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Yes

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No

LAW/KR

P.L.2013, CHAPTER 189, *approved January 17, 2014*  
Assembly, No. 1273 (*First Reprint*)

1 AN ACT concerning the State Health Benefits Program <sup>1</sup>and joint  
2 insurance funds<sup>1</sup> and supplementing P.L.1961, c.49 (C.52:14-  
3 17.25 et seq.) <sup>1</sup>and P.L.1983, c.337 (C.40A:10-36 et seq.)<sup>1</sup>.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. The State Health Benefits Program shall provide at no cost  
9 to the requestor, and not more than once in a 24-month period,  
10 complete claims experience data to a public employer other than the  
11 State that participates in the State Health Benefits Program and  
12 makes a written request for its claims experience information,  
13 including loss reports and large claims data. The State Health  
14 Benefits Program shall provide the information in an electronic and  
15 manual format to the participating public employer who has made a  
16 written request for its information, within <sup>1</sup>**[30]** 60<sup>1</sup> days of the  
17 receipt of the written request made by the public employer.  
18 <sup>1</sup>Notwithstanding the above, the State Health Benefits Program  
19 shall issue claims experience data only in a manner that complies  
20 with the privacy requirements of the federal Health Insurance  
21 Portability and Accountability Act of 1996, Pub. L.104-191, and  
22 related regulations.<sup>1</sup>  
23

24 <sup>1</sup>2 A joint insurance fund established pursuant to P.L.1983,  
25 c.372 (C.40A:10-36 et seq.) and subsection e. of section 1 of  
26 P.L.1979, c.230 (C.40A:10-6) for the purposes of providing health  
27 benefits or health insurance coverage shall provide at no cost to the  
28 requestor, and not more than once in a 24-month period, complete  
29 claims experience data to a public employer that participates in the  
30 joint insurance fund and makes a written request for its claims  
31 experience information, including loss reports and large claims  
32 data. The joint insurance fund shall provide the information in an  
33 electronic and manual format to the participating public employer  
34 who has made a written request for its information, within 60 days  
35 of the receipt of the written request made by the public employer.  
36 Notwithstanding the above, the joint insurance fund shall issue

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly amendments adopted in accordance with Governor's recommendations September 9, 2013.

1 claims experience data only in a manner that complies with the  
2 privacy requirements of the federal Health Insurance Portability and  
3 Accountability Act of 1996, Pub. L.104-191, and related  
4 regulations.<sup>1</sup>

5

6 <sup>1</sup>~~[2.]~~ 3.<sup>1</sup> This act shall take effect immediately.

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11 Requires SHBP and joint insurance funds to provide certain  
12 information to participating public employers.

# ASSEMBLY, No. 1273

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**SYNOPSIS**

Requires SHBP to provide certain information to participating public employers.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the State Health Benefits Program and  
2 supplementing P.L.1961, c.49 (C.52:14-17.25 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. The State Health Benefits Program shall provide at no cost  
8 to the requestor, and not more than once in a 24-month period,  
9 complete claims experience data to a public employer other than the  
10 State that participates in the State Health Benefits Program and  
11 makes a written request for its claims experience information,  
12 including loss reports and large claims data. The State Health  
13 Benefits Program shall provide the information in an electronic and  
14 manual format to the participating public employer who has made a  
15 written request for its information, within 30 days of the receipt of  
16 the written request made by the public employer.

17

18 2. This act shall take effect immediately.

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#### STATEMENT

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23 This bill requires the State Health Benefits Program (SHBP) to  
24 provide at no cost, and not more than once in a 24-month period,  
25 complete claims experience data to a public employer other than the  
26 State that participates in the SHBP and makes a written request for  
27 its claims experience information including loss reports and large  
28 claims data. The bill requires the SHBP to provide the complete  
29 claims information in an electronic and manual format to the  
30 participating public employer who has made a request for its  
31 information within 30 days of receipt of the written request made by  
32 the public employer.

33

34 Under current law, provisions concerning the SHBP apply also to  
35 the School Employees Health Benefits Program (SEHBP).  
36 Therefore, this provision will apply to requests made by school  
districts participating in the SEHBP.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1273**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 27, 2012

The Assembly State Government Committee reports favorably Assembly Bill No. 1273.

This bill requires the State Health Benefits Program (SHBP) to provide at no cost, and not more than once in a 24-month period, complete claims experience data to a public employer other than the State that participates in the SHBP and makes a written request for its claims experience information including loss reports and large claims data. The bill requires the SHBP to provide the complete claims information in an electronic and manual format to the participating public employer within 30 days of receipt of a written request.

