



**State of New Jersey**  
DEPARTMENT OF BANKING AND INSURANCE  
LEGISLATIVE AND REGULATORY AFFAIRS

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RICHARD J. CODEY  
*Acting Governor*

DONALD BRYAN  
*Acting Commissioner*

**BULLETIN 05-23**

- TO:** All Carriers subject to N.J.S.A. 26:2J-1 et seq., or N.J.S.A. 26:2S-1 et seq., all entities that have filed to become Licensed or Certified as an Organized Delivery System in accordance with N.J.S.A. 17:48H-1 et seq., all Entities that have filed for Designation as a Hemophilia Home Treatment Provider in accordance with N.J.S.A. 26:2S-10.1, and other Interested Parties
- FROM:** Donald Bryan, Acting Commissioner  
Department of Banking and Insurance
- RE:** Transfer of the Responsibilities and Operations of the New Jersey Department of Health and Senior Services' Office of Managed Care to the New Jersey Department of Banking and Insurance, in accordance with Reorganization Plan No. 005-2005

On June 30, 2005, Acting Governor Richard Codey filed with the New Jersey Legislature Reorganization Plan No. 005-2005 (Reorganization) transferring from the New Jersey Department of Health and Senior Services (DHSS) to the New Jersey Department of Banking and Insurance (DOBI) sole jurisdiction and regulatory authority over all of the laws heretofore codified at N.J.S.A. 26:2J-1 et seq., 26:2S-1 et seq., and N.J.S.A. 17:48H-1 et seq., in their entirety. The Reorganization was published in the August 1, 2005 *New Jersey Register*. In addition, the Reorganization transferred from DHSS to DOBI the operations of the office within DHSS generally referred to as the Office of Managed Care (OMC), and the majority of positions and personnel attached thereto, so that implementation and oversight of the laws codified within the noted statutes could continue with as little disruption as possible. The transfer includes the rules promulgated pursuant to the specified laws, other guidance (such as bulletins) and administrative actions, and all contracts entered into as necessary to accomplish the tasks required by the specified laws.

The Reorganization became effective legally on August 29, 2005, and administratively on or about October 28, 2005. Physical transfer of the OMC, its resources and responsibilities to DOBI was accomplished as of October 31, 2005. The OMC has been integrated into the existing organization of DOBI. DOBI anticipates that the integration will prove viable for all parties concerned. Because virtually all of the entities that dealt with OMC and its organizational structure within DHSS also dealt with DOBI and its organizational structure, no party should experience significant difficulty with the Reorganization and integration of the OMC operations. In general, the operations of OMC are being integrated into DOBI's Life & Health Insurance Division under the Valuations Bureau, and the Consumer Protection Services Division, Managed Care Complaints and Appeals.

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The following documents and related issues should be redirected to the Valuations Bureau:

- Applications for a certificate of authority as an HMO, and certification as an ODS.
- Contracts required to be filed in accordance with N.J.A.C. 8:38, 8:38A and 8:38B.
- Annual Supplements
- Periodic reports, including, for instance, external quality review organization (EQRO) reports
- Hospital termination notices
- Notices of Personnel changes, and changes in Registered Agents

Until further notice, documents and issues redirected to the Valuations Bureau within Life & Health may be sent to the attention of Holly Gaenzle at:

Valuation Bureau  
Department of Banking and Insurance  
20 West State Street, 11th Floor  
P.O. Box 325  
Trenton, NJ 08625-0325  
Main phone: (609) 292-5427  
Fax: (609) 633-0527

Responsibility for the HMO Report Card is also being transferred to DOBI. Inquiries and Submissions with respect to the Report Card should be directed to:

Actuarial Bureau  
Department of Banking and Insurance  
20 West State Street, 11<sup>th</sup> Floor  
P.O. Box 325  
Trenton, New Jersey 08625-0325  
Main Phone: (609) 292-5427  
Fax: (609) 633-0527

Until further notice, documents and issues redirected to Managed Care Complaints and Appeals within Consumer Protection Services may be sent to the attention of Sylvia Allen-Ware at:

Consumer Protection Services  
Department of Banking and Insurance  
20 West State Street, 9th Floor  
P.O. Box 329  
Trenton, NJ 08625-0329  
Main phone: (609) 292-5316  
Fax: (609) 292-5865

Entities no longer need to make duplicate submissions of applications, notices and reports (including selective contracting and organized delivery system applications and hospital termination notices) to DOBI and DOHSS. Submission of only one copy to DOBI will be required. This is true as well for submissions made to obtain Medicare Advantage Certifications at the request of the Centers for Medicare and Medicaid, New York State Character and Competence Certifications and similar documents.

Carriers should be revising notices regarding complaints and appeals to reflect the change in address, phone number and fax for contacting State regulators, so that all such complaints and appeals are directed to DOBI and not to DHSS. Carriers may advise consumers and health care providers that they may submit complaints online to DOBI by selecting DOBI's current online complaint form at: [www.state.nj.us/dobi/enfcon](http://www.state.nj.us/dobi/enfcon), as well as by phone or mail. Regarding external Stage 3 appeals, DOBI will be revising forms used for the Independent Health Care Appeals Program and making the forms available to carriers as soon as reasonably possible. Until then, carriers should continue to include the current IHCAP appeal forms with written adverse Stage 2 utilization management appeal decisions, but should include instructions directing appellants to submit the form and other relevant information to Managed Care Appeals and Complaints at DOBI, Consumer Protection Services. In addition, questions regarding complaints and IURO appeals should be directed to Consumer Protection Services.

Other administrative and regulatory functions heretofore performed through the OMC<sup>1</sup> will be addressed by DOBI in the future, as the need arises. The rules currently codified at N.J.A.C. 8:38, 8:38A, 8:38B and 8:38C will be re-codified from Title 8 to Title 11 of the New Jersey Administrative Code. Bulletins, enforcement actions, and other administrative actions issued by DHSS through its OMC continue to have full force and effect.

10/28/05  
Date

/s/ Donald Bryan  
Donald Bryan  
Acting Commissioner

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<sup>1</sup> For instance, processing of applications for designation as a hemophilia home treatment provider, annual per-life fee assessments, certain waiver requests, evaluation of and responses to plans of correction, and actions regarding existing hearing requests resulting from enforcement activity initiated by DHSS