Higher Education Student Assistance Authority, upon request, with documentation to verify income and assets.**

2. (No change.)

(b)-(g) (No change.)

9A:9-2.4 Eligibility and repayments

(a) In order to receive a need-based award, students must have demonstrated financial need through submission of a financial aid form approved by the Higher Education Student Assistance Authority in accordance with annually established deadline dates.

1. Parents of students who meet the definition of “dependent” at N.J.A.C. 9A:9-2.6, shall provide the information necessary to complete the student’s financial aid application, including documentation requested for verification in accordance with annually established deadline dates. Parents who knowingly and willfully refuse to provide the required information will be subject to a civil penalty of not more than \$500.00, to be collected in proceedings in accordance with the Penalty Enforcement Law of 1999, P.L. 1999, c. 274 (N.J.S.A. 2A:58-10 et seq.).

(b)-(d) (No change.)

9A:9-2.6 Dependent/independent student defined

(a) The term independent, when used with respect to a student, is defined annually by the United States Department of Education in the Federal Student Aid Handbook published at [<http://ifap.ed.gov/ifap/byAwardYear.jsp?type=fsahandbook>] <https://fsapartners.ed.gov/knowledge-center/fsa-handbook/pdf/2021-2022>. The definition is set forth in Chapter 2 of the Application and Verification Guide, contained in the

[2013-2014] **2021-2022** Federal Student Aid Handbook, which is incorporated herein by reference, as amended and supplemented.

(b) For purposes of State student financial aid programs, an independent student does not include students who are emancipated minors, [or] were emancipated minors upon reaching the age of majority in [his or her] **the state in which the student resided at that time, or are either currently, or when they were a minor were, in a guardianship status in which a parent retained legal parental rights or is, or were, obligated to pay child support.**

(c) The term independent also includes a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances as provided under Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1087vv, and its implementing regulations and rules. For purposes of receiving State financial assistance as an independent student due to unusual circumstances, the following conditions apply:

1. (No change.)

2. Individual determinations of independent student status for State student aid programs shall be made in a manner consistent with the institutional policies regarding the awarding of all need-based financial aid, including Federal and State aid; [and]

3. Individual determinations of independent student status shall not be made on the basis of any of the following:

- i. **The parent(s) refusing to contribute to the student’s education;**
- ii. **The parent(s) being unwilling to provide information on the financial aid application or for verification;**
- iii. **The parent(s) not claiming the student as a dependent for income tax purposes;**
- iv. **The student demonstrating self-sufficiency; or**
- v. **The student not living with the parent(s); and**

[3.] 4. (No change in text.)

(d)-(e) (No change.)

9A:9-2.7 Verification of family financial data

Students, upon request, must provide the Higher Education Student Assistance Authority with documentation including, but not limited to, Internal Revenue Service tax return transcripts and/or State income tax returns for themselves, and in the case of dependent students, for their parents, for verification purposes. In the limited circumstances when students or parents are unable to obtain transcripts from the Internal Revenue Service, the Authority may accept a signed copy of the Federal income tax return. If no tax returns were filed for the year requested, students must provide the Authority with documented proof, received through a Federal or State agency, of taxable and/or untaxed income, including, but not limited to, an IRS tax and wage transcript, receipt of unemployment payments, child support, alimony, welfare payments, Social Security benefits, or at least [two] **one** benefit[s] from any of the following Federal **or State** programs: [Medicaid,] SSI, SNAP, TANF, **WorkFirst NJ, General Assistance, cash assistance, housing and rental assistance subsidies, or WIC.** Financial data provided on the financial aid form may be verified by the Authority and/or institution through the comparison of information reported on income tax transcripts and returns and other requested documentation. Discrepancies will require the re-evaluation of the student’s eligibility. Students, as well as institutions, will be notified if an adjustment in the value of aid is required. If documentation is not received to verify income or resolve discrepancies, aid will not be granted.

