

26:2S-14.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2011 **CHAPTER:** 190

NJSA: 26:2S-14.1 (Provides for certain requirements concerning Independent Health Care Appeals Program)

BILL NO: S2145 (Substituted for A1816)

SPONSOR(S) Allen and others

DATE INTRODUCED: June 28, 2010

COMMITTEE: **ASSEMBLY:** ---

SENATE: Health, Human Services and Senior Citizens

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** January 9, 2012

SENATE: April 28, 2011

DATE OF APPROVAL: January 17, 2012

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced version of bill enacted)

S2145

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTES: No

LEGISLATIVE FISCAL ESTIMATES: No

A1816

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FLOOR AMENDMENT STATEMENT: Yes

(continued)

LEGISLATIVE FISCAL NOTE:

No

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

LAW/RWH

§§1,3,4 -
C.26:2S-14.1
to 26:2S-14.3
§2 - C.45:9-22.26
§5 - Note

P.L.2011, CHAPTER 190, *approved January 17, 2012*
Senate, No. 2145

1 AN ACT concerning the Independent Health Care Appeals Program
2 and supplementing P.L.1997, c.192 (C.26:2S-1 et al.) and Title
3 45 of the Revised Statutes.
4

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

8 1. A general hospital licensed pursuant to P.L.1971, c.136
9 (C.26:2H-1 et seq.) shall be required, as prescribed by regulation of
10 the Commissioner of Health and Senior Services, to:

11 (1) post, in a conspicuous place in each of its waiting rooms for
12 members of the general public, a notice, as prescribed pursuant to
13 section 3 of P.L. , c. (C.) (pending before the Legislature as this
14 bill), which provides information about the operation of, and how to
15 apply for, the Independent Health Care Appeals Program
16 established pursuant to section 11 of P.L.1997, c.192 (C.26:2S-11);
17 and

18 (2) ensure that appropriate hospital staff, including direct patient
19 care providers, staff that are concerned with billing for hospital
20 services or provide financial counseling to patients, and staff
21 otherwise engaged in providing patient advocacy or patient
22 relations services, are made aware of the program and are able to
23 provide information to patients and their family members, or other
24 persons on the patient's behalf, about how to contact the program.
25

26 2. A licensed physician shall be required, as prescribed by
27 regulation of the State Board of Medical Examiners, to post, in a
28 conspicuous place in the patients' waiting room within the
29 physician's medical office, a notice, as prescribed pursuant to
30 section 3 of P.L. , c. (C.) (pending before the Legislature as this
31 bill), which provides information about the operation of the
32 Independent Health Care Appeals Program, established pursuant to
33 section 11 of P.L.1997, c.192 (C.26:2S-11), and how to apply for
34 the program.
35

36 3. The Commissioner of Banking and Insurance, in
37 consultation with the Commissioner of Health and Senior Services
38 and the State Board of Medical Examiners, shall prescribe the size,
39 content, and format of the notice about the Independent Health Care
40 Appeals Program to be posted in general hospitals pursuant to

1 section 1 of P.L. , c. (C.) (pending before the Legislature as this
2 bill) and in physicians' medical offices pursuant to section 2 of
3 P.L. , c. (C.) (pending before the Legislature as this bill), and
4 shall make the notice available to general hospitals and physicians,
5 and to members of the general public, by posting it on the Internet
6 website of the Department of Banking and Insurance.

7
8 4. The Commissioner of Health and Senior Services and the
9 State Board of Medical Examiners, pursuant to the "Administrative
10 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and in
11 consultation with each other and the Commissioner of Banking and
12 Insurance, shall adopt rules and regulations to effectuate the
13 purposes of this act.

14
15 5. This act shall take effect on the 180th day after enactment,
16 but the Commissioners of Health and Senior Services and Banking
17 and Insurance and the State Board of Medical Examiners may take
18 such anticipatory administrative action in advance thereof as shall
19 be necessary for the implementation of the act.

20 21 22 STATEMENT

23
24 This bill contains provisions that would increase public
25 awareness of the Independent Health Care Appeals Program
26 established pursuant to section 11 of P.L.1997, c.192 (C.26:2S-11).

