

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/JA

Title 34.
Chapter 15.
Article 11.(New)
Electronic
Medical Bills
§§1-4 -
C.34:15-143 to
34:15-146
§5 - Note

P.L.2016, CHAPTER 64, *approved November 14, 2016*
Assembly Substitute (*First Reprint*) for Assembly, No.3401

1 AN ACT concerning electronic medical bills for workers'
2 compensation claims and supplementing Title 34 of the Revised
3 Statutes.

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

7
8 1. As used in this act:

9 “Complete electronic medical bill” means a medical bill that
10 meets all of the following criteria: (1) it is submitted in the correct
11 uniform billing format, with the correct uniform billing code sets,
12 transmitted in compliance with the guidelines; (2) the bill and
13 electronic attachments provide all information required pursuant to
14 this act; and (3) the health care provider ¹**[or its electronic billing**
15 **vendor]** , its billing representative, or any company that has
16 purchased the rights to pursue its bill¹ has provided all information
17 that the employer, employer’s insurance carrier, or workers’
18 compensation third party administrator requested.

19 ¹**[“Electronic billing vendor” means a company contracted by a**
20 **healthcare provider to perform day to day medical billing operations**
21 **including, but not limited to, transmitting electronic medical bills**
22 **and supporting documents.]**¹

23 “Electronic ¹**[claim] bill**¹” means a communication between
24 computerized data exchange systems that complies with the
25 guidelines enumerated ¹**[**; or a mutually agreed electronic data
26 exchange plan established between health care providers and
27 employers, insurers, or workers’ compensation third party
28 administrators]¹.

29 “Guidelines” means the format established by the
30 ¹Commissioner of Labor and Workforce Development in
31 consultation with the¹ Commissioner of Banking and Insurance

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:

¹ Senate SLA committee amendments adopted September 8, 2016.

1 pursuant to this act, which shall be based upon the International
2 Association of Industrial Accident Boards and Commissions
3 (IAIABC) Workers' Compensation Electronic Medical Billing Rule
4 and Companion Guide.

5
6 2. The ¹~~commissioner~~ Commissioner of Labor and
7 Workforce Development¹ shall adopt rules and regulations which:

8 a. ¹~~ensure~~ require¹ that all healthcare providers ¹~~or their~~
9 ~~electronic billing vendor~~ , their billing representative, or any
10 company that has purchased the rights to pursue their bill¹ submit
11 complete electronic medical bills for payment on standardized
12 electronic forms following the guidelines established pursuant to
13 this act;

14 b. require employers, workers' compensation insurance carriers
15 of employers, or workers' compensation third-party administrators
16 to comply with the guidelines and accept electronic ¹~~claims~~ bills¹
17 for the payment of medical services;

18 c. ensure confidentiality of medical information submitted on
19 electronic ¹~~claims~~ bills¹ for payment of medical services pursuant
20 to the "Workers' Compensation Medical Information Confidentiality
21 Act," ¹sections 5 through 9 of¹ P.L.2001, c.326 (C.34:15-128.1 et
22 seq.);

23 d. require that employers, workers' compensation insurance
24 carriers of employers, or workers' compensation third party
25 administrators acknowledge receipt of a complete electronic
26 medical bill to the party that sent the complete electronic medical
27 bill in compliance with the guidelines;

28 e. provide that payment for a complete electronic medical bill
29 deemed by the employer, workers' compensation insurance carrier,
30 or the workers' compensation third-party administrator to be
31 compensable shall be paid within 60 days or less ¹~~],~~ and that
32 exclusive jurisdiction for all overdue payments shall be vested in
33 the division, pursuant to R.S.34:15-15¹; and

34 f. ensure that employers, ¹workers' compensation¹ insurance
35 carriers¹~~], or workers' compensation~~ for the employer, and their¹
36 third party administrators may exchange electronic data and
37 establish payment deadlines ¹through PPO or IPA contracts or
38 agreements¹ with health care providers or their ¹~~electronic~~¹
39 billing ¹~~vendor~~ representatives¹ in a non-prescribed format or
40 timeline, independent of the guidelines¹~~],~~ through mutual
41 agreement¹.