(a)

HIGHER EDUCATION STUDENT ASSISTANCE AUTHORITY

**Student Loan and College Savings Programs
STEM Loan Redemption Program**

Proposed New Rules: N.J.A.C. 9A:10-5

Authorized By: Higher Education Student Assistance Authority,
Christy Van Horn, Chairperson.

Authority: P.L. 2018, c. 142 (N.J.S.A. 18A:71C-66 et seq).
 Calendar Reference: See Summary below for explanation of
 exception to calendar requirement.
 Proposal Number: PRN 2021-113.

Submit written comments by February 4, 2022, to:

Marnie B. Grodman, Esquire
 Administrative Practice Officer
 Higher Education Student Assistance Authority
 PO Box 545
 Trenton, NJ 08625-0545
 Email: Regulations@hesaa.org

The agency proposal follows:

Summary

On December 14, 2018, Governor Murphy signed the Science, Technology, Engineering, and Math (STEM) Loan Redemption Program, P.L. 2018, c. 142 (N.J.S.A. 18A:71C-66 et seq.) (the Act), into law. The Act establishes the STEM Loan Redemption Program and provides that the Higher Education Student Assistance Authority (Authority) shall adopt rules necessary for the administration of the Act.

The Act authorizes student loan redemptions in the amount of \$1,000 each year for up to four years to eligible graduates of certain STEM degree programs at New Jersey colleges and universities. To establish eligibility for the program, a participant must have remained employed in a STEM occupation in New Jersey for at least four years after the December 14, 2018, effective date of the Act. An eligible program participant may receive State-funded loan redemption, which must be matched by the participant's employer, for each year of employment commencing after December 14, 2022, in a designated high-growth STEM occupation in New Jersey, for up to four subsequent years.

The proposed new rules govern the policy, administration, and procedures of the STEM Loan Redemption Program (Program), and are summarized below:

The subchapter heading establishes the name of the program for which these proposed new rules will be promulgated, as the STEM Loan Redemption Program.

Pursuant to the Act, proposed new N.J.A.C. 9A:10-5.1 provides that the purpose of the proposed new subchapter is to provide \$1,000 in State funds and a minimum of \$1,000 in employer contributions to program participants for each year of employment in a designated high-growth STEM occupation, up to a maximum of four years, for the redemption of a portion of their eligible qualifying loan expenses.

Proposed new N.J.A.C. 9A:10-5.2 provides the definitions for words and terms as used within this subchapter, which include "approved STEM degree program," "Authority," "designated high-growth STEM occupation," "eligible qualifying loan expenses," "Executive Director," "Program," "Program participant," "qualifying student loan," "STEM," and "total and permanent disability."

Proposed new N.J.A.C. 9A:10-5.3 provides the eligibility requirements that an applicant must meet in order to participate in the Program pursuant to N.J.S.A. 18A:71C-68a.

Proposed new N.J.A.C. 9A:10-5.4 establishes the application procedures that an applicant must follow to participate in the Program. N.J.A.C. 9A:10-5.4(a) provides the minimum information required by the application, specifically the applicant's identification and contact information, the identification and contact information for the applicant's employer, and, pursuant to the provisions of the Act, at N.J.S.A. 18A:71C-68.d and e, documentation proving that the participant has been employed in a designated high-growth STEM occupation for a minimum of four years at the time of application. The proposed new rule also requires the application to include a certification, in the form approved by the Authority, from the applicant's current employer verifying the participant's start date and continuous employment with the employer and agreeing to make a payment to the Authority of at least a 100 percent match of the State-funded loan redemption benefit under the Program at the conclusion of each year of employment completed by the participant in a designated high-growth STEM occupation.

Proposed new N.J.A.C. 9A:10-5.4(b) establishes that applications will be considered in the order they are received, subject to available funding.

Proposed new N.J.A.C. 9A:10-5.4(c) provides that eligibility is based solely on the information submitted on the application and that the Authority will notify applicants of their acceptance into the Program.

