

**INSURANCE**

**NEW JERSEY INDIVIDUAL HEALTH COVERAGE PROGRAM BOARD**

**Individual Health Coverage Program**

**Readoption with Amendments: N.J.A.C. 11:20-1, 2, 3, 8, 12, 17, 19, 20, 22, 23 and 24, and 11:20 Appendix Exhibits A through D, F, G, H, K and L**

**Adopted Repeals: N.J.A.C. 11:20-2.13, 8.4, 8.5, 8.8 and 8.9**

Proposed: January 18, 2011 at 43 N.J.R 131(a).

Adopted: May 12, 2011 by the New Jersey Individual Health Coverage Program Board,  
Ellen DeRosa, Executive Director.

Filed: May 12, 2011 as R. 2011 d. 163, **without change**.

Authority: N.J.S.A. 17B:27A-2 et seq. and P.L. 2008, c. 38.

Effective Date: May 12, 2011, Readoption;

June 6, 2011, Amendments and Repeals.

Expiration Date: May 12, 2018.

**Summary of Hearing Officer Recommendations and Agency Responses:**

The New Jersey Individual Health Coverage (IHC) Program Board held a hearing on Tuesday, March 8, 2011 at 9:00 A.M. at the Department of Banking and Insurance, 11th floor Conference Room, 20 West State Street, Trenton, New Jersey to receive testimony with respect to the proposed amendments to the Plan of Operation and standard health benefits plan and basic and essential healthcare services plan set forth in N.J.A.C. 11:20 as Appendix Exhibits A, B, C, D, F and G. Ellen DeRosa, Executive Director of the IHC Program Board, served as hearing officer. No testimony was provided during

the hearing. The hearing officer made no recommendations regarding the proposed amendments. The hearing record may be reviewed by contacting Ellen DeRosa, Executive Director, New Jersey Individual Health Benefits Coverage Board, P.O. Box 325, Trenton, NJ 08625-0325.

**Summary of Public Comment and Agency Response:**

**No comments were received.**

**Federal Standards Statement**

The rules readopted with amendments and repeals comply with the following Federal laws: the Federal Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191; Section 1862(b) of the Social Security Act (Medicare as Secondary Payor), 42 U.S.C. § 1395y(b) (1994) and implementing regulations at 45 CFR Part 411; the Public Health Service Act, 42 U.S.C. §§ 300gg et seq., (incorporating the Federal Health Insurance Portability and Accountability Act of 1996, Pub.L. 104-191; the Newborns' and Mother's Health Care Protection Act of 1998, Pub.L. 104-204, 110 Stat. 2935 (1996); and the Women's Health and Cancer Rights Act of 1998, Pub.L. 105-277, Title IX, § 903, 112 Stat.) and implementing regulations at 45 CFR Parts 145 and 146.

The rules do not expand upon the requirements set forth in the above Federal laws.

The rules readopted with amendments and repeals also comply with the Patient Protection and Affordable Care Act, Public Law 111-148 (PPACA). Although the IHC Board is not actively seeking to exceed the Federal requirements, the State standards may do so in one instance described below. The Federal PPACA requires that coverage for child dependents be extended up to age 26, based solely on the relationship of the child to

the policyholder. The standard plans cover an eligible child until age 26 as required by PPACA. It may be noted, however, that New Jersey recognizes civil union partnerships and domestic partnerships, and by law must treat civil union partners and domestic partners the same as married spouses for insurance purposes. Accordingly, the class of children who must be covered until age 26 – including children of a policyholder’s civil union partner or domestic partner – may be somewhat broader in New Jersey than may be required by the Federal law. The Federal law does not preempt more generous State laws in this instance. Thus, the eligibility provision in the individual health benefits plans is necessary to ensure compliance with both the State and Federal law.

There are no other Federal laws that apply to these rules.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 11:20-1 through 3, 8, 12, 17, 19, 20 and 22 through 24 and N.J.A.C. 11:20 Appendix Exhibits A, B, C, D, F, G, H, K and L.

**Full text** of the adopted amendments follows:

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