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§§1-4 -
C.34:11A-16
to 34:11A-19
§5 - C.17B:30-40
§6 - Note to §§1-5

P.L. 2003, CHAPTER 27, *approved March 10, 2003*
Assembly, No. 1616 (*Second Reprint*)

1 **AN ACT** ¹[requiring notification by an employer to its employees
2 when the employer terminates its health benefits plan] concerning
3 notification by employers and insurers with regard to health benefits
4 plans and supplementing Title 34 of the Revised Statutes and Title
5 17B of the New Jersey Statutes¹.

6

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

9

10 1. The Legislature finds and declares that:

11 a. Many employers in this State offer health benefits coverage to
12 their employees under a health benefits plan as an incentive to attract
13 and retain qualified employees.

14 b. Health benefits coverage is very important to employees and
15 their families and the availability of such coverage through an
16 employer can be the determining factor as to whether an individual
17 accepts employment with a particular employer.

18 c. ¹[Federal census data indicates that approximately five million
19 New Jersey citizens, which includes employees and their dependents,
20 obtained health benefits coverage through an employer sponsored
21 health benefits plan in 1998] According to data tabulated by the Urban
22 Institute based on the 1999 National Survey of America's Families,
23 approximately 5.5 million New Jersey residents, which includes
24 employees and their dependents, were covered by an employer-
25 sponsored health benefits plan in 1999¹.

26 d. In certain instances, an employer may make a business decision
27 not to continue an employee health benefits plan, due to rising health
28 care costs and other economic factors, and may not always notify the
29 employees beforehand of its decision.

30 e. It is a disservice to the working people of this State not to
31 require that an employer provide prior notification to its employees
32 when the employee health benefits plan will be terminated, for
33 whatever reason.

34

35 2. An employer ¹[who] that¹ provides a health benefits plan ²as
36 defined in section 2 of P.L.1997, c.192 (C.26:2S-2)² to its employees

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHH committee amendments adopted May 9, 2002.

² Assembly floor amendments adopted June 13, 2002.

1 in this State shall provide, in writing, ²[60] 30² days' prior notice to
2 those employees before the health benefits plan is terminated¹; except
3 that, in the case of an employer that changes a health benefits plan, the
4 employer shall immediately notify its employees in writing of the
5 change upon receipt by the employer of notification from the health
6 insurer that its employees will be covered by the new plan¹.

7
8 3. a. The Commissioner of Labor shall enforce and administer the
9 provisions of ¹sections 1 through 4 of¹ this act^{1,1} and the
10 commissioner or his authorized representatives are empowered to
11 investigate violations of ¹[this act] those provisions¹.

12 b. When the commissioner finds that an employer has violated this
13 act by failing to provide the notice required pursuant to section 2 of
14 this act, the commissioner is authorized to assess and collect
15 administrative penalties specified in a schedule of penalties to be
16 promulgated by the commissioner by regulation. The penalty amount
17 shall be based on the number of employees covered under the health
18 benefits plan and shall not exceed \$200 an employee.

19 c. No administrative penalty shall be levied pursuant to this section
20 unless the commissioner provides the alleged violator with notification
21 of the violation and of the amount of the penalty by certified mail and
22 an opportunity to request a hearing before the commissioner or his
23 designee within 15 days following the receipt of the notice. If a
24 hearing is requested, the commissioner shall issue a final order upon
25 that hearing and a finding that a violation has occurred. If no hearing
26 is requested, the notice shall become a final order upon expiration of
27 the 15-day period. Payment of the penalty is due when a final order
28 is issued or when the notice becomes a final order.

29 d. Any penalty imposed pursuant to this section may be recovered
30 with costs in a summary proceeding commenced by the commissioner
31 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
32 (C.2A:58-10 et seq.).

33
34 4. The ¹[commissioner] Commissioner of Labor¹ shall promulgate
35 regulations pursuant to the "Administrative Procedure Act," P.L.1968,
36 c.410 (C.52:14B-1 et seq.), necessary to effectuate the provisions of
37 ¹sections 1 through 4 of¹ this act.