Proposed new N.J.A.C. 9A:10-5.5 provides the terms that participants must meet in order for the Authority to release funds for loan redemption. Pursuant to N.J.S.A. 18A:71C-70, proposed new N.J.A.C. 9A:10-5.5(a) provides that the process of creating eligibility for loan redemption funds is initiated by a written contract between the participant and the Authority. The contract specifies the dates of required employment by the Program participant in a designated high-growth STEM occupation and requires the Program participant to serve at least one year in a designated high-growth STEM occupation after entering into the contract with the Authority.

Pursuant to N.J.S.A. 18A:71C-70.b, proposed N.J.A.C. 9A:10-5.5(b) requires participants to submit to the Authority certification, in the form approved by the Authority, of full-time employment. Additionally, N.J.S.A. 18A:71C-70.d requires participants to meet "performance standards established by the executive director or his designee." As the employer is best equipped to determine the performance standards required for a specific occupation, the executive director has designated the employers to establish the minimum performance standards participants shall meet. Therefore, N.J.A.C. 9A:10-5.5(b) also requires participants to submit certification from their employer that they have adhered to the employer's performance standards prior to the annual redemption of loan indebtedness. The subsection also requires the employer of a program participant to pay their annual matching contribution to the Authority, as required pursuant to N.J.S.A. 18A:71C-70.b.

Proposed new N.J.A.C. 9A:10-5.5(c) provides the requirements for a participant to remain in the Program in the event that the participant changes employers while participating in the Program. To ensure participants meet the eligibility requirements for the Program, the proposed new rule requires participants to change to either the exact same occupation for which the participant was approved to participate in the Program or change to an occupation that is a designated high-growth STEM occupation at the time the participant begins the new occupation; provide the Authority with a certification, in the form approved by the Authority, from the previous employer containing the termination date from that position; and provide the Authority with a certification, in the form approved by the Authority, from the new employer agreeing to annually provide the matching contribution, and verifying the participant's start date in the new position, as well as the participant's continued employment and satisfactory performance. The participant must provide the certificates at the end of the year of service in order to receive the loan redemption.

N.J.S.A. 18A:71C-71.a establishes that participants are not eligible for any benefits under the Program for less than a full calendar year of service. Recognizing that participants may have a gap in service if they change occupations or positions, proposed new N.J.A.C. 9A:10-5.5(d) provides that if there is a gap in full-time service between employment in designated high-growth STEM occupations, the service obligation will be extended a commensurate amount of time to complete a full year of service. Further, a gap of longer than six months will nullify the agreement if the Authority has not suspended the participant's participation contract.

Pursuant to N.J.S.A. 18A:71C-70.c, proposed new N.J.A.C. 9A:10-5.5(e) provides that upon receipt of all required documentation from the participant, the Authority will combine the employer matching contribution and the State appropriated funds into a single payment. The proposed new rules further provide that the Authority will make the payment directly to the participant's lender(s) to redeem a portion of the participant's student loans.

Pursuant to N.J.S.A. 18A:71C-71, proposed N.J.A.C. 9A:10-5.6 outlines the conditions for termination or suspension of the participant's participation contract. N.J.A.C. 9A:10-5.6(a) provides that the Authority will terminate a participant's contract if: the participant is totally and permanently disabled; the participant is deceased; continued enforcement of the employment service obligation may result in an extreme hardship for the participant; the participant is no longer employed in a designated high-growth STEM position; the participant has been convicted of a felony or a high misdemeanor or has committed an act of gross negligence

in the performance of the participant's employment service obligation; the participant has not met the employer's performance standards; or the participant has not provided the documentation required prior to annual redemption of loan indebtedness within 60 days of the written request for the required documents by the Authority.

Proposed new N.J.A.C. 9A:10-5.6(b) provides that the Authority will suspend the participant's participation contract if continued enforcement of the employment service obligation may result in extreme hardship for the participant. The proposed new subsection defines extreme hardship to include temporary disability, active duty military service, or temporary suspension of the participant's professional license pending the outcome of an investigation. The proposed new rule further provides that the contract may be suspended for up to two years, but that it may be extended under exceptional circumstances.

