

**PUBLIC NOTICE**

**HEALTH**

**HEALTH SYSTEMS BRANCH**

**DIVISION OF CERTIFICATE OF NEED AND LICENSING**

**OFFICE OF HEALTH CARE FINANCING**

**Notice of Administrative Correction**

**Hospital Financial Reporting**

**Hospital Licensing Standards: Patient Rights**

**Hospital Financial Transparency**

**N.J.A.C. 8:96-1.2**

**Take notice** that the Department of Health (Department) discovered an error in the text of N.J.A.C. 8:96-1.2. Effective February 5, 2018 (operative March 7, 2018), the Department adopted new rules at N.J.A.C. 8:96 (see 49 N.J.R. 1293(a); 50 N.J.R. 815(a)). As part of the notice of adoption, the Department did not adopt several portions of the proposed new chapter (but kept them pending future action), including, at N.J.A.C. 8:96-1.2, the definition of “health benefits plan” (all other definitions were adopted without change). The Department never adopted those portions of the notice of proposal that were “not adopted but still pending.” However, due to a publication error, the opposite occurred, the definition of “health benefits plan” was adopted and all other definitions were not included. This error was published in the New Jersey Administrative Code and has persisted since the March 5, 2018 Code Update. This

error is corrected through this notice of correction. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

**Full text** of the corrected rule follows (additions indicated in boldface **thus**; deletion indicated in brackets [thus]):

## SUBCHAPTER 1. GENERAL PROVISIONS

### 8:96-1.2 Definitions

(a) The following words and terms, as used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

["Health benefits plan" means a plan that pays or provides hospital and medical expense benefits for covered services, and is delivered or issued for delivery in this State by or through a carrier, but does not include the following plans, policies, or contracts: Medicaid, Medicare, Medicare Advantage, accident only, credit, disability, long-term care, TRICARE supplement coverage, coverage arising out of a workers' compensation or similar law, automobile medical payment insurance, personal injury protection insurance issued pursuant to P.L. 1972, c. 70 (N.J.S.A. 39:6A-1 et seq.), a dental plan as defined pursuant to section 1 of P.L. 2014, c. 70 (N.J.S.A. 26:2S-26), and hospital confinement indemnity coverage.]

**"American Institute of Certified Public Accountants" or "AICPA" means the entity by that name for which the contact information is AICPA, 220 Leigh Farm Road, Durham, NC 27707-8110, telephone (888) 777-7077, telefacsimile (800) 362-5066, website: <http://www.aicpa.org>.**

**“Audited,” as used to describe financial statements, or a statement of operations or income, means that an independent certified public accountant (ICPA) audited the subject document(s) using GAAS, and attested thereto as presented in accordance with GAAP.**

**“Department” means the New Jersey Department of Health, for which the contact information for submissions that this chapter requires is:**

**1. By regular mail:**

**Hospital Finance and Charity Care Program**

**New Jersey Department of Health**

**PO Box 360**

**Trenton, NJ 08625-0360**

**2. By overnight delivery service or hand delivery:**

**Hospital Finance and Charity Care Program**

**New Jersey Department of Health**

**225 East State Street, 2nd Floor, West Wing**

**Trenton, NJ 08608-1800**

**3. By electronic mail: [financial.reports@doh.nj.gov](mailto:financial.reports@doh.nj.gov)**

**“Electronic Data Gathering Analysis and Retrieval system” or “EDGAR system” means an online web-based platform that the United States Securities and Exchange Commission operates at <https://www.sec.gov/edgar.shtml>.**

**“Electronic Municipal Market Access system” or “EMMA® system” means an online web-based platform that the Municipal Securities Rulemaking Board operates at <http://emma.msrb.org>.**

**“Financial statements” means, collectively, the statements, schedules, and notes that GAAP requires for presentation of financial statements.**

**“Generally accepted accounting principles” or “GAAP” means the accounting principles that a reporting entity determines to be applicable, and that are generally accepted in the United States as authoritative by:**

- 1. The Financial Accounting Standards Board (FASB) with respect to nongovernmental entities, as articulated in the *Financial Accounting Standards Board Accounting Standards Codification*® (2009), as amended and supplemented, available at [www.fasb.org](http://www.fasb.org), and from the FASB at 401 Merritt 7, PO Box 5116, Norwalk, CT 06856-5116; or**
- 2. The Governmental Accounting Standards Board (GASB) with respect to State and local governmental entities, as articulated in the *GASB Codification of Governmental Accounting and Financial Reporting Standards* (2017), as amended and supplemented, available at [www.gasb.org](http://www.gasb.org), and from the GASB at 401 Merritt 7, PO Box 5116, Norwalk, CT 06856-5116.**

**“Generally accepted auditing standards” or “GAAS” means the auditing standards that are generally accepted in the United States as authoritative, as specified in the *AICPA Professional Standards* (2015), as amended and supplemented, available from the AICPA.**

**“Hospital” means a general hospital that the Department licenses pursuant to N.J.A.C. 8:43G.**

**“Reporting period” means the reporting period a hospital specifies pursuant to N.J.A.C. 8:31B-4.6.**

**“Statement of operations or income” means statement of operations or income, as GAAP defines and/or describes that term, also commonly referred to as statement of operations, income statement, statement of revenues and expenses, earnings statement, or profit and loss statement.**

**“System hospital” means a hospital that is part of a network or system of hospitals and/or other health care facilities that commonly is referred to as a health care system.**

**“Unaudited,” as used to describe financial statements, or a statement of operations or income, means that an ICPA neither audited the subject document(s) using GAAS, nor attested thereto as presented in accordance with GAAP.**