

Mental Health Services Administration (SAMHSA), approximately 7.9 million adults in the United States had co-occurring mental health and substance use disorders. A 2016 Healthcare Cost and Utilization Project report cites a study finding that approximately one in eight visits to emergency departments (EDs) in the United States involves mental and substance use disorders, and those ED visits are more than twice as likely to result in hospital admission compared with ED visits that do not involve mental and substance use disorders. As to New Jersey, the New Jersey Hospital Association reports that ED visits in New Jersey hospitals increased overall by more than 117,000 patients from 2014 to 2015, and nearly 54,000 of these new cases included a mental health or substance use disorder diagnosis.

There are various bed need methodologies ranging from 18 to 20 beds per 100,000 (according to the Technical Assistance Collaborative and Human Services Research Institute) to 40 to 60 beds per 100,000 (according to the Treatment Advocacy Center). Recognizing national trends, such as the increasing number of individuals diagnosed with co-occurring mental health and substance use disorders, the fact that nearly 750,000 New Jersey adults are receiving mental health treatment and more than 957,000 New Jersey adults are getting substance abuse treatment, and the fact that Governor Christie has supported legislation that would require health insurers to pay without prior authorization for up to six months of inpatient treatment, the Department has established a bed need of 40 adult psychiatric beds per 100,000 adults. Using that bed need methodology, the Department has determined that there is a need for additional adult acute care psychiatric beds in the following counties:

| Geographic Area to be Served | Total Adult (18+) Population (2011-2015 Avg) | Total Maintained Adult Psych Beds (B-2) | Estimated Psych Bed Need (40/100,000) | Additional Psych Beds Needed |
|------------------------------|--|---|---------------------------------------|------------------------------|
| Atlantic                     | 213,715                                      | 34                                      | 85                                    | 51                           |
| Bergen                       | 723,643                                      | 430                                     | 289                                   | 0                            |
| Burlington                   | 351,216                                      | 209                                     | 140                                   | 0                            |
| Camden                       | 391,716                                      | 187                                     | 157                                   | 0                            |
| Cape May                     | 78,532                                       | 0                                       | 31                                    | 31                           |
| Cumberland                   | 119,815                                      | 29                                      | 48                                    | 19                           |
| Essex                        | 599,480                                      | 360                                     | 240                                   | 0                            |
| Gloucester                   | 222,843                                      | 20                                      | 89                                    | 69                           |
| Hudson                       | 527,282                                      | 184                                     | 211                                   | 27                           |
| Hunterdon                    | 99,018                                       | 14                                      | 40                                    | 26                           |
| Mercer                       | 288,739                                      | 115                                     | 115                                   | 0                            |
| Middlesex                    | 645,433                                      | 72                                      | 258                                   | 186                          |
| Monmouth                     | 486,789                                      | 124                                     | 195                                   | 71                           |
| Morris                       | 385,381                                      | 55                                      | 154                                   | 99                           |
| Ocean                        | 446,360                                      | 100                                     | 179                                   | 79                           |
| Passaic                      | 383,366                                      | 24                                      | 153                                   | 129                          |
| Salem                        | 50,486                                       | 0                                       | 20                                    | 20                           |
| Somerset                     | 252,506                                      | 151                                     | 101                                   | 0                            |
| Sussex                       | 113,701                                      | 22                                      | 45                                    | 23                           |
| Union                        | 417,162                                      | 213                                     | 167                                   | 0                            |
| Warren                       | 83,915                                       | 0                                       | 34                                    | 34                           |
| <b>Totals</b>                | <b>6,881,098</b>                             | <b>2,343</b>                            | <b>2,751</b>                          | <b>864</b>                   |

An applicant may apply for some or all of the beds allocated to the applicant's county, as well as those beds allocated to counties that are

contiguous to the applicant's county. Each application must designate how many open beds and how many closed beds the applicant is seeking, and must demonstrate why the proposed allocation of beds is appropriate.

Certificate of need applications shall be filed in accordance with the Certificate of Need Application Process, N.J.A.C. 8:33, and shall be in compliance with all statutory provisions (N.J.S.A. 26:2H-1 et seq.) and all applicable planning and licensing rules (N.J.A.C. 8:43G-26). Applicants must demonstrate that, if approved, all beds can be licensed within two years of CN approval. In addition, applicants must acknowledge that, if approved, they will accept a certificate of need condition that requires them to provide up to five percent of annual patient days in each approved bed category to serve Medicaid recipients, and up to another five percent of annual patient days in each approved bed category to serve the uninsured.

