

Inserted references to HMO POS contracts throughout.
Amended by R.1998 d.512, effective September 25, 1998.
See: 30 N.J.R. 2815(a), 30 N.J.R. 3840(a).

In (a)1, added "If expressly permitted by the Board," at the beginning, and inserted references to Plans A through E throughout; and in (b), inserted a reference to Exhibit JJ.

Amended by R.2004 d.107, effective March 15, 2004 (operative October 1, 2004).

See: 35 N.J.R. 5011(a), 36 N.J.R. 1594(a).

In (b), deleted "and JJ" preceding "to this Appendix".

Amended by R.2014 d.019, effective December 19, 2013 (operative January 1, 2014).

See: 46 N.J.R. 12(a), 46 N.J.R. 228(a).

In the introductory paragraph of (a) and in (b), deleted "A," following "Plans"; in the introductory paragraph of (a), deleted "and for the standard riders promulgated by the Board," following the second occurrence of "POS"; in (a)1, substituted "B-E, HMO," for "A-E, HMO", inserted "or" preceding "evidences" and preceding "evidence", and deleted ", or standard riders promulgated by the Board" following the first occurrence of "coverage" and "or standard rider" following the second occurrence of "coverage"; and in (b), deleted "and for the standard riders promulgated by the Board" following the second occurrence of "POS".

SUBCHAPTER 5. (RESERVED)

SUBCHAPTER 6. STANDARD EMPLOYER AND EMPLOYEE APPLICATION AND SMALL EMPLOYER CERTIFICATION FORMS

11:21-6.1 Standard application form

(a) All small employer carriers offering small employer health benefits plans with an effective date on or after January 1, 1994, shall use the standard application form approved by the Board and available on the Board's website at www.state.nj.us/dobi/devision_insurance/ihcseh/sehforms.html.

(b) Small employer carriers shall require any small employer applying for a small employer health benefits plan to be issued by that small employer carrier to complete, as part of the application, the New Jersey Small Employer Certification form approved by the Board and available on the Board's website at www.state.nj.us/dobi/devision_insurance/ihcseh/sehforms.html.

(c) The application requires the following types of information:

1. The policyholder name and contact information;
2. The Federal Tax ID Number;
3. The type of business and nature of the business;
4. The number of employees, classes of employees, and coverage type;
5. The status with respect to COBRA and Medicare as secondary payor;

6. The waiting period;
7. The contribution percentage;
8. Affiliates;
9. Benefit options;
10. Replacement information;
11. Continued coverage;
12. Agent/producer information; and
13. A signature section.

(d) The certification requires the following types of information:

1. The status as small employer;
2. Work locations;
3. The participation calculation;
4. The application of Federal laws; and
5. The certification signature.

Amended by R.2014 d.019, effective December 19, 2013 (operative January 1, 2014).

See: 46 N.J.R. 12(a), 46 N.J.R. 228(a).

In (a), substituted "and available on the Board's website at www.state.nj.us/dobi/devision_insurance/ihcseh/sehforms.html" for "and specified in Exhibit N of the Appendix to this chapter incorporated herein by reference"; in (b), substituted "and available on the Board's website at www.state.nj.us/dobi/devision_insurance/ihcseh/sehforms.html" for "and specified in Exhibit O of the Appendix to this chapter incorporated herein by reference"; and added (c) and (d).

11:21-6.2 Annual Small Employer Certification Form

Small employer carriers shall require each small employer covered by a small employer health benefits plan issued by the small employer carrier to that small employer to complete each year the New Jersey Small Employer Certification form approved by the Board and available on the Board's website at www.state.nj.us/dobi/devision_insurance/ihcseh/sehforms.html. This form shall be sent to the small employer for completion no earlier than 150 days prior to the renewal of the small employer's health benefits plan. The information requested on the certification form is set forth at N.J.A.C. 11:21-6.1(d).

Amended by R.2004 d.107, effective March 15, 2004.

See: 35 N.J.R. 5011(a), 36 N.J.R. 1594(a).

Substituted "150" for "120" in the last sentence.

Amended by R.2014 d.019, effective December 19, 2013 (operative January 1, 2014).

See: 46 N.J.R. 12(a), 46 N.J.R. 228(a).

Substituted "and available on the Board's website at www.state.nj.us/dobi/devision_insurance/ihcseh/sehforms.html" for "and specified in Exhibit O of the Appendix to this chapter incorporated herein by reference"; and inserted the last sentence.

11:21-6.3 (Reserved)

Amended by R.1994 d.418, effective July 15, 1994.

See: 26 N.J.R. 2843(a), 26 N.J.R. 3442(b).

Amended by R.1997 d.62, effective February 3, 1997.

See: 28 N.J.R. 4344(a), 29 N.J.R. 428(a).

Inserted reference to HMO POS plan.

Amended by R.1998 d.512, effective September 25, 1998.

See: 30 N.J.R. 2815(a), 30 N.J.R. 3840(a).