27 The bill provides specifically as follows:

28 • A licensed general hospital is required, as prescribed by
29 regulation of the Commissioner of Health and Senior Services, to:
30 -- post, in a conspicuous place in each of its waiting rooms for
31 members of the general public, a notice, as prescribed pursuant to
32 the bill, which provides information about the operation of, and
33 how to apply for, the Independent Health Care Appeals Program;
34 and

35 -- require hospitals to ensure that appropriate hospital staff,
36 including direct patient care providers, staff that are concerned with
37 billing for hospital services or provide financial counseling to
38 patients, and staff otherwise engaged in providing patient advocacy
39 or patient relations services, are made aware of the program and are
40 able to provide information to patients and their family members, or
41 other persons on the patient's behalf, about how to contact the
42 program.

43 • A licensed physician is required, as prescribed by regulation of
44 the State Board of Medical Examiners (BME), to post, in a
45 conspicuous place in the patients' waiting room within the
46 physician's medical office, a notice, as prescribed pursuant to the
47 bill, which provides information about the operation of, and how
48 to apply for, the program.

S2145

- 1 • The Commissioner of Banking and Insurance, in consultation
2 with the Commissioner of Health and Senior Services and the
3 BME, is to prescribe the size, content, and format of the notice
4 about the Independent Health Care Appeals Program to be posted
5 in general hospitals and physicians' medical offices, and to make
6 the notice available to general hospitals and physicians, and to
7 members of the general public, by posting it on the Internet
8 website of the Department of Banking and Insurance.
- 9 • The Commissioner of Health and Senior Services and the BME
10 are to adopt regulations to implement the provisions of the bill in
11 consultation with each other and the Commissioner of Banking
12 and Insurance.
- 13 • The bill takes effect on the 180th day after enactment, but
14 authorizes the Commissioners of Health and Senior Services and
15 Banking and Insurance and the BME to take anticipatory
16 administrative action in advance as necessary for its
17 implementation.
- 18
19
20 _____
21
- 22 Provides for certain requirements concerning Independent Health
23 Care Appeals Program.

SENATE, No. 2145

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 28, 2010

Sponsored by:

Senator DIANE B. ALLEN

District 7 (Burlington and Camden)

Assemblywoman CAROLINE CASAGRANDE

District 12 (Mercer and Monmouth)

Assemblywoman MARY PAT ANGELINI

District 11 (Monmouth)

Co-Sponsored by:

Senator Gordon

SYNOPSIS

Provides for certain requirements concerning Independent Health Care Appeals Program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2012)

1 AN ACT concerning the Independent Health Care Appeals Program
2 and supplementing P.L.1997, c.192 (C.26:2S-1 et al.) and Title
3 45 of the Revised Statutes.

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

7
8 1. A general hospital licensed pursuant to P.L.1971, c.136
9 (C.26:2H-1 et seq.) shall be required, as prescribed by regulation of
10 the Commissioner of Health and Senior Services, to:

11 (1) post, in a conspicuous place in each of its waiting rooms for
12 members of the general public, a notice, as prescribed pursuant to
13 section 3 of P.L. , c. (C.) (pending before the Legislature as this
14 bill), which provides information about the operation of, and how to
15 apply for, the Independent Health Care Appeals Program
16 established pursuant to section 11 of P.L.1997, c.192 (C.26:2S-11);
17 and

18 (2) ensure that appropriate hospital staff, including direct patient
19 care providers, staff that are concerned with billing for hospital
20 services or provide financial counseling to patients, and staff
21 otherwise engaged in providing patient advocacy or patient
22 relations services, are made aware of the program and are able to
23 provide information to patients and their family members, or other
24 persons on the patient's behalf, about how to contact the program.

25
26 2. A licensed physician shall be required, as prescribed by
27 regulation of the State Board of Medical Examiners, to post, in a
28 conspicuous place in the patients' waiting room within the
29 physician's medical office, a notice, as prescribed pursuant to
30 section 3 of P.L. , c. (C.) (pending before the Legislature as this
31 bill), which provides information about the operation of the
32 Independent Health Care Appeals Program, established pursuant to
33 section 11 of P.L.1997, c.192 (C.26:2S-11), and how to apply for
34 the program.