38
39 5. a. ¹["Carrier"] As used in this section ²[,"carrier"]¹:

40 "Carrier"² means any entity subject to the insurance laws and
41 regulations of this State, or subject to the jurisdiction of the
42 Commissioner of Banking and Insurance, that contracts or offers to
43 contract to provide, deliver, arrange for, pay for, or reimburse any of
44 the costs of health care services, including an insurance company
45 authorized to issue health insurance, a health maintenance
46 organization, a hospital service corporation, medical service

1 corporation and health service corporation, or any other entity
2 providing a plan of health insurance, health benefits or health services.
3 The term "carrier" shall not include a joint insurance fund established
4 pursuant to State law.

5 ² "Health benefits plan" means a health benefits plan as defined in
6 section 2 of P.L.1997, c.192 (C.26:2S-2).²

7 b. For the renewal of a health benefits plan for which the premium
8 rate will increase, a carrier shall provide, in writing, ²[90 days' prior
9 notice ¹[of]¹ that ¹there will be an¹ increase for the renewal of the
10 plan¹, and 45] ⁶⁰2 days' prior notice of the amount of the increase.¹
11 to the employer ¹[who] that¹ purchased that plan.

12 c. ²[The provisions of this section shall not apply to a health
13 benefits plan that is experience rated or that is subject to the
14 provisions of P.L.1992, c.161 (C.17B:27A-2 et seq.).

15 d.] The provisions of this section shall not be construed to diminish
16 the right of a carrier to negotiate with an employer that purchased a
17 health benefits plan over the amount of any proposed increase in the
18 premium rate for the renewal of that plan.

19 d.² The Commissioner of Banking and Insurance shall promulgate
20 regulations^{1,1} pursuant to the "Administrative Procedure Act,"
21 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
22 provisions of this section.

23
24 6. This act shall take effect on the 60th day after enactment¹[;
25 provided, however, that prior to the effective date of this act the
26 commissioner may take those actions and promulgate those regulations
27 necessary to implement the provisions of this] , but the Commissioners
28 of Labor and Banking and Insurance may take such anticipatory
29 administrative action in advance as shall be necessary for the
30 implementation of the¹ act.

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34

35 Requires employer prior notification to employees if health benefits
36 coverage is terminated and insurer prior notification to employer of
37 premium increase.

ASSEMBLY, No. 1616

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Assemblywoman LORETTA WEINBERG

District 37 (Bergen)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

Assemblywoman Vandervalk

SYNOPSIS

Requires employer notification to employees if health benefits coverage is terminated.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/7/2002)

1 AN ACT requiring notification by an employer to its employees when
2 the employer terminates its health benefits plan.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. The Legislature finds and declares that:

8 a. Many employers in this State offer health benefits coverage to
9 their employees under a health benefits plan as an incentive to attract
10 and retain qualified employees.

11 b. Health benefits coverage is very important to employees and
12 their families and the availability of such coverage through an
13 employer can be the determining factor as to whether an individual
14 accepts employment with a particular employer.

15 c. Federal census data indicates that approximately five million
16 New Jersey citizens, which includes employees and their dependents,
17 obtained health benefits coverage through an employer sponsored
18 health benefits plan in 1998.

19 d. In certain instances, an employer may make a business decision
20 not to continue an employee health benefits plan, due to rising health
21 care costs and other economic factors, and may not always notify the
22 employees beforehand of its decision.

23 e. It is a disservice to the working people of this State not to
24 require that an employer provide prior notification to its employees
25 when the employee health benefits plan will be terminated, for
26 whatever reason.

27
28 2. An employer who provides a health benefits plan to its
29 employees in this State shall provide, in writing, 60 days' prior notice
30 to those employees before the health benefits plan is terminated.

31
32 3. a. The Commissioner of Labor shall enforce and administer the
33 provisions of this act and the commissioner or his authorized
34 representatives are empowered to investigate violations of this act.