Because adult inpatient acute care psychiatric services are only one component of the continuum of care required to effectively treat patients with mental health issues, the Department will give special consideration to proposals including one or more of the following:

- A regional approach to address the mental health and co-occurring substance use disorder needs of multiple counties or regions, including both inpatient and outpatient services;
- An approach that provides adult acute care and outpatient mental health and co-occurring substance use disorder services in one or more of the counties that currently have no adult acute care psychiatric beds (Cape May County, Salem County, or Warren County); and
- Innovative ways to provide treatment to patients who have mental health and co-occurring substance use disorders.

**It should be noted that any licensed acute care psychiatric bed can be used for patients who have mental health and co-occurring substance use disorders.**

In accordance with N.J.A.C. 8:33-1.2(d), certificate of need applications shall be reviewed for conformity with the rules in effect on the date the certificate of need application is deemed complete for processing.

**Geographic areas to be served:** Atlantic, Cape May, Cumberland, Gloucester, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Sussex, and Warren Counties.

**Date application is due:** May 1, 2017.

**Date completeness review decision is anticipated to be issued:** August 1, 2017.

**Date State Health Planning Board is anticipated to review the applications and submit recommendations to the Commissioner:** October 1, 2017.

Prospective applicants may obtain a certificate of need application for full review on the Department's website at [www.nj.gov/health/forms](http://www.nj.gov/health/forms) and shall submit the completed application using electronic media and 35 paper copies of the application to:

Certificate of Need and Healthcare Facility Licensure Program  
 New Jersey Department of Health  
 PO Box 358  
 Trenton, NJ 08625-0358  
 (609) 292-6552 or 292-7228

## LAW AND PUBLIC SAFETY

### (a)

#### DIVISION OF CONSUMER AFFAIRS

#### Notice of Action on Petition for Rulemaking State Board on Examiners of Electrical Contractors

#### N.J.A.C. 13:31-4.1

Petitioner: Darren Reaman, Director of Government Affairs,  
 CEDIA.

Authority: N.J.S.A. 45:1-15.1.

**Take notice** that on October 14, 2016, the State Board of Examiners of Electrical Contractors (Board) received a petition for rulemaking from Darren Reaman, Director of Government Affairs, on behalf of the Custom Electronic Design & Installation Association (CEDIA), requesting that the Board amend its rule governing the limited telecommunications wiring exemption. The petitioner proposed that the Board amend N.J.A.C. 13:31-4.1 to add a new exemption for the design, installation, integration, erection, repair, maintenance, or alteration of products that transport voice, video, audio, and data signals in residential premises.

CEDIA is the professional trade association of companies that specialize in designing and installing electronic systems for the home. These systems include home networking, home automation and communication systems, media rooms, and single or multi-room entertainment systems. CEDIA members include home technology professionals, manufacturers, industry-related professionals, professional services, and manufacturer representatives, and range from small, independent electronic systems contracting firms to large multi-national manufacturers.

According to the petitioner, its interest in the petition for rulemaking is to clarify a “confusing regulatory scheme” that is outpaced by 21st century technological developments and consumer demands. The petitioner notes that the limited telecommunications wiring exemption was created in 1993 with few or no substantial changes since. The petitioner believes that, in an industry as dynamic as technology, changes must be made to adapt with the times. The petitioner further believes that recent regulatory changes and pending legislation are an attempt to narrow the scope of the limited telecommunications wiring exemption.

The petitioner believes that the work of home technology professionals is not properly classified under existing New Jersey law. It states that its members are typically registered as home improvement contractors, but there is no specific license that embodies the work of home technology professionals. The petitioner further notes that its members work either through the “less than 10 volts” threshold set forth at N.J.S.A. 45:5A-18(j), or the limited telecommunications wiring exemption. The petitioner states that it supports licensing for home technology professionals when the license properly represents the specific skills for the work they complete.

The petitioner notes that, with the convergence of technology, applications and capabilities within the home have increased. The petitioner also states that the skills needed for home technology professionals have evolved and grown with the capabilities of residential electronic systems. In addition, the petitioner believes that having electronic systems work fall under the scope of an electrical contractors’ license, a burglar alarm business license, or any other existing professional license does not properly represent and support the residential electronic systems industry.