42
43 ¹~~3.~~ Failure to comply with this act shall result in a per day
44 interest charge on a compensable complete electronic medical bill
45 assessed against the employer, workers' compensation insurance

1 carrier for the employer, or workers' compensation third party
2 administrator, depending on fault, at a rate established by the
3 Department of Banking and Insurance.】¹

4
5 ¹【4. Sections 1 and 2 of this act shall take effect immediately.
6 Section 3 of this act shall take effect on the first day of the sixth
7 month following the adoption of rules by the Department of Labor
8 and Workforce Development, in consultation with the Department
9 of Banking and Insurance, that are necessary to implement this act.
10 Nothing in this act shall prevent insurance carriers or their third-
11 party administrators from earlier adoption of electronic bills
12 transmission.】¹

13
14 ¹3. Exclusive jurisdiction for failure to comply with this act
15 shall be vested in the division pursuant to R.S.34:15-15.¹

16
17 ¹4. This act shall not apply to any provider that:

18 a. submits less than 25 medical bills per month to employers,
19 workers' compensation insurance carriers, or the workers'
20 compensation third-party administrators;

21 b. furnishes services only outside of the United States;

22 c. experiences a disruption in electricity and communication
23 connections that are beyond its control; or

24 d. demonstrates that a specific and unusual circumstance exists
25 that precludes submission of electronic bills. The Commissioner of
26 Labor and Workforce Development may enumerate or provide
27 examples of unusual circumstances that may preclude electronic
28 submission.¹

29
30 ¹5. This act shall take effect immediately, except that
31 employers, workers' compensation insurance carriers, or their third-
32 party administrators, and health care providers or their billing
33 representatives shall not be required to transmit or accept electronic
34 bills before the first day of the eighteenth month following the
35 adoption of rules by the Department of Labor and Workforce
36 Development in consultation with the Department of Banking and
37 Insurance that are necessary to implement this act. Nothing in this
38 act shall preclude employers, workers' compensation insurance
39 carriers, or their third-party administrators from accepting
40 electronic bill transmissions prior to that date.¹

41
42
43
44
45 Concerns electronic medical bills for workers' compensation
46 claims.

ASSEMBLY, No. 3401

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MARCH 3, 2016

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Co-Sponsored by:

Assemblyman Diegnan

SYNOPSIS

Concerns electronic submission of workers' compensation claims.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/17/2016)

1 AN ACT concerning electronic submission of workers'
2 compensation claims and supplementing Title 34 of the Revised
3 Statutes.

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

- 7
8 1. The commissioner shall adopt rules and regulations which:
9 a. ensure that all health care providers submit medical bills for
10 payment on standardized forms;
11 b. require employers, workers' compensation insurance carriers
12 of employers, and third-party administrators to accept electronic
13 claims for the payment of medical services;
14 c. ensure confidentiality of medical information submitted on
15 electronic claims for payment of medical services pursuant to the
16 "Workers' Compensation Medical Information Confidentiality Act,"
17 P.L.2001, c.326 (C.34:15-128.1 et seq.); and
18 d. provide that payment for medical services provided or
19 prescribed by the health care provider shall be made by the
20 employer, workers' compensation insurance carrier, or third-party
21 administrator to the health care provider within 15 working days
22 after electronic receipt of an itemized electronic billing. If the
23 billing is contested, denied, or incomplete, payment shall be made
24 of any uncontested amounts within 15 working days after electronic
25 receipt of the billing. Exclusive jurisdiction for any contested
26 medical charge arising from any claim for compensation for a work-
27 related injury or illness shall be vested in the division, pursuant to
28 R.S.34:15-15.

- 29
30 2. This act shall take effect on the first day of the third month
31 next following the date of enactment.