35 b. When the commissioner finds that an employer has violated this
36 act by failing to provide the notice required pursuant to section 2 of
37 this act, the commissioner is authorized to assess and collect
38 administrative penalties specified in a schedule of penalties to be
39 promulgated by the commissioner by regulation. The penalty amount
40 shall be based on the number of employees covered under the health
41 benefits plan and shall not exceed \$200 an employee.

42 c. No administrative penalty shall be levied pursuant to this section
43 unless the commissioner provides the alleged violator with notification
44 of the violation and of the amount of the penalty by certified mail and
45 an opportunity to request a hearing before the commissioner or his
46 designee within 15 days following the receipt of the notice. If a

1 hearing is requested, the commissioner shall issue a final order upon
2 that hearing and a finding that a violation has occurred. If no hearing
3 is requested, the notice shall become a final order upon expiration of
4 the 15-day period. Payment of the penalty is due when a final order
5 is issued or when the notice becomes a final order.

6 d. Any penalty imposed pursuant to this section may be recovered
7 with costs in a summary proceeding commenced by the commissioner
8 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
9 (C.2A:58-10 et seq.).

10

11 4. The commissioner shall promulgate regulations pursuant to the
12 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
13 seq.), necessary to effectuate the provisions of this act.

14

15 5. a. "Carrier" means any entity subject to the insurance laws and
16 regulations of this State, or subject to the jurisdiction of the
17 Commissioner of Banking and Insurance, that contracts or offers to
18 contract to provide, deliver, arrange for, pay for, or reimburse any of
19 the costs of health care services, including an insurance company
20 authorized to issue health insurance, a health maintenance
21 organization, a hospital service corporation, medical service
22 corporation and health service corporation, or any other entity
23 providing a plan of health insurance, health benefits or health services.
24 The term "carrier" shall not include a joint insurance fund established
25 pursuant to State law.

26 b. For the renewal of a health benefits plan for which the premium
27 rate will increase, a carrier shall provide, in writing, 90 days' prior
28 notice of that increase for the renewal of the plan to the employer who
29 purchased that plan.

30 c. The provisions of this section shall not apply to a health benefits
31 plan that is experience rated or that is subject to the provisions of
32 P.L.1992, c.161 (C.17B:27A-2 et seq.).

33 d. The Commissioner of Banking and Insurance shall promulgate
34 regulations pursuant to the "Administrative Procedure Act," P.L.1968,
35 c.410 (C.52:14B-1 et seq.), necessary to effectuate the provisions of
36 this section.

37

38 6. This act shall take effect on the 60th day after enactment;
39 provided, however, that prior to the effective date of this act the
40 commissioner may take those actions and promulgate those regulations
41 necessary to implement the provisions of this act.

STATEMENT

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This bill requires an employer who provides a health benefits plan to its employees or their dependents to provide 60 days' prior written notice to its employees if the plan is terminated. If a health insurer increases premium rates upon the renewal of a health benefits plan, the bill requires the insurer to give 90 days prior written notice to the employer who purchases the plan.

Many employers offer health benefits coverage to employees under health benefits plans as an incentive to attract and retain qualified employees. Health benefits coverage is very important to employees and their families and the availability of such coverage through an employer can be the determining factor as to whether an individual accepts employment with a particular employer. Moreover, federal census data indicates that approximately five million New Jersey citizens, including employees and their dependents, obtained health benefits coverage through an employer-sponsored health benefits plan in 1998. In some cases, however, employers may find it necessary to make business decisions not to continue an employee health benefits plan, due to plan costs and other economic factors.

This bill authorizes the Commissioner of Labor to enforce the notice requirements of the bill and investigate violations. If the commissioner finds that an employer has failed to provide the required 60-day notice, he may assess and collect administrative penalties in an amount based on the number of employees covered under the health benefits plan, but not more than \$200 per employee.

The bill permits the levying of administrative penalties only if the commissioner provides the alleged violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing within 15 days after receipt of the notice. If a hearing is requested, the commissioner is to issue a final order upon that hearing and a finding that a violation has occurred. If no hearing is requested, the notice becomes a final order upon expiration of the 15-day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order, and the commissioner may recover the penalty with costs.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1616

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 9, 2002

The Assembly Health and Human Services Committee reports favorably and with committee amendments Assembly Bill No. 1616.