35
36 3. The Commissioner of Banking and Insurance, in
37 consultation with the Commissioner of Health and Senior Services
38 and the State Board of Medical Examiners, shall prescribe the size,
39 content, and format of the notice about the Independent Health Care
40 Appeals Program to be posted in general hospitals pursuant to
41 section 1 of P.L. , c. (C.) (pending before the Legislature as this
42 bill) and in physicians' medical offices pursuant to section 2 of
43 P.L. , c. (C.) (pending before the Legislature as this bill), and
44 shall make the notice available to general hospitals and physicians,
45 and to members of the general public, by posting it on the Internet
46 website of the Department of Banking and Insurance.

1 4. The Commissioner of Health and Senior Services and the
2 State Board of Medical Examiners, pursuant to the "Administrative
3 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and in
4 consultation with each other and the Commissioner of Banking and
5 Insurance, shall adopt rules and regulations to effectuate the
6 purposes of this act.

7
8 5. This act shall take effect on the 180th day after enactment,
9 but the Commissioners of Health and Senior Services and Banking
10 and Insurance and the State Board of Medical Examiners may take
11 such anticipatory administrative action in advance thereof as shall
12 be necessary for the implementation of the act.

13
14
15 STATEMENT

16
17 This bill contains provisions that would increase public
18 awareness of the Independent Health Care Appeals Program
19 established pursuant to section 11 of P.L.1997, c.192 (C.26:2S-11).

20 The bill provides specifically as follows:

- 21 • A licensed general hospital is required, as prescribed by
22 regulation of the Commissioner of Health and Senior Services, to:
23 -- post, in a conspicuous place in each of its waiting rooms for
24 members of the general public, a notice, as prescribed pursuant to
25 the bill, which provides information about the operation of, and
26 how to apply for, the Independent Health Care Appeals Program;
27 and
28 -- require hospitals to ensure that appropriate hospital staff,
29 including direct patient care providers, staff that are concerned with
30 billing for hospital services or provide financial counseling to
31 patients, and staff otherwise engaged in providing patient advocacy
32 or patient relations services, are made aware of the program and are
33 able to provide information to patients and their family members, or
34 other persons on the patient's behalf, about how to contact the
35 program.
- 36 • A licensed physician is required, as prescribed by regulation of
37 the State Board of Medical Examiners (BME), to post, in a
38 conspicuous place in the patients' waiting room within the
39 physician's medical office, a notice, as prescribed pursuant to the
40 bill, which provides information about the operation of, and how
41 to apply for, the program.
- 42 • The Commissioner of Banking and Insurance, in consultation
43 with the Commissioner of Health and Senior Services and the
44 BME, is to prescribe the size, content, and format of the notice
45 about the Independent Health Care Appeals Program to be posted
46 in general hospitals and physicians' medical offices, and to make
47 the notice available to general hospitals and physicians, and to

S2145 ALLEN

4

- 1 members of the general public, by posting it on the Internet
2 website of the Department of Banking and Insurance.
- 3 • The Commissioner of Health and Senior Services and the BME
4 are to adopt regulations to implement the provisions of the bill in
5 consultation with each other and the Commissioner of Banking
6 and Insurance.
 - 7 • The bill takes effect on the 180th day after enactment, but
8 authorizes the Commissioners of Health and Senior Services and
9 Banking and Insurance and the BME to take anticipatory
10 administrative action in advance as necessary for its
11 implementation.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2145

STATE OF NEW JERSEY

DATED: JANUARY 20, 2011

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 2145.

This bill seeks to increase public awareness of the Independent Health Care Appeals Program established pursuant to section 11 of P.L.1997, c.192 (C.26:2S-11). The purpose of the Independent Health Care Appeals Program is to provide an independent medical necessity or appropriateness of services review of final decisions by health insurance carriers (regulated by the Department of Banking and Insurance) to deny, reduce, or terminate benefits in the event the final decision is contested by the covered person or any health care provider acting on behalf of the covered person, with the covered person's consent. The appeal review does not include any decisions regarding benefits not covered by the covered person's health benefits plan.

The bill provides specifically as follows:

- A licensed general hospital is required to:
 - post, in a conspicuous place in each of its waiting rooms for members of the general public, a notice which provides information about the operation of, and how to apply for, the Independent Health Care Appeals Program; and
 - ensure that appropriate hospital staff, including direct patient care providers, staff that are concerned with billing for hospital services or provide financial counseling to patients, and staff otherwise engaged in providing patient advocacy or patient relations services, are made aware of the program and are able to provide information to patients and their family members, or other persons on the patient's behalf, about how to contact the program.
- A licensed physician is required to post a notice in a conspicuous place in the patients' waiting room within the physician's medical office which provides information about the operation of, and how to apply for, the program.
- The Commissioner of Banking and Insurance, in consultation with the Commissioner of Health and Senior Services and the State Board of Medical Examiners (BME), is to prescribe the size, content, and format of the notice about the Independent Health Care Appeals Program to be posted in general hospitals and physicians'

medical offices, and to make the notice available to general hospitals and physicians, and to members of the general public, by posting it on the Internet website of the Department of Banking and Insurance.