32
33
34 STATEMENT

35
36 This bill concerns the electronic submission of workers'
37 compensation claims. Specifically, the bill requires the
38 Commissioner of Labor and Workforce Development to adopt rules
39 and regulations which:

- 40 (1) ensure that all health care providers submit medical bills for
41 payment on standardized forms;
42 (2) require employers, workers' compensation insurance carriers
43 of employers, and third-party administrators to accept electronic
44 claims for the payment of medical services;
45 (3) ensure confidentiality of medical information submitted on
46 electronic claims for payment of medical services pursuant to the
47 "Workers' Compensation Medical Information Confidentiality Act,"
48 P.L.2001, c.326 (C.34:15-128.1 et seq.); and

1 (4) provide that payment for medical services provided or
2 prescribed by the health care provider shall be made by the
3 employer, workers' compensation insurance carrier, or third-party
4 administrator to the health care provider within 15 working days
5 after electronic receipt of an itemized electronic billing. If the
6 billing is contested, denied, or incomplete, payment shall be made
7 of any uncontested amounts within 15 working days after electronic
8 receipt of the billing. Exclusive jurisdiction for any contested
9 medical charge arising from any claim for compensation for a work-
10 related injury or illness shall be vested in the division, pursuant to
11 R.S.34:15-15.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3401

STATE OF NEW JERSEY

DATED: APRIL 4, 2016

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3401.

This bill concerns the electronic submission of workers' compensation claims. Specifically, the bill requires the Commissioner of Labor and Workforce Development to adopt rules and regulations which:

(1) ensure that all health care providers submit medical bills for payment on standardized forms;

(2) require employers, workers' compensation insurance carriers of employers, and third-party administrators to accept electronic claims for the payment of medical services;

(3) ensure confidentiality of medical information submitted on electronic claims for payment of medical services pursuant to the "Workers' Compensation Medical Information Confidentiality Act," P.L.2001, c.326 (C.34:15-128.1 et seq.); and

(4) provide that payment for medical services provided or prescribed by the health care provider shall be made by the employer, workers' compensation insurance carrier, or third-party administrator to the health care provider within 15 working days after electronic receipt of an itemized electronic billing. If the billing is contested, denied, or incomplete, the bill requires that payment be made of any uncontested amounts within 15 working days after electronic receipt of the billing. The bill vests exclusive jurisdiction for any contested medical charge arising from any claim for compensation for a work-related injury or illness in the Division of Workers' Compensation, Department of Labor and Workforce Development, pursuant to R.S.34:15-15.

FISCAL IMPACT:

This bill has not been certified as requiring a fiscal note.

SENATE LABOR COMMITTEE

STATEMENT TO

ASSEMBLY SUBSTITUTE FOR **ASSEMBLY, No. 3401**

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 8, 2016

The Senate Labor Committee reports favorably, and with committee amendments, for Assembly Bill, No. 3401 AS.

As amended by the committee, this bill concerns the electronic submission of workers' compensation bills. Specifically, the bill requires the Commissioner of Labor and Workforce Development to adopt rules and regulations, in consultation with the Department of Banking and Insurance, which:

(1) ensure that all healthcare providers, their billing representatives, or any company that purchases rights to pursue their bills, submit complete electronic medical bills for payment on standardized forms following guidelines established by the Commissioner of Labor and Workforce Development in consultation with the Commissioner of Banking and Insurance;

(2) require employers, workers' compensation insurance carriers and third-party administrators to comply with the guidelines and accept electronic bills for the payment of medical services;

(3) ensure confidentiality of medical information submitted on electronic bills pursuant to the "Workers' Compensation Medical Information Confidentiality Act," sections 5 through 9 of P.L.2001, c.326 (C.34:15-128.1 et seq.);

(4) require that employers, workers' compensation insurance carriers and third-party administrators acknowledge receipt of a complete electronic medical bill to the party that sent the bill;

(5) provide that payment of a medical bill deemed to be compensable by the employer, insurance carrier, or third-party administrator shall be paid within 60 days or less, and that exclusive jurisdiction for all overdue payments be vested in the Division of Workers' Compensation; and

(6) ensure that employers, workers' compensation insurance carriers and third party administrators may exchange electronic data and establish payment deadlines through PPO or IPA contracts with health care providers or their billing representatives in a non-prescribed format or timeline, independent of the guidelines.

Under the bill, “complete electronic medical bill” means a medical bill meeting all of the following criteria: (1) it is submitted in the correct uniform billing format in compliance with the guidelines; (2) the bill and electronic attachments provide all required information; and (3) the health care provider, its billing representative, or any company that has purchased rights to pursue its bills, has provided all information that the employer, employer’s insurance carrier, or workers’ compensation third party administrator requested.