As amended by the committee, this bill provides that an employer shall give prior written notification to employees if their employer-sponsored health benefits coverage is terminated, and an insurer shall give prior notification to an employer of any premium increase upon the renewal of a health benefits plan.

Specifically, the bill requires that:

- C An employer that provides a health benefits plan to its employees or their dependents must provide 60 days' prior written notice to its employees if the plan is terminated; except that, in the case of an employer that changes a health benefits plan, the employer is to immediately notify its employees in writing of the change upon receipt by the employer of notification from the health insurer that its employees will be covered by the new plan; and
- C If a health insurer increases premium rates upon the renewal of a health benefits plan, the health insurer must give 90 days' prior written notice that there will be an increase, and 45 days' prior written notice of the amount of the increase, to the employer that purchases the plan.

The bill authorizes the Commissioner of Labor to enforce the notice requirements of the bill and investigate violations. The commissioner, upon finding that an employer has failed to provide the required 60-day notice, may assess and collect administrative penalties in an amount based on the number of employees covered under the health benefits plan, but not more than \$200 per employee.

The bill permits the levying of administrative penalties only if the commissioner provides the alleged violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing within 15 days after receipt of the notice. If a hearing is requested, the commissioner is to issue a final order upon that hearing and a finding that a violation has occurred. If no hearing is requested, the notice becomes a final order upon expiration of the 15-day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order, and

the commissioner may recover the penalty with costs.

This bill was prefiled for introduction in the 2002-2003 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

(1) require an employer that changes a health benefits plan to immediately notify its employees in writing of the change upon receipt by the employer of notification from the health insurer that its employees will be covered by the new plan (rather than providing 60 days' prior written notice);

(2) require a health insurer that increases premium rates upon the renewal of a health benefits plan to provide 90 days' prior written notice that there will be an increase, and 45 days' prior written notice of the amount of the increase, to the employer that purchases the plan;

(3) update data in section 1 of the bill regarding the number of New Jerseyans with employer-sponsored health benefits coverage; and

(4) make several technical changes required in the title, body and synopsis of the bill.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 1616

with Assembly Floor Amendments
(Proposed By Assemblywoman WEINBERG)

ADOPTED: JUNE 13, 2002

These amendments:

- C require an employer that provides a health benefits plan to its employees or their dependents to provide 30 days' prior written notice to its employees if the plan is terminated, rather than 60 days' prior written notice as the bill currently provides;
- C require a health insurer that increases premium rates upon the renewal of a health benefits plan to provide 60 days' prior written notice of the amount of a proposed increase to the employer that purchased the plan, rather than 45 days' prior written notice as the bill currently provides;
- C delete the requirement that a carrier provide 90 days' prior written notice to an employer that there will be an increase in the premium rate for the renewal of the employer's health benefits plan without specifying the amount;
- C delete the language that would exempt an experience-rated health benefits plan or an individual health benefits plan, issued pursuant to N.J.S.A.17B:27A-2 et seq., from the provisions of this bill;
- C stipulate that the provisions of this bill are not to be construed to diminish the right of a carrier to negotiate with an employer that purchased a health benefits plan over the amount of any proposed increase in the premium rate for the renewal of that plan; and
- C include a definition of "health benefits plan" in the bill that is identical to that in the "Health Care Quality Act" (N.J.S.A.26:2S-1 et seq.).

SENATE, No. 931

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED FEBRUARY 11, 2002

Sponsored by:
Senator JOSEPH CONIGLIO
District 38 (Bergen)

SYNOPSIS

Requires employer notification to employees if health benefits coverage is terminated.

CURRENT VERSION OF TEXT

As introduced.



S931 CONIGLIO

1 AN ACT requiring notification by an employer to its employees when
2 the employer terminates its health benefits plan.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. The Legislature finds and declares that:

8 a. Many employers in this State offer health benefits coverage to
9 their employees under a health benefits plan as an incentive to attract
10 and retain qualified employees.

