

26:2H-18

LEGISLATIVE HISTORY CHECKLIST

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(Eliminates state rate setting--
health services corporations)

NJSA: 26:2H-18

LAWS OF: 1997 CHAPTER: 304

BILL NO: A661

SPONSOR(S): Bagger

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Health

SENATE: Health

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: September 26, 1996

SENATE: December 11, 1997

DATE OF APPROVAL: January 8, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

P.L. 1997, CHAPTER 304, *approved January 8, 1998*
Assembly, No. 661

1 AN ACT concerning payments by health service corporations for
2 certain health services and amending P.L.1971, c.136.

3

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

6

7 1. Section 18 of P.L.1971, c.136 (C.26:2H-18) is amended to read
8 as follows:

9 18. a. No government agency and no health service corporation
10 organized under the laws of the State and no other purchasers of
11 health care services shall purchase, pay for or make reimbursement or
12 grant-in-aid for any health care service provided by a health care
13 facility unless at the time the service was provided, the health care
14 facility possessed a valid license or was otherwise authorized to
15 provide such service.

16 b. (Deleted by amendment, P.L.1992, c.160).

17 c. Payment by government agencies other than those made through
18 the "New Jersey Medical Assistance and Health Services Act,"
19 P.L.1968, c.413 (C.30:4D-1 et seq.)**],** and payment by health service
20 corporations organized under the laws of this State**]** for health services
21 provided by health care facilities other than hospitals shall be at
22 reasonable rates set by the commissioner based on financial elements
23 approved by him; provided, however, that nothing herein shall be
24 construed to prohibit the Commissioner of Human Services from
25 contracting with the commissioner for the setting of rates by which
26 health care facilities other than hospitals are reimbursed pursuant to
27 the "New Jersey Medical Assistance and Health Services Act,"
28 P.L.1968, c.413 (C.30:4D-1 et seq.). **[Rates of payment by health**
29 **service corporations organized under the laws of this State for health**
30 **care services provided by a health care facility other than hospitals**
31 **shall be set in consultation with the Commissioner of Insurance.]**

32 d. (Deleted by amendment, P.L.1992, c.160).

33 e. To establish and maintain a fair and equitable system for
34 determining such payments, the commissioner shall require each health

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.

1 care facility to report such financial, statistical and patient information
2 as may be required, in accordance with a uniform system of reporting
3 established by him. The commissioner may propose regulations for
4 approval by the board which assess penalties for failure to report such
5 information within such time as may be prescribed therein.

6 (cf: P.L.1992, c.160, s.25)

7

8 2. This act shall take effect immediately.

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13 Eliminates State rate-setting for payments by health service
14 corporations for health services provided by health care facilities other
15 than hospitals.

1 e. To establish and maintain a fair and equitable system for
2 determining such payments, the commissioner shall require each health
3 care facility to report such financial, statistical and patient information
4 as may be required, in accordance with a uniform system of reporting
5 established by him. The commissioner may propose regulations for
6 approval by the board which assess penalties for failure to report such
7 information within such time as may be prescribed therein.
8 (cf: P.L.1992, c.160, s.25)

9

10 2. This act shall take effect immediately.

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STATEMENT

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16 This bill eliminates the regulation by the Department of Health of
17 reimbursement rates for health service corporations (Blue Cross and
18 Blue Shield of New Jersey, Inc.) for health services provided by health
19 care facilities other than hospitals.

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24 Eliminates State rate-setting for payments by health service
25 corporations for health services provided by health care facilities other
26 than hospitals.

ASSEMBLY, No. 661

STATE OF NEW JERSEY

214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblymen Moriarty, Prieto, Scalera, Assemblywoman Vainieri Huttle, Assemblymen Gusciora, Diegnan, Giblin, Assemblywoman Lampitt, Assemblymen Johnson, Wisniewski, Assemblywoman Voss and Assemblyman Burzichelli

SYNOPSIS

Expands offense of computer criminal activity to include accessing computer data for an unlawful purpose by means of a knowing misrepresentation as to identity of person requesting information.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



A661 GREENSTEIN

2

1 AN ACT concerning computer crimes, amending and supplementing
2 P.L.1984, c.184.

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

6
7 1. Section 4 of P.L.1984, c.184 (C.2C:20-25) is amended to read
8 as follows:

9 4. A person is guilty of computer criminal activity if the person
10 purposely or knowingly and without authorization, or in excess of
11 authorization:

12 a. Accesses any data, data base, computer storage medium,
13 computer program, computer software, computer equipment,
14 computer, computer system or computer network;

15 b. Alters, damages or destroys any data, data base, computer,
16 computer storage medium, computer program, computer software,
17 computer system or computer network, or denies, disrupts or
18 impairs computer services, including access to any part of the
19 Internet, that are available to any other user of the computer
20 services;

21 c. Accesses or attempts to access any data, data base, computer,
22 computer storage medium, computer program, computer software,
23 computer equipment, computer system or computer network for the
24 purpose of executing a scheme to defraud, or to obtain services,
25 property, personal identifying information, or money, from the
26 owner of a computer or any third party, including a scheme by
27 means of a knowing misrepresentation as to the identity or authority
28 of the person requesting the information;

29 d. (Deleted by amendment, P.L.2003, c.39).