“Guidelines” means the format established by the Commissioner of Labor and Workforce Development, in consultation with the Commissioner of Banking and Insurance, based upon the International Association of Industrial Accident Boards and Commissions (IAIABC) Workers’ Compensation Electronic Medical Billing Rule and Companion Guide.

The bill does not apply to any medical provider who submits less than 25 workers’ compensation-related medical bills per month, furnishes services only outside of the United States, experiences a disruption in electricity and communication connections beyond its control; or demonstrates that an unusual circumstance exists that precludes submission of claims electronically.

COMMITTEE AMENDMENTS:

The committee adopted amendments which:

1. Clarify the parties that are subject to the requirements of the bill.
2. Make the Commissioner of Labor and Workforce Development, in consultation with the Commissioner of Banking and Insurance, responsible for establishing the format for the electronic filings required by the bill.
3. Eliminate the provision of the bill that per day interest be charged for noncompliance with the bill.
4. Exempt from the requirements of the bill any medical provider who submits less than 25 workers’ compensation-related medical bills per month, furnishes services only outside of the United States, experiences a disruption in electricity and communication connections beyond its control; or demonstrates that an unusual circumstance exists that precludes submission of claims electronically.
5. Delay the time when the bill’s electronic filing requirements must be met to 18 months after regulations are adopted.

With the proposed committee amendments, the bill will be identical to the Senate Committee Substitute for S2136.

SENATE, No. 2136

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED MAY 2, 2016

Sponsored by:

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Concerns electronic submission of workers' compensation claims.

CURRENT VERSION OF TEXT

As introduced.



S2136 OROHO

2

1 AN ACT concerning electronic submission of workers'
2 compensation claims and supplementing Title 34 of the Revised
3 Statutes.

4

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

7

8 1. The commissioner shall adopt rules and regulations which:
9 a. ensure that all health care providers submit medical bills for
10 payment on standardized forms;

11 b. require employers, workers' compensation insurance carriers
12 of employers, and third-party administrators to accept electronic
13 claims for the payment of medical services;

14 c. ensure confidentiality of medical information submitted on
15 electronic claims for payment of medical services pursuant to the
16 "Workers' Compensation Medical Information Confidentiality Act,"
17 P.L.2001, c.326 (C.34:15-128.1 et seq.); and

18 d. provide that payment for medical services provided or
19 prescribed by the health care provider shall be made by the
20 employer, workers' compensation insurance carrier, or third-party
21 administrator to the health care provider within 15 working days
22 after electronic receipt of an itemized electronic billing. If the
23 billing is contested, denied, or incomplete, payment shall be made
24 of any uncontested amounts within 15 working days after electronic
25 receipt of the billing. Exclusive jurisdiction for any contested
26 medical charge arising from any claim for compensation for a work-
27 related injury or illness shall be vested in the division, pursuant to
28 R.S.34:15-15.

29

30 2. This act shall take effect on the first day of the third month
31 next following the date of enactment.

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33

34

STATEMENT

35

36 This bill concerns the electronic submission of workers'
37 compensation claims. Specifically, the bill requires the
38 Commissioner of Labor and Workforce Development to adopt rules
39 and regulations which:

40 (1) ensure that all health care providers submit medical bills for
41 payment on standardized forms;

42 (2) require employers, workers' compensation insurance carriers
43 of employers, and third-party administrators to accept electronic
44 claims for the payment of medical services;

45 (3) ensure confidentiality of medical information submitted on
46 electronic claims for payment of medical services pursuant to the
47 "Workers' Compensation Medical Information Confidentiality Act,"
48 P.L.2001, c.326 (C.34:15-128.1 et seq.); and

S2136 OROHO

1 (4) provide that payment for medical services provided or
2 prescribed by the health care provider shall be made by the
3 employer, workers' compensation insurance carrier, or third-party
4 administrator to the health care provider within 15 working days
5 after electronic receipt of an itemized electronic billing. If the
6 billing is contested, denied, or incomplete, payment shall be made
7 of any uncontested amounts within 15 working days after electronic
8 receipt of the billing. Exclusive jurisdiction for any contested
9 medical charge arising from any claim for compensation for a work-
10 related injury or illness shall be vested in the division, pursuant to
11 R.S.34:15-15.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 2136

STATE OF NEW JERSEY

DATED: SEPTEMBER 8, 2016

The Senate Labor Committee reports favorably a Senate Committee Substitute for Senate Bill, No. 2136.

