52: 14-17.25

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("New Jersey State Health Benefits Program Act'')

LAWS OF: 1972

CHAPTER: 75

Bill No:

\$989

Sponsor(s):

Schluter

Date Introduced: May 4, 1972

Committee: Assembly: State Government

Senate:

A mended during passage:

Νo

Date of Passage: Assembly:

June 15, 1972

Senate:

May 18, 1972

Date of Approval: June 27, 1972

Following statements are attached if available:

Sponsor statement:

Yes

Committee Statement: Assembly: No

Νo Senate:

Fiscal Note:

Νo

Veto Message:

Νo

Message on signing:

Yes

Following were printed:

Reports:

Νo

Hearings:

Nο

KBG/SLJ

SENATE, No. 989

STATE OF NEW JERSEY

INTRODUCED MAY 4, 1972

By Senators SCHLUTER, BATEMAN, MERLINO, CRABIEL, CAFIERO, PARKER, MARAZITI and DUMONT

(Without Reference)

- An Act to amend the short title of the "Public and School Employees' Health Benefits Act," approved June 3, 1961 (P. L. 1961, c. 49), as said short title was amended by P. L. 1964, c. 125, so that the same shall read the "New Jersey State Health Benefits Program Act," and revising said act and P. L. 1964, c. 125.
- 1 Be it enacted by the Senate and General Assembly of the State
- 2 of New Jersey:
- 1 1. Section 1 of P. L. 1961, c. 49 (C. 52:14-17.25) is amended to
- 2 read as follows:
- 3 1. This act shall be known and may be cited as the f"Public and
- 4 School Employees' Health Benefits Act." "New Jersey State
- 5 Health Benefits Program Act."
- 2. Section 2 of P. L. 1961, c. 49 (C. 52:14-17.26) is amended to
- 2 read as follows:
- 3 2. As used in this act
- 4 (a) The term "State" means the State of New Jersey.
- 5 (b) The term "commission" means the State Health Benefits
- 6 Commission, created by section 3 of this act.
- (c) The term "employee" means an appointive or elective officer
- 8 or full-time employee of the State of New Jersey. For the purposes
- 9 of this act an employee of Rutgers, The State University of New
- 10 Jersey, shall be deemed to be an employee of the State. For the
- 11 purposes of this act the term "employee" shall not include persons
- 12 employed on a short-term, seasonal, intermittent or emergency
- 13 basis, persons compensated on a fee basis, persons having less than
- 14 2 months of continuous service or persons whose compensation from
- 15 the State is limited to reimbursement of necessary expenses actually
- 16 incurred in the discharge of their official duties. An employee paid
- on a 10-month basis, pursuant to an annual contract, will be deemed

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

to have satisfied the 2-month waiting period if he begins employment at the beginning of the contract year. The term "employee"
shall also not include persons, active or retired, who are otherwise
eligible for benefits under this act but who, although they meet
the age eligibility requirement of the Federal medicare program,
are not covered by the complete Federal program. A determination
by the commission that a person is an eligible employee within the
meaning of this act shall be final and shall be binding on all parties.

- (d) The term "dependents" means an employee's spouse and 26the employee's unmarried children under the age of 23 years who 27 28live with the employee in a regular parent-child relationship. 29"Children" shall include stepchildren, legally adopted children and 30 foster children provided they are reported for coverage and are 31 wholly dependent upon the employee for support and maintenance. 32 A spouse or child enlisting or inducted into military service shall 33 not be considered a dependent during such military service. The 34term "dependents" shall not include spouses of persons, active 35 or retired, who are otherwise eligible for the benefits under this 36 act but who, although they meet the age eligibility requirement 37 of the Federal medicare program, are not covered by the complete 38 Federal program.
- (e) The term "carrier" means a voluntary association, corporation or other organization which is lawfully engaged in providing or paying for or reimbursing the cost of, personal health services, including hospitalization, medical and surgical services, under insurance policies or contracts, membership or subscription contracts, or the like, in consideration of premiums or other periodic charges payable to the carrier.
- (f) The term "hospital" means (1) an institution operated **4**6 47 pursuant to law which is primarily engaged in providing on its own premises, for compensation from its patients, medical diagnostic 48 and major surgical facilities for the care and treatment of sick and 49 injured persons on an inpatient basis, and which provides such 50 facilities under the supervision of a staff of physicians and with 24 51 52hour a day nursing service by registered graduate nurses, or (2) an institution not meeting all of the requirements of (1) but which 53 54is accredited as a hospital by the Joint Commission on Accreditation of Hospitals. In no event shall the term "hospital" include 55 a convalescent nursing home or any institution or part thereof 56 which is used principally as a convalescent facility, residential 5758center for the treatment and education of children with mental dis-59 orders, rest facility, nursing facility or facility for the aged or for 60the care of drug addicts or alcoholics.