- The Commissioner of Health and Senior Services and the BME are to adopt regulations to implement the provisions of the bill in consultation with each other and the Commissioner of Banking and Insurance.
- The bill takes effect on the 180th day after enactment, but authorizes the Commissioners of Health and Senior Services and Banking and Insurance and the BME to take anticipatory administrative action in advance as necessary for its implementation.

This bill is identical to Assembly Bill No. 1816(2R) (Casagrande/Angelini), which is pending before the Assembly.

ASSEMBLY, No. 1816

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblywoman CAROLINE CASAGRANDE

District 12 (Mercer and Monmouth)

Assemblywoman MARY PAT ANGELINI

District 11 (Monmouth)

SYNOPSIS

Provides for certain requirements concerning Independent Health Care Appeals Program.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the Independent Health Care Appeals Program
2 and supplementing P.L.1997, c.192 (C.26:2S-1 et al.) and Title
3 45 of the Revised Statutes.
4

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

8 1. a. The Independent Health Care Appeals Program established
9 pursuant to section 11 of P.L.1997, c.192 (C.26:2S-11) shall
10 provide a 24-hour "hotline" telephone service staffed by trained
11 persons to provide information about, and respond to questions
12 from, members of the public about the operation of, and how to
13 apply for, the program.

14 b. A general hospital licensed pursuant to P.L.1971, c.136
15 (C.26:2H-1 et seq.) shall be required, as prescribed by regulation of
16 the Commissioner of Health and Senior Service, to:

17 (1) post, in a conspicuous place in each of its waiting rooms for
18 members of the general public, a notice that provides information
19 about the operation of, and how to apply for, the program; and

20 (2) provide training for appropriate hospital staff to enable them
21 to provide information, and respond to questions from patients and
22 their family members, or other persons on the patient's behalf,
23 about the operation of, and how to apply for, the program.
24

25 2. A licensed physician shall be required, as prescribed by
26 regulation of the State Board of Medical Examiners, to post, in a
27 conspicuous place in the patients' waiting room within the
28 physician's medical office, a notice that provides information about
29 the operation of the Independent Health Care Appeals Program,
30 established pursuant to section 11 of P.L.1997, c.192 (C.26:2S-11),
31 and how to apply for the program.
32

33 3. The Commissioner of Health and Senior Services and the
34 State Board of Medical Examiners, pursuant to the "Administrative
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and in
36 consultation with each other and the Commissioner of Banking and
37 Insurance, shall adopt rules and regulations to effectuate the
38 purposes of this act.
39

40 4. This act shall take effect on the 180th day after enactment,
41 but the Commissioners of Health and Senior Services and Banking
42 and Insurance and the State Board of Medical Examiners may take
43 such anticipatory administrative action in advance thereof as shall
44 be necessary for the implementation of the act.

STATEMENT

1
2
3 This bill is intended to make information about the Independent
4 Health Care Appeals Program, which was established pursuant to
5 section 11 of P.L.1997, c.192 (C.26:2S-11), more widely available
6 to the public.

7 The purpose of the appeals program is to provide an independent
8 medical necessity or appropriateness of services review of a final
9 decision by a health insurance carrier to deny, reduce, or terminate
10 benefits in the event that the final decision is contested by the
11 insured person or any health care provider acting on behalf of the
12 covered person, but only with the insured's consent. (The appeal
13 review does not include any decisions regarding benefits not
14 covered by the insured's health benefits plan.) The insured or a
15 provider may apply to the program for a review of a decision to
16 deny, reduce, or terminate a benefit if the insured or the provider
17 has already completed the carrier's appeals process, if any, and the
18 insured or the provider contests the final decision by the carrier.