This committee substitute concerns the electronic submission of workers' compensation bills. Specifically, the bill requires the Commissioner of Labor and Workforce Development to adopt rules and regulations, in consultation with the Department of Banking and Insurance, which:

(1) ensure that all healthcare providers, their billing representatives, or any company that purchases rights to pursue their bills, submit complete electronic medical bills for payment on standardized forms following guidelines established by the Commissioner of Labor and Workforce Development in consultation with the Commissioner of Banking and Insurance;

(2) require employers, workers' compensation insurance carriers and third-party administrators to comply with the guidelines and accept electronic bills for the payment of medical services;

(3) ensure confidentiality of medical information submitted on electronic bills pursuant to the "Workers' Compensation Medical Information Confidentiality Act," sections 5 through 9 of P.L.2001, c.326 (C.34:15-128.1 et seq.);

(4) require that employers, workers' compensation insurance carriers and third-party administrators acknowledge receipt of a complete electronic medical bill to the party that sent the bill;

(5) provide that payment of a medical bill deemed to be compensable by the employer, insurance carrier, or third-party administrator shall be paid within 60 days or less, and that exclusive jurisdiction for all overdue payments be vested in the Division of Workers' Compensation; and

(6) ensure that employers, workers' compensation insurance carriers and third party administrators may exchange electronic data and establish payment deadlines through PPO or IPA contracts with health care providers or their billing representatives in a non-prescribed format or timeline, independent of the guidelines.

Under the bill, "complete electronic medical bill" means a medical bill meeting all of the following criteria: (1) it is submitted in the correct uniform billing format in compliance with the guidelines; (2)

the bill and electronic attachments provide all required information; and (3) the health care provider, its billing representative, or any company that has purchased rights to pursue its bills, has provided all information that the employer, employer's insurance carrier, or workers' compensation third party administrator requested.

"Guidelines" means the format established by the Commissioner of Labor and Workforce Development, in consultation with the Commissioner of Banking and Insurance, based upon the International Association of Industrial Accident Boards and Commissions (IAIABC) Workers' Compensation Electronic Medical Billing Rule and Companion Guide.

The bill does not apply to any medical provider who submits less than 25 workers' compensation-related medical bills per month, furnishes services only outside of the United States, experiences a disruption in electricity and communication connections beyond its control; or demonstrates that an unusual circumstance exists that precludes submission of claims electronically.

As reported by the committee, this substitute is identical to the Assembly Substitute for Assembly Bill No. 3401 with committee amendments, as reported by the committee.

Governor Chris Christie Takes Action On Pending Legislation

Monday, November 14, 2016 Tags: [Bill Action](#)

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Trenton, NJ – Governor Chris Christie announced that he has taken action on the following legislation:

BILL SIGNINGS:

SCS for S-1967, 1749/A-3707 (Cardinale, Scutari, Gordon/Eustace, Mukherji, Holley) - Authorizes current and retired administrative law judges to solemnize marriages and civil unions

S-2004/A-3606 (Beach, Madden/Eustace, DeAngelo, Webber, Mukherji, Downey, Space) - Requires DOLWD to permit veterans and other groups to apply for UI benefits online

A-766/S-1386 (Andrzejczak, Mazzeo, Lampitt, Wimberly, Pintor Marin, Downey/Gill, Greenstein) - Allows certain National Guard and United States Reserve members to temporarily defer mortgage loan payments and property tax payments

AS for A-3401/SCS for S-2136 (Greenwald, Downey, Phoebus, Space/Oroho, Sarlo)- Concerns electronic medical bills for workers' compensation claims

BILL VETOED

S-2160/A-3819 (Vitale, Sweeney/Quijano, DeAngelo, Giblin, Benson, Zwicker, Danielsens, Houghtaling, Sumter) – **CONDITIONAL** - Concerns unemployment compensation and labor disputes

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