

CHAPTER 38**HEALTH MAINTENANCE ORGANIZATIONS****Authority**

N.J.S.A. 26:2J-1 et seq.

Source and Effective Date

R.1994 d.365, effective July 18, 1994.
See: 26 N.J.R. 1624(a), 26 N.J.R. 2896(a).

Executive Order No. 66(1978) Expiration Date

Chapter 38, Health Maintenance Organizations, expires on July 18, 1997.

Chapter Historical Note

Chapter 38, Health Maintenance Organizations, was adopted as R.1974 d.320, effective November 20, 1974. See: 6 N.J.R. 8(b), 6 N.J.R. 473(a). Pursuant to Executive Order No. 66(1978), Chapter 38 expired on April 3, 1994, and subsequently was adopted as new rules by R.1994 d.365. Expired Subchapter 4, Qualifications and Regulations, was not included in the adoption of new rules. See: Source and Effective Date. See, also, section annotations for specific rulemaking activity.

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SUBCHAPTER 1. GENERAL PROVISIONS**8:38-1.1 Health care services**

(a) Health care services include basic health care services and any additional health care related services deemed necessary by the commissioner for the obtaining and maintenance of optimal health.

(b) In addition to basic health services, a health maintenance organization (either "group practice HMO" or "indi-

vidual practice association") may provide any supplemental health care services which are in conformity with applicable laws and regulations.

Amended by R.1976 d.162, effective May 26, 1976.

See: 8 N.J.R. 115(a), 8 N.J.R. 281(b).

Amended by R.1989 d.180 effective April 3, 1989.

See: 21 N.J.R. 6(a), 21 N.J.R. 895(a).

Reference added to either group HMO or individual association.

8:38-1.2 Basic health care services

(a) Basic health care services includes the following minimal services to be provided or arranged by the HMO (either "group practice HMO" or "individual practice association"):

1. Health professional services:
 - i. Periodic examinations and office visits by a physician in order to facilitate patient management plans;
 - ii. Periodic screening examinations and disease detection studies;
 - iii. Obstetrical care (pre and postnatal care of mother);
 - iv. Regular pediatric care, including newborn care and immunizations as medically necessary;
 - v. Services of a surgeon;
 - vi. Anesthesia;
 - vii. Inpatient medical care in hospital and/or skilled nursing facility;
 - viii. Diagnostic and therapeutic radiology;
 - ix. Consultations and specialists' services as requested by the attending physician;
 - x. Twenty-four-hour a day emergency services, seven days a week;
 - xi. Short-term physical medicine (including physical therapy);
 - xii. Out-of-area medical services when indicated for accidental injury or emergency illness;
 - xiii. Diagnostic laboratory services;
 - xiv. Short-term (not to exceed 20 visits) outpatient evaluative and crisis intervention mental health services.
2. Institutional services;
 - i. Inpatient hospital care, including semiprivate room accommodation and other inpatient hospital services, medications as appropriately ordered by a physician and supplies that are usually provided by the hospital;
 - ii. Skilled nursing facility services (a minimum of 30 days during any contract year);
 - iii. Home health services (a minimum of 60 home care visits during any contract year); and

iv. Emergency and out-of-area hospital services when indicated for accidental injury or emergency illness.

3. Supportive services;

i. Ambulance services when authorized by a member of the staff;

ii. Health education services which shall include education in the appropriate and effective use of health services (through information about these services, including recommendations of generally accepted medical standards for the frequency of use of such services) and in the contribution each enrollee can make to the maintenance of his or her own health (through instruction in personal health care measures);

iii. Nutritional education and counseling;

iv. Medical social services which shall include appropriate assistance in dealing with the physical, emotional and economic impact of illness and disability through services such as pre and posthospitalization planning, referral to services provided through community health and social welfare agencies, and related family counseling; and

v. Preventive health services (including voluntary family planning services, infertility services and children's eye examinations conducted to determine the need for vision correction).

As amended, R.1976 d.162, effective May 26, 1976.

See: 8 N.J.R. 115(a), 8 N.J.R. 281(b).

8:38-1.3 Supplemental health care services

(a) Supplemental health care services include, but are not limited to, the following additional health services which are not considered under basic health care services:

1. Vision care not included as a basic health service;
2. Dental health services;
3. Mental health services not included as a basic health service;
4. The provision of long-term physical medicine and rehabilitative service (including physical therapy);
5. Podiatry services;
6. Provision of prescription drugs, corrective lenses or prostheses;
7. Services of facilities for long-term care; and
8. Extension of home health care of extended care not included as a basic health service.

As amended, R.1976 d.162, effective May 26, 1976.

See: 8 N.J.R. 115(a), 8 N.J.R. 281(b).