Proposed new N.J.A.C. 9A:10-5.6(c) provides that the participant can nullify the participation contract by notifying the Authority in writing. Proposed new N.J.A.C. 9A:10-5.6(d) establishes that the Authority has final decision-making authority to terminate a participation contract. Proposed new N.J.A.C. 9A:10-5.6(e) advises participants that if a participation agreement is terminated or nullified, the participant is not eligible to reapply to participate in the Program.

Proposed new N.J.A.C. 9A:10-5.7 outlines the procedures that an applicant must follow in order to appeal a notification of ineligibility for Program participation from the Authority and also requires the Authority to be responsible for providing the Authority's final decision on the appeal to the applicant within 30 days of receipt of the appeal.

As the Authority has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed new rules are intended to provide an incentive for graduates of STEM degree programs at New Jersey colleges and universities to become and remain employed in high-growth STEM occupations in New Jersey. These incentives are intended to encourage talented graduates of New Jersey's institutions of higher education to put down roots in this State in order to provide the skilled workforce needed to grow New Jersey's innovation economy.

Economic Impact

It is anticipated that these proposed new rules will provide participants with economic relief from the cost of their education. Additionally, the Program is intended to create an incentive for New Jersey residents with STEM degrees to work within the State of New Jersey. While the Program will cost participating employers \$4,000 over four years, it is anticipated that the proposed new rules will be a boon to New Jersey's ability to attract and retain the skilled talent in scientific and technical fields that New Jersey businesses require to succeed. A State appropriation will be necessary to fund the loan redemptions and to administer the Program. The amount of the State's share of the loan redemption is capped at \$4,000 per participant over four years; therefore, the number of participants will be dependent on the amount of the appropriation.

Federal Standards Statement

A Federal standards analysis is not required since the proposed new rules are not subject to any Federal requirements or standards.

Jobs Impact

The proposed new rules will not result in the loss or generation of jobs but will attract and retain scientific and technical talent in New Jersey.

Agriculture Industry Impact

The proposed new rules will have no impact on the agriculture industry.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed new rules 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 proposed new rules address the need for the State's economy to attract and retain scientific and technical talent.

Housing Affordability Impact Analysis

The proposed new rules will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the proposed new rules would evoke a change in the average costs associated with housing because the proposed new rules concern loan redemptions for people who work in STEM occupations.

Smart Growth Development Impact

The proposed new rules will have an insignificant impact on smart growth and there is an extreme unlikelihood that the proposed new rules 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 because the proposed new rules concern loan redemptions for people who work in STEM occupations.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Authority has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposed new rules follows (additions indicated in boldface **thus**; deletion indicated in brackets [thus]):

SUBCHAPTER 5. [(RESERVED)] STEM LOAN REDEMPTION PROGRAM

9A:10-5.1 Purpose and scope

The rules established by this subchapter provide the policies and procedures for participation in the STEM Loan Redemption Program administered by the Higher Education Student Assistance Authority. This Program shall provide \$1,000 to Program participants for each year of employment in a designated high-growth STEM occupation, up to a maximum of four years, for the redemption of a portion of their eligible qualifying loan expenses.

9A:10-5.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Approved STEM degree program" means an undergraduate or advanced degree program required for a participant to engage in a designated high-growth STEM occupation.

"Authority" means the Higher Education Student Assistance Authority.

"Designated high-growth STEM occupation" means the designated list of occupations, to be posted on the Authority's website and updated every two years by the Authority, in consultation with the Department of Labor and Workforce Development. The list shall include occupations with projected growth in New Jersey of at least 10 percent, based on the most recently reported data from the United States Bureau of Labor Statistics, or occupations the Authority deems important to the State's strategic economic goals. Medical doctor and teaching professions are not high-growth STEM occupations. The initial list of designated high-growth STEM occupations is as follows:

- 1. Operations research analyst;**
- 2. Statistician;**
- 3. Mathematician;**
- 4. Software developer, applications;**
- 5. Web developer;**
- 6. Computer systems analyst;**
- 7. Biomedical engineer;**
- 8. Computer and information systems manager;**
- 9. Geological and petroleum technician;**
- 10. Geoscientist, except hydrologist and geographer;**
- 11. Environmental engineer;**
- 12. Hydrologist;**
- 13. Actuary;**
- 14. Software developer/systems software;**
- 15. Physicist; and**
- 16. Biochemist and biophysicist.**

“Eligible qualifying loan expenses” means the cumulative outstanding balance of qualifying student loans, including interest paid or due, covering the cost of attendance at an institution of higher education for an undergraduate or advanced degree from an approved STEM degree program.

