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RULE ADOPTIONS

HUMAN SERVICES

DIVISION OF ADDICTION SERVICES

43 N.J.R. 52(a)

Readoption: N.J.A.C. 10:162

Intoxicated Driving Program

Proposed: August 2, 2010 at 42 N.J.R. 1672(a).

Adopted: December 6, 2010 by Jennifer Velez, Commissioner, Department of Human Services.

Filed: December 7, 2010 as R.2011 d.014, **without change**.

Authority: N.J.S.A. 26:2B-9.2 et seq., 39:4-50 et seq., especially 39:4-50(f) and Reorganization Plan 002-2004.

Effective Date: December 7, 2010.

Expiration Date: December 7, 2015.

Summary of Public Comments and Agency Responses:

The Division received written comments from two agencies: The Council on Compulsive Gambling of New Jersey, Inc. and the New Jersey Association of Mental Health and Addiction Agencies (NJAMHAA).

COMMENT: The Council on Compulsive Gambling of New Jersey, Inc., offered recommendations that would incorporate references to compulsive gambling and gambling problems as a treatable illness in the regulations, as well as including reference to compulsive gambling in the IDRC questionnaire, curriculum and treatment plan.

RESPONSE: The Division appreciates the commenter's comment. At this time, the Division intends to adopt the notice of proposal without change, so that the rules will not expire. Although the Division recognizes that regulatory

change is required, this requires extensive regulatory review and a process of stakeholder input and participation. The Division anticipates a collaborative process with all stakeholders, which could not be completed by the time the rules were scheduled to expire.

[page=53] COMMENT: NJAMHAA submitted comments regarding discrepancies in the regulations regarding best practice, licensure and clinical issues specifically found at N.J.A.C 10:162-4.2 and 6.1.

RESPONSE: The Division appreciates the commenter's observation. At this time, the Division intends to adopt the notice of proposal without change, so that the rules will not expire. Although the Division recognizes that regulatory change is required, this requires extensive regulatory review and a process of stakeholder input and participation. The Division anticipates a collaborative process with all stakeholders, which could not be completed by the time the rules were scheduled to expire.

Federal Standards Statement

The Intoxicated Driving Program, and Intoxicated Driver Resource Centers, under N.J.A.C. 10:162, are subject to, but do not exceed the requirements of 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records, authorized by 42 U.S.C. §§290dd3, and 290ee-3. These Federal regulations prohibit unauthorized disclosure or use of patient records unless permitted in certain circumstances by the regulations. No other Federal standards are applicable to the subject matter of the readopted rules and, therefore, a Federal standards analysis is not required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 10:162.