Under current law, provisions concerning the SHBP apply also to the School Employees Health Benefits Program (SEHBP). Therefore, provisions of this bill will apply to requests made by school districts participating in the SEHBP.

This bill was pre-filed for introduction in the 2012 session pending technical review. As reported, the bill includes the changes required by the technical review, which has been performed.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &  
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1273**

**STATE OF NEW JERSEY**

DATED: JUNE 6, 2013

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably Assembly Bill No. 1273.

This bill requires the State Health Benefits Program (SHBP) to provide at no cost, and not more than once in a 24-month period, complete claims experience data to a public employer other than the State that participates in the SHBP and makes a written request for its claims experience information including loss reports and large claims data. The bill requires the SHBP to provide the complete claims information in an electronic and manual format to the participating public employer within 30 days of receipt of a written request.

Under current law, provisions concerning the SHBP apply also to the School Employees Health Benefits Program (SEHBP). Therefore, provisions of this bill will apply to requests made by school districts participating in the SEHBP.



**ASSEMBLY BILL NO. 1273**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 1273 with my recommendations for reconsideration.

This bill requires that once in a 24-month period, the State Health Benefits Program ("SHBP") and the School Employees' Health Benefits Program ("SEHBP") shall provide, at no cost, claims experience data to a participating public employer within 30 days of receipt of a written request for the data.

My administration is committed to encouraging governmental entities to thoroughly consider the cost to taxpayers when determining what provider to engage when providing health benefits. Accordingly, I support the intent of this bill. However, this bill deals only the SHBP and SEHBP and does not address joint insurance funds where governmental units combine for the purpose of providing health benefits. Accordingly, in order to encourage all governmental units to consider all options, I am recommending that the bill be amended to also require that joint insurance funds provide claims experience data in the same manner as the SHBP and SEHBP.

Also, the federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and related privacy rules limit the disclosure of protected health information. Thus, I am recommending that the bill be amended to ensure that the claims data only be provided in a manner that complies with HIPAA and related regulations.

Therefore, I herewith return Assembly Bill No. 1273 and recommend that it be amended as follows:

- Page 2, Title, Line 1: After "Program" insert "and joint insurance funds,"
- Page 2, Title, Line 2: After "(C.52:14-17.25 et seq.)" insert "and P.L.1983, c.337 (C.40A:10-36 et seq.)"
- Page 2, Section 1, Line 15: Delete "30" and insert "60"
- Page 2, Section 1, Line 16: After "employer." Insert "Notwithstanding the above, the State Health Benefits Program shall issue claims experience data only in a manner that complies with the privacy requirements of the federal Health Insurance Portability and Accountability Act of 1996, Pub. L.104-191, and related regulations."
- Page 2, Line 17: Insert new section 2:  
 "2. A joint insurance fund established pursuant to P.L.1983, c.372 (C.40A:10-36 et seq.) and subsection e. of section 1 of P.L.1979, c.230 (C.40A:10-6) for the purposes of providing health benefits or health insurance coverage shall provide at no cost to the requestor, and not more than once in a 24-month period, complete claims experience data to a public employer that participates in the joint insurance fund and makes a written request for its claims experience information, including loss reports and large claims data. The joint insurance fund shall provide the information in an electronic and manual format to the participating public employer who has made a written request for its information, within 60 days of the receipt of the written request made by the public employer. Notwithstanding the above, the joint insurance fund shall issue claims experience data only in a manner that complies with the privacy requirements of the federal Health Insurance Portability and Accountability Act of 1996, Pub. L.104-191, and related regulations."

Page 2, Section 2, Line 18:

[seal]

Delete "2." and insert "3."

Respectfully,

/s/ Chris Christie

Governor

Attest:

/s/ Charles B. McKenna

Chief Counsel to the Governor

**SENATE, No. 2640**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

INTRODUCED MARCH 11, 2013

**Sponsored by:**  
**Senator JENNIFER BECK**  
**District 11 (Monmouth)**

**SYNOPSIS**

Requires SHBP to provide certain information to participating public employers.

**CURRENT VERSION OF TEXT**

As introduced.



**S2640 BECK**

2

1 **AN ACT** concerning the State Health Benefits Program and  
2 supplementing P.L.1961, c.49 (C.52:14-17.25 et seq.).

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18 2. This act shall take effect immediately.

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**STATEMENT**

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