30 e. Obtains, takes, copies or uses any data, data base, computer
31 program, computer software, personal identifying information, or
32 other information stored in a computer, computer network,
33 computer system, computer equipment or computer storage
34 medium;

35 f. Accesses and recklessly alters, damages or destroys any data,
36 data base, computer, computer storage medium, computer program,
37 computer software, computer equipment, computer system or
38 computer network.

39 g. A violation of subsection a. of this section is a crime of the
40 third degree. A violation of subsection b. is a crime of the second
41 degree. A violation of subsection c. is a crime of the third degree,
42 except that it is a crime of the second degree if the value of the
43 services, property, personal identifying information, or money
44 obtained or sought to be obtained exceeds \$5,000. A violation of
45 subsection e. is a crime of the third degree, except that it is a crime

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.

1 of the second degree if the data, data base, computer program,
2 computer software, or information:

3 (1) is or contains personal identifying information, medical
4 diagnoses, treatments or other medical information concerning an
5 identifiable person;

6 (2) is or contains governmental records or other information that
7 is protected from disclosure by law, court order or rule of court; or

8 (3) has a value exceeding \$5,000.

9 A violation of subsection f. is a crime of the fourth degree,
10 except that it is a crime of the third degree if the value of the
11 damage exceeds \$5,000.

12 A violation of any subsection of this section is a crime of the
13 first degree if the offense results in:

14 (1) a substantial interruption or impairment of public
15 communication, transportation, supply of water, gas or power, or
16 other public service. The term "substantial interruption or
17 impairment" shall mean such interruption or impairment that:

18 (a) affects 10 or more structures or habitations;

19 (b) lasts for two or more hours; or

20 (c) creates a risk of death or significant bodily injury to any
21 person;

22 (2) damages or loss in excess of \$250,000; or

23 (3) significant bodily injury to any person.

24 Every sentence of imprisonment for a crime of the first degree
25 committed in violation of this section shall include a minimum term
26 of one-third to one-half of the sentence imposed, during which term
27 the defendant shall not be eligible for parole.

28 h. Every sentence imposed upon a conviction pursuant to this
29 section shall, if the victim is a government agency, include a period
30 of imprisonment. The period of imprisonment shall include a
31 minimum term of one-third to one-half of the sentence imposed,
32 during which term the defendant shall not be eligible for parole.
33 The victim shall be deemed to be a government agency if a
34 computer, computer network, computer storage medium, computer
35 system, computer equipment, computer program, computer
36 software, computer data or data base that is a subject of the crime is
37 owned, operated or maintained by or on behalf of a governmental
38 agency or unit of State or local government or a public authority.
39 The defendant shall be strictly liable under this subsection and it
40 shall not be a defense that the defendant did not know or intend that
41 the victim was a government agency, or that the defendant intended
42 that there be other victims of the crime.

43 A violation of any subsection of this section shall be a distinct
44 offense from a violation of any other subsection of this section, and
45 a conviction for a violation of any subsection of this section shall
46 not merge with a conviction for a violation of any other subsection
47 of this section or section 10 of P.L.1984, c.184 (C.2C:20-31), or for
48 conspiring or attempting to violate any subsection of this section or

1 section 10 of P.L.1984, c.184 (C.2C:20-31), and a separate sentence
2 shall be imposed for each such conviction.

3 When a violation of any subsection of this section involves an
4 offense committed against a person under 18 years of age, the
5 violation shall constitute an aggravating circumstance to be
6 considered by the court when determining the appropriate sentence
7 to be imposed.

8 (cf: P.L.2003, c.39, s.3)

9

10 2. (New section) Any person who violates the provisions of
11 section 4 of P.L.1984, c.184 (C.2C:20-25) by acquiring, obtaining,
12 taking or copying personal identifying information and sells or
13 distributes such personal identifying information to another or uses
14 such personal identifying information in the commission of another
15 crime commits a crime of the third degree.

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17 3. This act shall take effect immediately.

