

**INSURANCE**

**NEW JERSEY SMALL EMPLOYER HEALTH BENEFITS PROGRAM BOARD**

**Small Employer Health Benefits Plans**

**Adopted Amendments: N.J.A.C. 11:21 Appendix Exhibits F, G, W and Y**

Proposed: November 28, 2023

Adopted: December 20, 2023, New Jersey Small Employer Health Benefits Program Board, Margaret Koller, Chairperson.

Authority: N.J.S.A. 17B:27A-17 to -56

Filed: \_\_\_\_\_, 2023 as R. 2023 d. \_\_\_\_\_ **with non-substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Effective Date: January 1, 2024

Operative Date: April 1, 2024

Expiration Date:

**Summary of Hearing Officer’s Recommendations and Agency Responses**

The New Jersey Small Employer Health Benefits Program Board (SEH Board) held a hearing on Wednesday, December 13, 2023, by Zoom, to receive testimony with respect to the health benefits plans set forth in N.J.A.C. 11:21 Appendix Exhibits F, G, W and Y. Ava Rimal, Regulatory Officer, served as the hearing officer.

The hearing officer made no recommendations regarding the proposed amendments. The hearing record may be reviewed by contacting the New Jersey Small Employer Health Benefits Program Board, P.O. Box 325, Trenton, NJ 08625-0325.

**Summary of Public Comments and Agency Responses**

The following is a summary of the comments received from members of the public and the

SEH Board's responses.

The SEH Board took testimony from one member of the public, Kaitlyn Wojtowicz of Planned Parenthood Action Fund of New Jersey. In addition, the Board received one written comment, also from Kaitlyn Wojtowicz of Planned Parenthood Action Fund of New Jersey, which was consistent with her oral testimony.

COMMENT: One commenter expressed strong support of the proposed amendments to the definition of "practitioners" in the standard plan documents as these changes are consistent with recent changes to New Jersey law that allow pharmacists to prescribe contraceptives.

RESPONSE: The Board appreciates the commenter's support.

### **Agency-Initiated Changes**

The SEH Board is making two non-substantive agency-initiated changes upon adoption to update the standard policy forms appearing at Appendix Exhibits G, W, and Y, to conform with amendments previously proposed and approved by the SEH Board. Specifically, the age limit provided in the Hearing Aid provision in Appendix Exhibits G, Y and W is being removed, consistent with 55 N.J.R. 196(a). In addition, the Contraceptives Provision in Appendix Exhibits W and Y are being amended to provide coverage for 12 months, consistent with 55 N.J.R. 196(a) and P.L. 2021, c. 376.

### **Federal Standards Statement**

State agencies that propose to adopt or amend State rules that exceed Federal standards regarding the same subject matter are required to include in the rulemaking document a Federal standards analysis. As discussed in the proposal, the proposed amendments comply with the May 24, 2023 CMS guidance regarding Benefit Coordination and Medicare Eligibility and 45 C.F.R.

155.430(b)(3), and do not exceed those Federal standards. Accordingly, a Federal standards analysis is not required.