- 3. Section 3 of P. L. 1961, c. 49 (C. 52:14-17.27) is amended to 2 read as follows:
- 3. There is hereby created a State Health Benefits Commission,
- 4 consisting of the State Treasurer, the Commissioner of Insurance,
- 5 and the President of the Civil Service Commission. The treasurer
- 6 shall be chairman of the commission and the health benefits program
- 7 authorized by this act shall be administered in the Treasury Depart-
- 8 ment. The Director of the Division of Pensions shall be the secre-
- 9 tary of the commission. The commission shall establish a health
- 10 benefits program for the employees of the State, the cost of which
- 11 shall be paid as specified in section 6 of this act. The commission
- 12 shall establish rules and regulations as may be deemed reasonable
- 13 and necessary for the administration of this act.
- 14 The Attorney General shall be the legal advisor of the com-
- 15 mission.
- 16 The commission shall publish annually a report showing the fiscal
- 17 transactions of the program for the preceding year and stating
- 18 other facts pertaining to the plan. The commission shall submit the
- 19 report to the Governor and furnish a copy to every employer for
- 20 use of the participants and the public.
 - 4. Section 5 of P. L. 1961, c. 49 (C. 52:14-17.29) is amended to
 - 2 read as follows:
 - 3 5. (A) The contract or contracts purchased by the commission
 - 4 pursuant to section 4 shall provide separate coverages or policies
 - 5 as follows:

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- (1) Basic benefits which shall include
 - (a) Hospital benefits, including outpatient,
- (b) Surgical benefits,
- (c) Inpatient medical benfits, [and]
- 10 (d) Obstetrical benefits, in the case of family contracts. and
- 11 (e) Post-hospital services rendered by an extended care
- facility or by a home health agency and for specified medical
- 13 care visits by a physician during an eligible period of such
- 14 post-hospital services, to the extent and subject to the condi-
- 15 tions and limitations agreed to by the commission and the
- 16 carrier or carriers.
- 17 Basic benefits shall be substantially equivalent to those available
- 18 on a group remittance basis to employees of the State and their
- 19 dependents under the subscription contracts of the New Jersey
- 20 "Blue Cross" and "Blue Shield" Plans. Such basic benefits shall
- 21 include benefits for
- 22 (i) Additional days of inpatient medical service;
- 23 (ii) Surgery elsewhere than in a hospital;

- 24 (iii) X-ray, radioactive isotope therapy and pathology services;
 - (iv) Physical therapy services:

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(v) Radium or radon therapy services:

and the extended basic benefits shall be subject to the same conditions and limitations, applicable to such benefits, as are set forth in "Extended Outpatient Hospital Benefits Rider," Form 1500, 171 (9-66), and in "Extended Benefit Rider" (as amended), Form 182 MS 7050J (9-66) issued by the New Jersey "Blue Cross" and 183 "Blue Shield" Plans, respectively, and as the same may be 183 amended or superseded, subject to filing by the Commissioner of 183 Insurance; and