11 b. Health benefits coverage is very important to employees and
12 their families and the availability of such coverage through an
13 employer can be the determining factor as to whether an individual
14 accepts employment with a particular employer.

15 c. Federal census data indicates that approximately five million
16 New Jersey citizens, which includes employees and their dependents,
17 obtained health benefits coverage through an employer sponsored
18 health benefits plan in 1998.

19 d. In certain instances, an employer may make a business decision
20 not to continue an employee health benefits plan, due to rising health
21 care costs and other economic factors, and may not always notify the
22 employees beforehand of its decision.

23 e. It is a disservice to the working people of this State not to
24 require that an employer provide prior notification to its employees
25 when the employee health benefits plan will be terminated, for
26 whatever reason.

27
28 2. An employer who provides a health benefits plan to its
29 employees in this State shall provide, in writing, 60 days' prior notice
30 to those employees before the health benefits plan is terminated.

31
32 3. a. The Commissioner of Labor shall enforce and administer the
33 provisions of this act and the commissioner or his authorized
34 representatives are empowered to investigate violations of this act.

35 b. When the commissioner finds that an employer has violated this
36 act by failing to provide the notice required pursuant to section 2 of
37 this act, the commissioner is authorized to assess and collect
38 administrative penalties specified in a schedule of penalties to be
39 promulgated by the commissioner by regulation. The penalty amount
40 shall be based on the number of employees covered under the health
41 benefits plan and shall not exceed \$200 an employee.

42 c. No administrative penalty shall be levied pursuant to this section
43 unless the commissioner provides the alleged violator with notification
44 of the violation and of the amount of the penalty by certified mail and
45 an opportunity to request a hearing before the commissioner or his
46 designee within 15 days following the receipt of the notice. If a

1 hearing is requested, the commissioner shall issue a final order upon
2 that hearing and a finding that a violation has occurred. If no hearing
3 is requested, the notice shall become a final order upon expiration of
4 the 15-day period. Payment of the penalty is due when a final order
5 is issued or when the notice becomes a final order.

6 d. Any penalty imposed pursuant to this section may be recovered
7 with costs in a summary proceeding commenced by the commissioner
8 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
9 (C.2A:58-10 et seq.).

10

11 4. The commissioner shall promulgate regulations pursuant to the
12 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
13 seq.), necessary to effectuate the provisions of this act.

14

15 5. a. "Carrier" means any entity subject to the insurance laws and
16 regulations of this State, or subject to the jurisdiction of the
17 Commissioner of Banking and Insurance, that contracts or offers to
18 contract to provide, deliver, arrange for, pay for, or reimburse any of
19 the costs of health care services, including an insurance company
20 authorized to issue health insurance, a health maintenance
21 organization, a hospital service corporation, medical service
22 corporation and health service corporation, or any other entity
23 providing a plan of health insurance, health benefits or health services.
24 The term "carrier" shall not include a joint insurance fund established
25 pursuant to State law.

26 b. For the renewal of a health benefits plan for which the premium
27 rate will increase, a carrier shall provide, in writing, 90 days' prior
28 notice of that increase for the renewal of the plan to the employer who
29 purchased that plan.

30 c. The provisions of this section shall not apply to a health benefits
31 plan that is experience rated or that is subject to the provisions of
32 P.L.1992, c.161 (C.17B:27A-2 et seq.).

33 d. The Commissioner of Banking and Insurance shall promulgate
34 regulations pursuant to the "Administrative Procedure Act," P.L.1968,
35 c.410 (C.52:14B-1 et seq.), necessary to effectuate the provisions of
36 this section.

37

38 6. This act shall take effect on the 60th day after enactment;
39 provided, however, that prior to the effective date of this act the
40 commissioner may take those actions and promulgate those regulations
41 necessary to implement the provisions of this act.

42

43

STATEMENT

44

45 This bill requires an employer who provides a health benefits plan
46 to its employees or their dependents to provide 60 days' prior written

S931 CONIGLIO

1 notice to its employees if the plan is terminated. If a health insurer
2 increases premium rates upon the renewal of a health benefits plan, the
3 bill requires the insurer to give 90 days prior written notice to the
4 employer who purchases the plan.