19 The bill provides specifically as follows:

- 20 • The program is to provide a 24-hour "hotline" telephone service
21 staffed by trained persons to provide information about, and
22 respond to questions from, members of the public about the
23 operation of, and how to apply for, the program.
- 24 • A licensed general hospital is required, as prescribed by
25 regulation of the Commissioner of Health and Senior Service, to:
26 -- post, in a conspicuous place in each of its waiting rooms for
27 members of the general public, a notice that provides information
28 about the operation of, and how to apply for, the program; and
29 -- provide training for appropriate hospital staff to enable them
30 to provide information, and respond to questions from patients and
31 their family members, or other persons on the patient's behalf,
32 about the operation of, and how to apply for, the program.
- 33 • A licensed physician is required, as prescribed by regulation of
34 the State Board of Medical Examiners (BME), to post, in a
35 conspicuous place in the patients' waiting room within the
36 physician's medical office, a notice that provides information
37 about the operation of, and how to apply for, the program.
- 38 • The Commissioner of Health and Senior Services and the BME
39 are to adopt regulations to implement the provisions of the bill in
40 consultation with each other and the Commissioner of Banking
41 and Insurance.
- 42 • The bill takes effect on the 180th day after enactment, but
43 authorizes the Commissioners of Health and Senior Services and
44 Banking and Insurance and the BME to take anticipatory
45 administrative action in advance as necessary for its
46 implementation.

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1816

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2010

The Assembly Health and Senior Services Committee reports favorably and with committee amendments Assembly Bill No. 1816.

As amended by the committee, this bill contains provisions that would increase public awareness of the Independent Health Care Appeals Program established pursuant to section 11 of P.L.1997, c.192 (C.26:2S-11).

The bill provides specifically as follows:

- A licensed general hospital is required, as prescribed by regulation of the Commissioner of Health and Senior Services, to:
 - post, in a conspicuous place in each of its waiting rooms for members of the general public, a notice, as prescribed pursuant to the bill, which provides information about the operation of, and how to apply for, the Independent Health Care Appeals Program; and
 - provide training for appropriate hospital staff to enable them to provide information, and respond to questions from patients and their family members, or other persons on the patient's behalf, about the operation of, and how to apply for, the program.
- A licensed physician is required, as prescribed by regulation of the State Board of Medical Examiners (BME), to post, in a conspicuous place in the patients' waiting room within the physician's medical office, a notice, as prescribed pursuant to the bill, which provides information about the operation of, and how to apply for, the program.
- The Commissioner of Banking and Insurance, in consultation with the Commissioner of Health and Senior Services and the BME, is to prescribe the size, content, and format of the notice about the Independent Health Care Appeals Program to be posted in general hospitals and physicians' medical offices, and to make the notice available to general hospitals and physicians, and to members of the general public, by posting it on the Internet website of the Department of Banking and Insurance.
- The Commissioner of Health and Senior Services and the BME are to adopt regulations to implement the provisions of the bill in

consultation with each other and the Commissioner of Banking and Insurance.

- The bill takes effect on the 180th day after enactment, but authorizes the Commissioners of Health and Senior Services and Banking and Insurance and the BME to take anticipatory administrative action in advance as necessary for its implementation.

This bill was pre-filed for introduction in the 2010-2011 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:

--delete the requirement for the Independent Health Care Appeals Program to provide a 24-hour "hotline" telephone service to provide information to the public about the program; and

--direct the Commissioner of Banking and Insurance, in consultation with the Commissioner of Health and Senior Services and the BME, to prescribe the size, content, and format of the notice about the program to be posted in general hospitals and physicians' medical offices, and to make the notice available to general hospitals and physicians, and to members of the general public, by posting it on the Internet website of the Department of Banking and Insurance.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 1816

with Assembly Floor Amendments
(Proposed by Assemblywoman CASAGRANDE)

ADOPTED: MAY 20, 2010

These amendments:

- delete the requirement that general hospitals provide training for appropriate hospital staff to enable them to provide information, and respond to questions from patients and their family members, or other persons on the patient's behalf, about the operation of, and how to apply for, the Independent Health Care Appeals Program; and
- instead, require hospitals to ensure that appropriate hospital staff, including direct patient care providers, staff that are concerned with billing for hospital services or provide financial counseling to patients, and staff otherwise engaged in providing patient advocacy or patient relations services, are made aware of the program and are able to provide information to patients and their family members, or other persons on the patient's behalf, about how to contact the program.