34 (2) Major medical expense benefits which shall provide benefit 35 payments for reasonable and necessary eligible medical expenses 36 for hospitalization, surgery, medical treatment and other related 37 services and supplies to the extent they are not covered by basic 38 benefits. The commission may, by regulation, determine what 39 types of services and supplies shall be included as "eligible medical **4**0 services" under the major medical expense benefits coverage as 41 well as those which shall be excluded from or limited under such 42coverage. Benefit payments for major medical expense benefits 43 shall be equal to a percentage of the reasonable charges for eligible 44 medical services incurred by a covered employee or an employee's covered dependent, during a calendar year as exceed a deductible 45for such calendar year of \$100.00 subject to the maximums herein-46 47 after provided and to the other terms and conditions authorized by 48 this act. The percentage shall be 80% of the first \$2,000.00 of 49 charges , except that it shall be 50% in the case of charges for 50 eligible medical services [for the treatment of mental or nervous 51 disorders in the outpatient department of a hospital or on an out-of-52 hospital basis incurred subsequent to satisfaction of the deductible 53 and 100% thereafter. There shall be a separate deductible for each 54calendar year for (a) each enrolled employee and (b) all enrolled 55 dependents of such employee. Not more than \$25,000.00 shall be paid for major medical expense benefits with respect to any one 5657 person for any 1 calendar year and not more than \$100,000.00 shall be paid for such benefits with respect to any one person for 5859 the entire period of such person's coverage under the plan, whether 60continuous or interrupted except that these maximums may be re-61 applied to a covered person in amounts not to exceed \$2,000.00 a 62year. Maximums of \$10,000.00 per calendar year and \$20,000.00 63 for the entire period of the person's coverage under the plan shall apply to eligible expenses incurred because of mental illness or

functional nervous disorders, and such may be reapplied to a cov-65ered person. For retired employees, the maximum lifetime benefit 66 67 for each person shall be the unused balance of the lifetime maxi-68 mum remaining while in active service or \$20,000.00, whichever is less, with a minimum benefit of \$5,000.00. Under the conditions 69agreed upon by the commission and the carriers as set forth in the 70 contract, the deductible for a calendar year may be satisfied in 71 whole or in part by eligible charges incurred during the last 3 7273 months of the prior calendar year.

Any service determined by regulation of the commission to be an "eligible medical service" under the major medical expense benefits coverage which is performed by a duly licensed practicing psychologist within the lawful scope of his practice shall be recognized for reimbursement under the same conditions as would apply were such service performed by a physician.

- (B) Benefits under the contract or contracts purchased as authorized by this act may be subject to such limitations, exclusions, or wating periods as the commission finds to be necessary or desirable to avoid inequity, unnecessary utilization, duplication of services or benefits otherwise available, including coverage afforded under the laws of the United States, such as the Federal medicare program, or for other reasons.
- (C) The rates charged for any contract purchased under the 87 88 authority of this act shall reasonably and equitably reflect the cost of the benefits provided based on principles which in the judgment 89 of the commission are actuarially sound. The rates charged shall 90 be determined by the carrier on accepted group rating principles 91 with due regard to the experience, both past and contemplated, 9293 under the contract. The commission shall have the right to particularize subgroups for experience purposes and rates. No in-94 crease in rates shall be retroactive. 95
- 96 (D) The initial term of any contract purchased by the commission under the authority of this act shall be for such period to which 98 the commission and the carrier may agree, but permission may 99 be made for automatic renewal in the absence of notice of termi-100 nation by the State. Subsequent terms for which any contract may 101 be renewed as herein provided shall each be limited to a period 102 not to exceed 1 year.
- 103 (E) The contract shall contain a provision that if basic benefits 104 of an employee or of an eligible dependent under the contract, 105 after having been in effect for at least 1 month, is terminated, 106 other than by voluntary cancellation of enrollment, there shall be 107 a 31-day period following the effective date of termination during

108 which such employee or dependent may exercise the option to con109 vert, without evidence of good health, to left-group conversion
110 coverage issued by the carrier on a direct payment basis. Such
111 conversion coverage shall include benefits of the type classified as
112 "basic benefits" in subsection (A) hereof. The provision shall
113 further stipulate that the employee or dependent exercising the
114 option to convert shall pay the full periodic charges for the left115 group coverage which shall be subject to such terms and conditions
116 as are normally prescribed by the carrier for this type of coverage.
1 5. Section 6 of P. L. 1961, c. 49 (C. 52:14-17.30) is amended to
2 read as follows:

3 6. (A) For each active covered State employee and for his eligi-4 ble dependents as the employee may have enrolled at his option the State, from funds appropriated therefor, shall pay the pre-5 6 mium or periodic charges for the benefits provided under the con-7 tract in amounts equal to the premium or periodic charges for the 8 benefits provided under such a contract covering the employee 9 Talone plus the amounts equal to any increase in the premiums or periodic charges for dependent coverage effective on or after 10 11 August 1, 1970] and his enrolled dependents and shall reimburse 12 the active employee for his premium charges under Part B of the 13 Federal medicare program covering the employee and the em-14 ployee's spouse.