In (b), substituted a reference to Exhibit Q for a reference to Exhibit R in the first sentence; and in (c), substituted "as optional text in Exhibit Q" for "in Exhibit S" in the second sentence of the introductory paragraph, and deleted "Beginning on September 11, 1994," at the beginning of 1.

Repealed by R.2004 d.107, effective March 15, 2004.

See: 35 N.J.R. 5011(a), 36 N.J.R. 1594(a).

Section was "Enrollment".

11:21-6.4 Waiver

Any eligible employee who declines coverage under the small employer health benefits plan shall complete the employee waiver form approved by the Board and specified in Exhibit T of the Appendix to this chapter incorporated herein by reference.

Amended by R.2004 d.107, effective March 15, 2004.

See: 35 N.J.R. 5011(a), 36 N.J.R. 1594(a).

Deleted the last sentence.

SUBCHAPTER 7. PROGRAM COMPLIANCE

11:21-7.1 Purpose and scope

This subchapter sets forth the standards all carriers must meet in offering, issuing and renewing all health benefits plans to any small employer, the small employer's eligible employees, and the dependents of those eligible employees.

Amended by R.1994 d.499, effective September 2, 1994.

See: 26 N.J.R. 3421(a), 26 N.J.R. 4047(b).

Amended by R.2004 d.107, effective March 15, 2004.

See: 35 N.J.R. 5011(a), 36 N.J.R. 1594(a).

Deleted "on or after January 1, 1994" at the end of the section.

11:21-7.2 Determination of small employer status

(a) To determine whether an employer qualifies as a small employer, as defined in N.J.A.C. 11:21-1.2, a carrier shall evaluate whether an employer satisfies the requirements in either paragraph 1 or 2 of the definition. If the employer satisfies either paragraph 1 or 2, then the employer shall be considered to be a small employer.

(b) With respect to paragraph 1 of the definition of small employer, a small employer carrier shall include all persons who meet the definition of eligible employee.

1. The small employer carrier shall include all full-time bona-fide employees who work 25 or more hours per week.

(c) With respect to paragraph 2 of the definition of small employer, a small employer carrier shall add the number of full-time employees to the number that results from the part-time employee calculation, and if the sum is at least one but not more than 50, the employer shall be considered to be a small employer.

1. Employees working 30 or more hours per week are full-time employees and each full-time employee counts as one.

2. Employees working fewer than 30 hours per week are part-time and counted as the sum of the hours each part-time employee works per week multiplied by four and the product divided by 120 and rounded down to the nearest whole number.

3. Small employer carriers shall not include sole proprietors, partners of partnerships, or two percent or more owners of Subchapter S corporations, or their immediate family members as employees in (c)1 or 2 above even if such persons will be covered under the employer's plan.

(d) Subsequent to the issuance of a health benefits plan to a small employer and for the purpose of determining continued eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, provisions of P.L. 1992, c. 162 (N.J.S.A. 17B:27A-17 et seq.) that apply to a small employer shall continue to apply at least until the plan anniversary following the date the small employer no longer meets the requirements of this definition.

(e) In the case of an employer that was not in existence during the preceding calendar year, the determination of whether the employer is a small or large employer shall be based on:

1. The average number of eligible employees that it is reasonably expected that the employer will employ on business days in the current calendar year with respect to small employers that meets paragraph 1 of the definition of small employer; or

2. The average number of employees that it is reasonably expected that the employer will employ on business days in the current calendar year with respect to small employers that meets paragraph 2 of the definition of small employer.

Amended by R.1994 d.499, effective September 2, 1994.

See: 26 N.J.R. 3421(a), 26 N.J.R. 4047(b).

Amended by R.1997 d.62, effective February 3, 1997.

See: 28 N.J.R. 4344(a), 29 N.J.R. 428(a).

Deleted "Health benefits plan" and "Standard health benefits plan"; and added "Qualifying previous coverage".

Amended by R.1998 d.512, effective September 25, 1998.

See: 30 N.J.R. 2815(a), 30 N.J.R. 3840(a).

Rewrote the section.

Amended by R.2004 d.107, effective March 15, 2004.

See: 35 N.J.R. 5011(a), 36 N.J.R. 1594(a).

Amended "Late enrollee".

Amended by R.2006 d.145, effective April 17, 2006 (operative June 1, 2006).

See: 37 N.J.R. 4869(a), 38 N.J.R. 1751(a).

In definition "Creditable coverage", inserted reference to "Title XXI of the Social Security Act (State Children's Health Insurance Program) (42 U.S.C. §§1397aa through 1397jj)", and inserted "a public health plan"; in definition "Enrollment date", added the last sentence; and added definition "Public health plan".

Repeal and New Rule, R.2014 d.019, effective December 19, 2013 (operative January 1, 2014).

See: 46 N.J.R. 12(a), 46 N.J.R. 228(a).

Section was "Definitions".