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STATEMENT

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22 This bill amends N.J.S.A.2C:20-25, to provide that a person
23 commits the crime of computer criminal activity if the person
24 knowingly and without authorization, or in excess of authorization
25 accesses or attempts to access any data, data base, computer,
26 computer storage medium, computer program, computer software,
27 computer equipment, computer system or computer network with
28 the intent to defraud, or to obtain personal identifying information,
29 services, property, or money, from the owner of a computer or any
30 third party, by means of a knowing misrepresentation as to the
31 identity or authority of the person requesting the information. This
32 offense is graded as a crime of the third degree which is punishable
33 by up to five years imprisonment, a fine of up to \$15,000, or both.
34 The offense is graded as a crime of the second degree if the value of
35 the services, property, personal identifying information, or money
36 obtained or sought to be obtained exceeds \$5,000. A crime of the
37 second degree is punishable by up to 10 years imprisonment, a fine
38 of up to \$150,000 or both.

39 Section two of the bill provides that any person who violates the
40 provisions of N.J.S.A.2C:20-25 by acquiring, obtaining, taking or
41 copying personal identifying information and sells or distributes
42 such personal identifying information to another or uses such
43 personal identifying information in the commission of another
44 crime commits a crime of the third degree.

45 This bill is based on a recent Virginia enactment relating to
46 computer crimes, VA Code Section 18:2-152.5.1 (Gathering
47 personal information by deception). This practice is known as
48 phishing.

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 661

STATE OF NEW JERSEY

DATED: MAY 30, 1996

The Assembly Health Committee reports favorably Assembly Bill No. 661.

This bill amends P.L.1971, c.136 (C.26:2H-1 et seq.) to eliminate the regulation by the Department of Health of reimbursement rates for health service corporations (Blue Cross and Blue Shield of New Jersey, Inc.) for health services provided by health care facilities other than hospitals.

This bill was prefiled for introduction in the 1996-97 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 661

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 1996

The Senate Health Committee reports favorably Assembly Bill No. 661.

This bill amends P.L.1971, c.136 (C.26:2H-1 et seq.) to eliminate the regulation by the Department of Health and Senior Services of reimbursement rates for health service corporations (Blue Cross and Blue Shield of New Jersey, Inc.) for health services provided by health care facilities other than hospitals.

This bill is identical to Senate Bill No. 1448 (Bassano), which the committee also reported favorably on this date.

A-79, sponsored by Assembly Members Walter J. Kavanaugh (R-Morris/Somerset) and Marion Crecco (R-Essex/Passaic) and Senator Robert J. Martin (R-Essex/Morris/Passaic), requires a party receiving permanent alimony who remarries to promptly notify the ex-spouse paying the alimony and any collecting agency. Pursuant to current law, permanent alimony terminates upon marriage. The bill implements a recommendation of the 1995 report of the Commission to Study the Laws of Divorce.

A-81, sponsored by Assembly Members Walter Kavanaugh (R-Morris/Somerset) and Marion Crecco (R-Essex/Passaic) and Senators James Cafiero (R-Cape May/Atlantic/Cumberland) and Robert Martin (R-Essex/Morris/Passaic), amends equitable distribution statute to clarify that court must consider both parents' responsibilities for the children when awarding alimony.

A-547, sponsored by Assembly Members Shirley Turner (D-Mercer) and Anthony Imprevaduto (D-Bergen/Hudson) and Senators John Ewing (R-Morris/Somerset) and Jack Sinagra (R-Middlesex), authorizes the Public Health Council to regulate sanitary conditions in tattoo parlors.

A-582, sponsored by Former Assembly Member Monroe Lustbader (R-Essex/Union) and Assembly Member Paul Kramer (R-Mercer/Middlesex), changes the minimum number of persons required to serve on the board of directors of a state chartered savings and loan association from six to five. The bill makes the number consistent with the minimum number required for state chartered banks and savings banks.

A-661, sponsored by Assembly Member Richard H. Bagger (R-Middlesex/Morris/Somerset/Union) and Senator C. Louis Bassano (R-Essex/Union), eliminates state rate setting for payments by health service corporations for services provided by health care facilities other than acute care hospitals. The deregulation achieved through this bill is intended to save health care dollars and improve access to higher quality services.

A-994, sponsored by Assembly Members Jeffrey W. Moran (R-Atlantic/Burlington/Ocean) and Anthony Imprevaduto (D-Bergen/Hudson) and Senator James S. Cafiero (R-Cape May/Atlantic/Cumberland), provides for the licensing and regulation of locksmiths, burglar alarms, fire alarms, and electronic security businesses by the Board of Examiners of Electrical Contractors and a 15-member Fire Alarm, Burglar Alarm and Locksmith Advisory Committee.

A-1119, sponsored by Assembly Members Leonard Lance (R-Warren/Hunterdon/Mercer) and John A. Rocco (R-Camden), establishes procedures to ensure that persons who win state lottery prizes in excess of \$1,000 and who have failed to make scheduled payments to the Office of Student Assistance (OSA) on any student loan or note held by OSA will have the proceeds of their lottery winnings automatically applied against the outstanding balance of their defaulted student loans.