15 (B) An employee may, on an optional basis, enroll his depen-16 dents for coverage under the contract subject to such regulations 17 and conditions as the commission and the carrier may prescribe. 18 The amount of the total premium or periodic charge for such 19 contract in excess of the amount paid by the State under subsection 20 (A) of this section shall be the sole responsibility of the employee 21who, at the time of such enrollment, shall authorize the State to 22withhold the amount of such excess, on an advance basis, from 23his wages or salary. There is hereby created a health benefits fund 24 Tronsisting of all such withholdings from wages or salaries of 25employees]. [All such withholdings shall be remitted to such 26fund.] Said fund shall be used to pay [the portions of] the pre-27 miums or periodic charges for which the [employee] State is re-28sponsible under this act. [Whenever any dividend or retrospective 29 rate credit is declared or allowed by a carrier under a contract, 30 the commission shall determine, in an equitable manner, the amount 31 thereof attributable to the dependents coverage and shall credit said fund with such amount.]

6. Section 7 of P. L. 1961, c. 49 (C. 52:14-17.31) is amended to 2 read as follows:

7. The coverage provided solely for employees shall, subject to the provisions below, automatically become effective for all eligible $\bar{\mathbf{5}}$ employees from the first day on or after the effective date of the program on which they satisfy the definition of "employee" con-tained in this act. The commission shall establish such rules and regulations governing the enrollment and effective dates of cover-age of dependents of employees as it deems are necessary or desirable. Such rules and regulations shall not defer the insurance with respect to any qualified dependent an employee has on the date the employee's employer becomes a participating employer, provided the employee was, immediately prior to said date, insured with respect to such dependent under a group major medical in-surance plan of such employer which was in effect immediately prior to said date. Under the rules and regulations established by the commission, each employee shall be given the opportunity to enroll for coverage for his dependents as of the earliest date he becomes eligible for such enrollment. An employee may elect to enroll his dependents for both basic coverage and major medical expense coverage but may not enroll for either coverage alone.

If, on the date coverage for an employee would become effective, he is not actively at work on full time at his customary place of employment or other location to which his employment requires him to travel, he shall not be covered until he is so actively at work, except such employee shall be covered, if on the date the employee's employer becomes a participating employer, said employee was, immediately prior to said date, insured under a group major medical insurance plan of such employer which was in effect immediately prior to said date.

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In the event that the group major medical plan which covered an employee or his dependents immediately prior to the date the employee's employer becomes a participating employer provides, after termination of coverage thereunder, any continuation of benefits for medical expenses for hospitalization, surgery, medical treatment or any related service or supply, or would so provide in the absence of coverage pursuant to this act, no coverage shall be afforded pursuant to this act for any such expenses (i) which are covered, or in his act, in whole or in part, by such prior insurance plan or (ii) which may be used in satisfaction of any deductible requirement under such prior insurance plan to establish entitlement to such continuation of benefits.

Each employee shall furnish the Division of Pensions, in such form as is prescribed, such information as is necessary on account of his own coverage and as necessary to enroll his dependents.

Any employee not desiring coverage at the time he first becomes eligible, shall give the division with the notice of that fact in such form as the division may prescribe. Such employee may not enroll thereafter except at such times and under such conditions as the

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68 69 commission may prescribe.