“Executive Director” means the Executive Director of the Higher Education Student Assistance Authority.

“Program” means the STEM Loan Redemption Program established pursuant to N.J.S.A. 18A:71C-66 et seq.

“Program participant” means a person who contracts with the Authority to maintain employment in a designated high-growth STEM occupation in exchange for the redemption of eligible qualifying loan expenses provided under the Program.

“Qualifying student loan” means a State or Federal loan for the actual costs paid for tuition and reasonable education and living expenses relating to obtaining an academic degree in an approved STEM degree program.

“STEM” means science, technology, engineering, and math.

“Total and permanent disability” means a physical or mental disability that is expected to continue indefinitely or result in death and renders a Program participant unable to perform that person’s employment obligation, as determined by the Executive Director, or designee.

9A:10-5.3 Eligibility requirements for Program participation

(a) To be eligible for participation in the Program, an applicant must:

1. Be a New Jersey resident and maintain residency in the State during Program participation;
2. Be a graduate of an approved STEM degree program at an institution of higher education located in New Jersey;
3. Have an outstanding balance on a qualifying student loan and not be in default on any qualifying student loan;
4. Have been employed full-time in a designated high-growth STEM occupation in the State for a minimum of four years prior to initial application to the program and be employed thereafter for an additional one to four years in a designated high-growth STEM occupation in the State;
5. Not have previously been selected for participation in the Program; and
6. Provide certification from the applicant’s employer agreeing to make a payment to the Authority of at least a 100 percent match of the State-funded loan redemption benefit under the Program at the conclusion of each year of employment completed by the applicant in a designated high-growth STEM occupation.

9A:10-5.4 Application procedures

(a) In order to apply for participation in the Program, an applicant must complete a Program application and submit the complete application to the Authority.

1. The Program application includes, but is not limited to:
 - i. The applicant’s identification and contact information;
 - ii. Identification and contact information for the applicant’s employer;
 - iii. Documentation proving that at the time of the application, the applicant had been employed for a minimum of four years in a designated high-growth STEM occupation in New Jersey. Acceptable documentation includes, but is not limited to: certifications from all employers attesting to start and end dates in a previous position, W-2 forms, or other substantiating documentation, as may be deemed acceptable by the Authority upon specific case review; and
 - iv. Certification, in the form approved by the Authority, from the applicant’s employer verifying the participant’s start date and continuous employment with the employer and agreeing to make a payment to the Authority of at least a 100 percent match of the State-funded loan redemption benefit under the Program at the conclusion of each year of employment completed by the applicant in a designated high-growth STEM occupation.

(b) The Authority will consider applications for approval of Program participation in the date order they are received, subject to available funding.

(c) The Authority will determine the applicant’s eligibility for the Program based upon the information submitted on the application and will provide notification to the applicant of their acceptance into the Program.

9A:10-5.5 Terms for loan redemption

(a) An applicant who is selected for participation in the Program shall enter into a written participation contract with the Authority. The contract shall specify the dates of required employment by the Program participant in a designated high-growth STEM occupation and shall require the Program participant to serve at least one year in a designated high-growth STEM occupation after the effective date of the contract.

(b) In order for a participant to qualify for an annual redemption payment:

1. The Program participant shall submit to the Authority certification, in the form approved by the Authority, of full-time employment in a designated high-growth STEM occupation for the full-year period; and

2. The employer of the Program participant shall certify, in the form approved by the Authority, that the Program participant met the employer’s performance standards and shall pay the annual matching contribution to the Authority in an amount equal to or greater than the \$1,000 annual State-funded loan redemption benefit.