The petitioner states that New York, Connecticut, Pennsylvania, Massachusetts, New York City, and Philadelphia have licenses or exemptions that address the low-voltage electronic systems industry. The petitioner further notes that the wired infrastructure used in today’s modern residential technology systems is not in place to deliver electricity, but rather to deliver information and intelligence in the form of voice, data, audio, and video systems. The petitioner believes that these complex systems require well-trained and technologically astute home technology professionals, who understand not only the intricacies of installing these systems, but also how to integrate these systems, so they work in conjunction with each other through the ease of a single control device. The petitioner believes that residential electronic systems do not pose a hazard from a shock or fire initiation standpoint as defined in the National Electric Code.

The petitioner recommends amending N.J.A.C. 13:31-4.1 pursuant to the Board’s statutory authority at N.J.S.A. 45:5A-18, which sets forth exemptions from the requirements of the Electrical Contractors Licensing Act of 1962. The petitioner notes that this statute expressly authorizes the Board to “also exempt from the business permit provisions of this act such other electrical activities of like character which in the Board’s opinion warrant exclusion from the provisions of this act.” In addition, the petitioner cites N.J.S.A. 45:5A-6, which

expressly authorizes the Board to “adopt and amend all rules and regulations not inconsistent with the Constitution and laws of this State which may be reasonably necessary for the proper performance of its duties and the purposes of this act and for the conduct of the proceedings before it.”

In further support of its petition, the petitioner refers to the regulatory history of the limited telecommunications wiring exemption (see 24 N.J.R. 339(a); 25 N.J.R. 705(a)). Specifically, the petitioner notes that the Board, at the time of rule adoption, did not impose a voltage limit for the exemption. In addition, the petitioner notes that one commenter noted that, at the time of the statute’s enactment in 1992, the “interconnect” industry (as it was known in 1992) was virtually non-existent and that, without an exemption, smaller companies would be unable to compete with larger companies if the regulatory scheme required the subcontracting of telecommunications wiring work to electrical contractors. The petitioner believes that this comment is precisely why, nearly 25 years later, the telecommunications wiring exemption needs to be modernized. The petitioner further states that technology has far outpaced the regulations and that modernization of the rule is long overdue. The petitioner notes that the internet, along with wireless technology, has almost completely replaced telephone wiring in today’s residences, and that consumers have dozens of wireless devices using their home network, which have grown increasingly advanced and yet remain quite safe.

The petitioner believes that, given this growing marketplace, it is not a surprise that smaller businesses are concerned that the existing antiquated regulatory scheme works to their disadvantage. The petitioner also states that, if home technology professionals cannot work within the existing limited telecommunications wiring exemption and cannot work with products in excess of 10 volts, their well-established businesses are jeopardized by larger companies who can more easily afford the additional expenses. The petitioner believes that, such a result, would not only close hundreds of small businesses in New Jersey, but would also result in unnecessary expense to New Jersey consumers who seek to employ advanced technologies in their homes.

The petitioner states that: 1) home technology professionals are contractors who work on connected home technology to give customers a seamless experience; 2) home technology professionals design and install electronically enhanced living environments, such as home theaters, media rooms, and whole-house installations and the technology is a conduit for information and intelligence in the form of voice, video, audio, and data signals; 3) with the convergence of technology, the proposed amendment represents the current technologies that home technology professionals design, install, and integrate on residential projects on a daily basis; and 4) the work of home technology professionals is more akin to that of information technology professionals than electrical contractors. Based on the foregoing, the petitioner requests that the Board amend N.J.A.C. 13:31-4.1 by adding a new subsection (c) with the following text:

“For purposes of this subsection, this exemption applies to the design, installation, integration, erection, repair, maintenance, or alteration of products that transport voice, video, audio, and data signals in residential premises.”

On December 7, 2016, the Board referred this matter to its Rules and Regulations Committee for further deliberation to develop a better understanding of the implications this request would have for licensees, registrants, other professional licensees, and the welfare and safety of the general public. A notice acknowledging the Board’s action on December 7, 2016, was filed with the Office of Administrative Law and was published in the New Jersey Register on January 3, 2017, at 49 N.J.R. 147(d).

**Take further notice** that, on January 19, 2017, the Board and petitioner agreed to an extension until September 18, 2017, for the Board to further deliberate on the petition for rulemaking, consistent with the requirements of N.J.A.C. 1:30-4.2(b).

A copy of this notice has been mailed to the petitioner pursuant to N.J.A.C. 1:30-4.2.