52If an employee of an employer other than the State eligible for **5**3 coverage has a spouse who is also an employee of an employer other than the State eligible for coverage, the spouse may elect 54[to forego] single coverage as an employee and to enroll [for 55 both basic benefits and the major medical expense benefits] as a 56 dependent, in which event no coverage shall be provided for such 57 spouse as an employee while covered as a dependent. The employee 58of an employer other than the State, who has enrolled such spouse, 59and who is required to pay the full cost of dependent coverage, may 60 receive a refund from the State Division of Pensions equivalent in 61 amount to the employer's cost for an employee's coverage. When 62both husband and wife are covered as employees, only one may 63enroll for their children as dependents. 64

A similar refund shall be authorized pursuant to such rules and regulations as the commission deems necessary or desirable in the case of an employee of an employer other than the State who is paying the full cost of dependent coverage for a spouse who is un employee of the State and eligible for coverage.

7. Section 8 of P. L. 1961, c. 49 (C. 52:14-17.32) is amended to 2 read as follows:

3 8. The basic coverage and the major medical coverage of any 4 employee, and of his dependents, if any, shall cease upon the discontinuance of his term of office or employment or upon cessation of $\mathbf{5}$ 6 active full-time employment subject to such regulations as may 7 be prescribed by the commission for limited continuance of basic coverage and major medical coverage during disability, part-time employment, leave of absence or lay off, and for continuance of 9 10 basic coverage and major medical coverage after retirement, any such continuance after retirement to be provided at such rates and 11 under such conditions as shall be prescribed by the commission. 1213 subject, however, to the requirements hereinafter set forth in this section. The commission may also establish regulations prescribing 14 15an extension of coverage when an employee or dependent is totally disabled at termination of coverage.

17 Rates payable by retired employees for themselves and their 18 dependents, by active employees for dependents covered by medicare benefits, and by the State or other employer for an active 19 20 employee alone covered by medicare benefits, shall be determined on the basis of utilization experienced according to classifications 2122determined by the commission, provided, however, that the total 23rate payable by such retired employee for himself and his dependents, or by such active employee for his dependents and the 24State or other employer for such active employee alone, for 2526 coverage hereunder and for Part B of medicare, shall not exceed 27by more than 25%, as determined by the commission, the total amount which would have been required to have been paid by him 28 and by the State or other employer for the coverage maintained 29 had he continued in office or active employment and he and his 30 31 dependents were not eligible for medicare benefits. "Medicare" as used in this act means the coverage provided under Title XVIII 32 of the Social Security Act as amended in 1965, or its successor plan 33 34 or plans.

From funds appropriated therefor, the State shall pay the 35premium or periodic charges for the benefits provided to a retired 36 State employee and his dependents covered under the program, 37 but not including survivors, if such employee retired from a State-38 administered retirement system effective on or after July 1, 1972. 39 on a benefit based on 25 years or more of service credited in such 40 retirement system, excepting the employee who elected deferred 41 retirement, but including the employee who retired on a disability 42 pension based on fewer years of service credited in such retirement **4**3 system and shall also reimburse such retired employee for his 44 premium charges under Part B of the Federal medicare program 45 covering the retired employee and the employee's spouse. 46

- 8. Section 3 of P. L. 1964, c. 125 (C. 52:14-17.34) is amended to 1 read as follows: $\mathbf{2}$
- 3. In order that the New Jersey State [Employees'] Health 3 Benefits Program Act may be extended to include other public and 4 school employees, participation by counties, municipalities, school 5 districts, public agencies or organizations as defined in section 71 6 of P. L. 1954, c. 84, including the New Jersey Turnpike Authority, 7 the New Jersey Highway Authority, Tthe Palisades Interstate Park 8 Commission, the Interstate Sanitation Commission, the Delaware \mathfrak{S} River Basin Commission, New Jersey Housing Finance Agency, 10 New Jersey Educational Facilities Authority, Hackensack Meadow-11 lands Development Commission and the Delaware River Joint