(c) If a participant becomes employed by a different employer while participating in the Program, that participant must:

1. Be employed in either the exact same occupation for which the participant was approved to participate in the Program, or in an occupation that is a designated high-growth STEM occupation at the time the participant begins the new occupation;

2. Provide the Authority with a certification, in the form approved by the Authority, signed by the previous full-time employer containing the termination date from that position; and

3. Prior to the annual redemption of loan indebtedness, provide a certification, in the form approved by the Authority, from the new employer:

i. Agreeing to make a payment to the Authority of at least a 100 percent match of the State-funded loan redemption benefit under the Program at the conclusion of each year of employment completed by the applicant in a designated high-growth STEM occupation, to be prorated to the actual amount of time worked for the new employer;

ii. Stating the start date for the designated high-growth STEM occupation at the new employer; and

iii. Verifying the participant’s continued employment and satisfactory performance in a designated high growth STEM occupation.

(d) If there is a gap in full-time service between employment in designated high-growth STEM occupations, the participant’s service obligation will be extended a commensurate amount of time to complete a full year of service. A gap of longer than six months will nullify the agreement, unless the Authority has suspended the participant’s participation contract pursuant to N.J.A.C. 9A:10-5.6(b).

(e) Upon receipt of all required documentation from the participant, the Authority will combine the employer matching contribution and the State appropriated funds into a single payment made directly to the participant’s lender(s) to redeem a portion of the participant’s student loans.

9A:10-5.6 Termination or suspension of the participant’s participation contract

(a) The Authority shall terminate the participant’s participation contract if it determines:

1. On the basis of a sworn affidavit of a qualified physician, that the participant is totally and permanently disabled;

2. On the basis of a death certificate, or other evidence of death that is conclusive under State law, that the participant has died;

3. On the basis of substantiating documentation as may be deemed necessary by the Authority upon specific case review, that continued enforcement of the employment service obligation may result in extreme hardship for the participant;

4. That the participant is no longer employed in a designated high-growth STEM position;

5. That the participant has been convicted of a felony and/or a high misdemeanor, as defined at N.J.S.A. 2C:1-4.d, has committed an act of gross negligence in the performance of his or her employment service obligation, or that the participant has not met the employer's performance standards; or

6. The participant has not completed the tasks required pursuant to N.J.A.C. 9A:10-5.5(b) to receive the loan redemption within 60 days of written request for the required documents by the Authority.

(b) The Authority may suspend the participant's participation contract if the Authority determines, on the basis of substantiating documentation as may be deemed necessary by the Authority upon specific case review, that continued enforcement of the employment service obligation may result in extreme hardship for the participant. Extreme hardships include, but are not limited to, temporary disability, active duty military service, changing designated high-growth STEM position, or temporary suspension of the participant's professional license pending the outcome of an investigation.

1. The Authority may suspend the participant's participation contract for a period of up to two calendar years from the date the suspension commences. At the end of the first year of suspension, the participant must provide the Authority with substantiating documentation, as defined in this subsection, to renew the suspension for a second year.

2. The suspension, as stipulated at (b)1 above, may be extended beyond two years for exceptional circumstances at the discretion of the Authority on the basis of substantiating documentation, as defined in this subsection.

(c) A participant may nullify the participation contract by notifying the Authority in writing.

(d) The Authority shall have final decision-making authority to terminate a participant's participation contract.

(e) Participants who nullify their participation agreement, or whose participation agreements are terminated by the Authority, are not eligible to reapply to participate in the Program.

9A:10-5.7 Appeals process

(a) When an applicant has received a notification of ineligibility for Program participation, the applicant may submit a written appeal to the Authority within 30 days of the date of the notification. The written appeal must include the following:

1. A copy of the notification of ineligibility received by the applicant from the Authority; and

2. The reason(s) why the applicant feels the applicant is eligible to participate in the Program along with any documentation that the applicant has obtained to support the appeal, if applicable.