5 Many employers offer health benefits coverage to employees under
6 health benefits plans as an incentive to attract and retain qualified
7 employees. Health benefits coverage is very important to employees
8 and their families and the availability of such coverage through an
9 employer can be the determining factor as to whether an individual
10 accepts employment with a particular employer. Moreover, federal
11 census data indicates that approximately five million New Jersey
12 citizens, including employees and their dependents, obtained health
13 benefits coverage through an employer-sponsored health benefits plan
14 in 1998. In some cases, however, employers may find it necessary to
15 make business decisions not to continue an employee health benefits
16 plan, due to plan costs and other economic factors.

17 This bill authorizes the Commissioner of Labor to enforce the
18 notice requirements of the bill and investigate violations. If the
19 commissioner finds that an employer has failed to provide the required
20 60-day notice, he may assess and collect administrative penalties in an
21 amount based on the number of employees covered under the health
22 benefits plan, but not more than \$200 per employee.

23 The bill permits the levying of administrative penalties only if the
24 commissioner provides the alleged violator with notification of the
25 violation and of the amount of the penalty by certified mail and an
26 opportunity to request a hearing within 15 days after receipt of the
27 notice. If a hearing is requested, the commissioner is to issue a final
28 order upon that hearing and a finding that a violation has occurred. If
29 no hearing is requested, the notice becomes a final order upon
30 expiration of the 15-day period. Payment of the penalty is due when
31 a final order is issued or when the notice becomes a final order, and
32 the commissioner may recover the penalty with costs.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 931

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 13, 2002

The Senate Labor Committee reports favorably, and with committee amendments, Senate Bill No. 931.

As introduced, this bill requires an employer who provides a health benefits plan to its employees or their dependents to provide 60 days' prior written notice to its employees if the plan is terminated. If a health insurer increases premium rates upon the renewal of a health benefits plan, the bill requires the insurer to give 90 days' prior written notice to the employer who purchases the plan. This bill also authorizes the Commissioner of Labor to enforce the notice requirements of the bill, investigate violations and assess administrative penalties of not more than \$200 per employee.

The committee amended the bill to require an employer that changes a health benefits plan to notify its employees immediately in writing of the change upon receipt by the employer of notification from the health insurer that its employees will be covered by the new plan, in addition to providing 60 days' prior written notice of termination as required in the bill as introduced. The committee also amended the bill to update the data in section 1 of the bill regarding the number of New Jerseyans with employer-sponsored health benefits coverage.

STATEMENT TO
[First Reprint]
SENATE, No. 931

with Senate Floor Amendments
(Proposed By Senator CONIGLIO)

ADOPTED: JUNE 20, 2002

These amendments:

- C require an employer that provides a health benefits plan to its employees or their dependents to provide 30 days' prior written notice to its employees if the plan is terminated, rather than 60 days' prior written notice as the bill currently provides;
- C require a health insurer that increases premium rates upon the renewal of a health benefits plan to provide 60 days' prior written notice of the amount of a proposed increase to the employer that purchased the plan;
- C delete the requirement that a carrier provide 90 days' prior written notice to an employer that there will be an increase in the premium rate for the renewal of the employer's health benefits plan without specifying the amount;
- C delete the language that would exempt an experience-rated health benefits plan or an individual health benefits plan, issued pursuant to P.L.1992, c.161 (C.7B:27A-2 et seq.), from the provisions of this bill;
- C stipulate that the provisions of this bill are not to be construed to diminish the right of a carrier to negotiate with an employer that purchased a health benefits plan over the amount of any proposed increase in the premium rate for the renewal of that plan;
- C include a definition of "health benefits plan" in the bill that is identical to that in the "Health Care Quality Act", P.L.1997, c.192, (C.26:2S-1 et seq.); and
- C make several technical changes required in the body of the bill.

The changes accomplished by these amendments make this bill identical to Assembly Bill No. 1616 (2R).