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- 13 Toll Bridge Commission, Compensation Rating and Inspection
- 14 Bureau, hereinafter defined as employers, is hereby authorized.
- 9. Section 4 of P. L. 1964, c. 125 (C. 52:14-17.35) is amended to
- 2 read as follows:
- 3 4. As used in this act and in the act to which this act is a supple-
- 4 ment:
- 5 (a) The term "employer" means a county, municipality, school
- 6 district, public agency or organization as defined in section 71 of
- 7 P. L. 1954, c. 84, including the New Jersey Turnpike
- 8 Authority, the New Jersey Highway Authority, Tthe Palisades
- 9 Interstate Park Commission, the Interstate Sanitation Commis-
- 10 sion, the Delaware River Basin Commission, New Jersey Housing
- 11 Finance Agency, New Jersey Educational Facilities Authority,
- 12 Hackensack Meadowlands Development Commission and the
- 13 [Delaware River Joint Toll Bridge Commission] Compensation
- 14 Rating and Inspection Bureau.
- 15 (b) The term "State Treasury" means the State agency respon-
- 16 sible for the administration of the Public and School Employees'
- 17 New Jersey State Health Benefits Program Act which is to be
- 18 located in the Division of Pensions in the Department of the
- 19 Treasury.
- 1 10. Section 8 of P. L. 1964, c. 125 (C. 52:14-17.39) is amended to
- 2 read as follows:
- 3 8. The rates charged for any contract purchased under the
- 4 authority of the Public and School Employees' New Jersey State
- 5 Health Benefits Program Act shall be established in accordance
- 6 with the provisions of subsection (C) of section 5 of P. L. 1961, c. 49;
- 7 provided, however, that the commission may, in its discretion,
- 8 prescribe that the rates for employee coverage and for dependents
- 9 coverage be determined separately for State employees and em-
- 10 ployees of participating employers.
- 1 11. This act shall take effect immediately, or as otherwise pro-
- 2 vided for in this act, except that section 5 of this act shall take
- 3 effect on the first of a biweekly or monthly pay period on or after
- 4 January 1, 1973.

STATEMENT

This legislation would amend the act governing the State Health Benefits Program altering the benefit schedules and making some administrative changes.

In the benefit area, the coverage provided under the major medical expense coverage is liberalized to delimit any employee's cost under that program, and likewise eliminates any differentiation in treatment of the percentage of reimbursement as between expenses related to mental illnesses and all other covered expenses. Coverage for service rendered by extended care facilities and home health agencies would be covered for the first time.

Administrative changes include the addition of the definition of hospital and provision for refunds among local government employees as contained in the regulations of the commission, provision for an annual report for the information of the participants and the public, and a change in the name of the plan to avoid a popular misunderstanding.

Finally, this legislation would implement the Governor's recommendations to (1) have the State effective January 1, 1973 assume 100% of the cost of the coverage provided by State employees for their eligible enrolled dependents and (2) have the State also pay the cost of the health insurance and medicare premiums for State employees and their dependents for all who retire on or after July 1, 1972 after establishing 25 years or more of service in a State retirement program, except those who elect deferred retirement but including those who retire on a disability pension on the basis of fewer years of service.

CHAPTER LAWS OF N. J. 19______

FROM THE OFFICE OF THE GOVERNOR

JUNE 27, 1972

FOR RELEASE: IMMEDIATE

Governor William T. Cahill today signed two pieces of legislation providing approximately \$10 million in annual benefits for state employees.

The Governor signed Senate bill 371, which was introduced by

Senator Barry T. Parker (R., Burlington). The bill grants three days administrative

leave of absence to employees in the classified service of the state including

employees of Rutgers University, Newark College of Engineering, New Jersey

College of Medicine and Dentistry and the New Jersey state colleges. This time

will be in addition to vacation and sick leave and can be used for personal

business and religious observances.

The Governor also signed Senate bill 989, introduced by Senator William Schluter (R., Mercer). It provides for the state to pay 100% of the cost of health insurance coverage for dependents of state employees beginning January 1, 1973. In addition, the state will pay the cost of health insurance benefits, including premium charges, under Part B of the federal Medicare plan for state employees who retire on and after July 1, 1972 after having completed 25 or more years of service. Major medical expense coverage will also be increased to 80% of the first \$2,000 expenses incurred and 100% of any expenses in excess of \$2,000. A deductible amount of \$100 must first be paid by the employee.

"These benefits will help insure needed health insurance coverage for state employees and their dependents and retired state employees," Governor Cahill said. He added, "The provision for administrative leave will permit state employees to attend to personal business and religious observances without using their vacation and sick leave."