(b) Within 30 days of the receipt of the appeal, the Authority shall provide the applicant with the Authority's final determination of the appeal. Final decisions of the Authority can be appealed to the Appellate Division of the Superior Court.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF CONSUMER AFFAIRS STATE BOARD OF MEDICAL EXAMINERS Radiologist Assistant Performing Procedures Proposed New Rule: N.J.A.C. 13:35-6.20A

Authorized By: Board of Medical Examiners, Antonia Winstead,
Executive Director.

Authority: N.J.S.A. 45:9-2.

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

Proposal Number: PRN 2021-112.

Submit comments by February 4, 2022, to:

Antonia Winstead, Executive Director
Board of Medical Examiners
140 East Front Street, 2nd Floor
PO Box 183
Trenton, New Jersey 08625

or electronically at: <http://www.njconsumeraffairs.gov/Proposals/Pages/default.aspx>.

The agency proposal follows:

Summary

P.L. 2017, c. 281, allows for the licensure of radiologist assistants by the Department of Environmental Protection and permits radiologist assistants to perform delegated fluoroscopic procedures under the supervision of licensed radiologists pursuant to Board of Medical Examiners (Board) rules. The statute defines "delegated fluoroscopic procedures" as "the use of fluoroscopic equipment to perform any of the following procedures to the extent approved by the State Board of Medical Examiners: esophageal study; swallowing function study; upper gastrointestinal study; small bowel study; barium enema lower gastrointestinal study; nasogastric/enteric and oroenteric/enteric tube placement; t-tube cholangiogram; chest fluoroscopy; hysterosalpingogram procedure and imaging; antegrade pyelogram; arthrogram, joint injection and aspiration; cystography or voiding cystourethrography (catheter placement); loopography; lumbar puncture with contrast; myelogram; abscess, fistula, sinus tract study; paracentesis; thoracentesis; venous access ports; tunneled and non-tunneled central venous catheters; tunneled and non-tunneled peripherally inserted central venous catheters; and tunneled and non-tunneled chest and abdominal drainage catheters."

The Board has reviewed this statutory definition and has determined that most of these procedures are within the ability of licensed radiologist assistants to perform. However, the Board has determined that radiologist assistants should not be permitted to perform five of these procedures: (1) hysterosalpingogram procedure and imaging; (2) antegrade pyelogram; (3) lumbar puncture with contrast; (4) myelogram; and (5) tunneled and non-tunneled chest and abdominal drainage catheters. These five procedures require either the specialized education or experience of a physician, and the Board is not confident that licensed radiologist assistants could safely and effectively perform these procedures.

Specifically, hysterosalpingogram procedures and imaging entail the direct injection of contrast material into the uterus, a procedure that should generally be performed by a physician with gynecological training, because of the increased infection risk. Antegrade pyelogram involves injecting contrast material into collecting systems of the kidney, which can carry a high risk of bleeding and kidney infection. Lumbar punctures and myelograms involve inserting a needle into the spinal canal, which, if performed incorrectly, could cause trauma to nerves and result in contrast fluid being inadvertently inserted into blood vessels rather than into cerebrospinal fluid. Tunneled and non-tunneled chest and abdominal drainage catheters involve insertion of tubes into abdominal or thoracic cavity walls, an advanced skill honed by radiologists during residency training and employed after surgery or trauma, when risk of complications is already elevated. Additionally, insertion of these drainage catheters is usually aided by CT scan or ultrasound imaging; licensed radiologist assistants' scope of practice and training do not include the reading of such scans or ultrasounds.

The Board proposes new rule N.J.A.C. 13:35-6.20A to set forth the procedures that it believes are appropriate for licensed radiologist assistants to perform and the level of supervision licensed radiologists must provide when radiologist assistants are performing these procedures and other related tasks.

The proposed new rule defines "direct supervision," "general supervision," "licensed radiologist," "radiologist assistant," and "personal supervision." Direct supervision requires a licensed radiologist to be on-site and immediately available to provide assistance and direction but does not require the licensed radiologist to be in the room when a procedure is performed. General supervision does not require a licensed radiologist's presence on-site when a procedure is performed. Personal supervision