

**HIGHER EDUCATION**

**PROPOSALS**

<u>Undergraduate</u>	<u>Semester Minimum</u>	<u>Semester Maximum</u>	<u>Academic Year Maximum</u>
<u>State Colleges and Universities</u>			
<u>Commuter</u>			
Full-time	\$100.00	\$625.00	\$1,250
Part-time:			
6-8 credits	\$100.00	\$313.00	\$626.00
9-11 credits	\$100.00	\$469.00	\$938.00
<u>Residential</u>			
Full-time	\$100.00	\$750.00	\$1,500
Part-time:			
6-8 credits	\$100.00	\$450.00	\$900.00
9-11 credits	\$100.00	\$600.00	\$1,200
<u>Public Research Universities</u>			
<u>Commuter</u>			
Full-time	\$100.00	\$625.00	\$1,250
Part-time:			
6-8 credits	\$100.00	\$313.00	\$626.00
9-11 credits	\$100.00	\$469.00	\$938.00
<u>Residential</u>			
Full-time	\$100.00	\$750.00	\$1,500
Part-time:			
6-8 credits	\$100.00	\$450.00	\$900.00
9-11 credits	\$100.00	\$600.00	\$1,200
<u>Independent Colleges</u>			
Full-time	\$100.00	\$1,300	\$2,600
Part-time:			
6-8 credits	\$100.00	\$650.00	\$1,300
9-11 credits	\$100.00	\$975.00	\$1,950]

<u>Graduate</u>	<u>Semester Minimum</u>	<u>Semester Maximum</u>	<u>Academic Year Maximum</u>
State Colleges and Universities	\$100.00	\$1,200	\$2,400
Independent	100.00	1,475	2,950
Public Research Universities	100.00	1,475	2,950
Biomedical and Health Sciences Schools	100.00	2,225	4,450]

(e) **The minimum semester grant amount shall not be less than \$100.00.** The awarding of all grants within the minimum and maximum semester and academic year ranges [in (d) above] shall be based upon a careful analysis of the student's total financial situation and financial need. The neediest students shall be accorded priority.

**INSURANCE**

**(a)**

**DEPARTMENT OF BANKING AND INSURANCE  
DIVISION OF INSURANCE**

**Dental Services**

**Proposed Readoption with Amendments: N.J.A.C. 11:10**

Authorized By: Marlene Caride, Commissioner, Department of Banking and Insurance.

Authority: N.J.S.A. 17:1-8.1 and 15.e, 17:48C-18.1 et seq., 17:48D-1 et seq., 17B:26-44.4 et seq., and 17B:27-51.10a et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2018-079.

Submit comments by November 3, 2018, to:

Denise Illes, Chief  
Office of Regulatory Affairs  
New Jersey Department of Banking and Insurance  
20 West State Street  
PO Box 325  
Trenton, NJ 08625-0325  
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The agency proposal follows:

**Summary**

In accordance with N.J.S.A. 52:14B-5.1, the rules of N.J.A.C. 11:10 were scheduled to expire on August 1, 2018. In accordance with N.J.S.A. 52:14B-5.1c(2), the filing of this notice of proposal with the Office of Administrative Law by that date extends the expiration date by 180 days to January 28, 2019. The rules set forth the standards and practices for the regulation of dental plan organizations (DPOs) and the provision of dental services on other than a pure fee-for-service basis by insurers, DPOs, and dental service corporations (DSCs). The Department of Banking and Insurance (Department) proposes the following for readoption with amendments:

N.J.A.C. 11:10-1 implements the Dental Plan Organization Act, N.J.S.A. 17:48D-1 et seq. (Act), which regulates persons and corporations offering plans for the prepayment or postpayment of dental services. The Act provides for the licensing and supervision of DPOs to protect enrollees of the plans and to assure that the services contracted for are delivered. This subchapter contains requirements for a DPO to obtain and maintain a certificate of authority, including criteria for written agreements with dentists and for evidence of coverage and group contract forms; financial reporting; general surplus, expense limitation

(e) **The minimum semester grant amount shall not be less than \$100.00.**

**SUBCHAPTER 3. GRADUATE EOF FINANCIAL ELIGIBILITY**

**9A:11-3.4 Grant amounts**

(a) **Based on the fiscal year EOF Article III appropriation, the Board will annually develop the amount of the maximum semester and academic year Article III graduate grants award ranges, for each sector of higher education. The EOF Executive Director shall inform institutions of the amount of the maximum semester academic year grant each summer through a public notice published in the New Jersey Register and on the Office of the Secretary of Higher Education's website.**

Recodify existing (a)-(c) as (b)-(d) (No change in text.)

[(d) The Board shall annually review the State grant amounts for EOF students and make adjustments, if necessary. The minimum and maximum semester and maximum academic year award ranges for Article III graduate grants for each sector of higher education follows:

and fidelity bond, and malpractice insurance requirements; enrollee complaint procedures; and standards for schedules of charges.

The Department proposes to amend N.J.A.C. 11:10-1.3 to add a definition of “evidence of coverage” consistent with the definition in N.J.S.A. 17:48D-2.

The Department proposes several amendments to N.J.A.C. 11:10-1.6. Specifically, the Department is proposing amendments to N.J.A.C. 11:10-1.6(a), (b), (d), and (e) to refer to “evidence of coverage” rather than “evidence of coverage form” to use the defined term applicable under the Act, as discussed above. In addition, N.J.A.C. 11:10-1.6(f)3 is proposed to be amended to specify that the evidence of coverage referred to in this item is limited to an evidence of coverage issued to a group enrollee, since the coordination of benefits provision would not apply in an evidence of coverage issued to a non-group enrollee.

Furthermore, proposed new subsection (k) sets forth requirements for DPOs offering stand-alone dental plans intended to be sold as pediatric dental plans, to satisfy the Essential Health Benefits (EHB) requirements of the Patient Protection and Affordable Care Act (Affordable Care Act or ACA) as set forth at 45 CFR 156.110(a)(10).

N.J.A.C. 11:10-2 implements 1983 amendments to the Act that prohibit employers from requiring employees to use the services of dentists selected by them (closed panel dental plan arrangements) and to permit selection of an alternative form of dental care. The rules contain notification requirements concerning alternative dental care aimed at employers and the health insurers, DPOs, and DSCs that issue dental plans.

The Department proposes new N.J.A.C. 11:10-2.5(e) to set forth requirements that any employee dental plans offered as alternate coverage through an insurance contract intended to be sold as a pediatric dental plan to satisfy the EHB requirement of the ACA at 45 CFR 156.110(a)(10) must provide pediatric dental coverage as set forth in N.J.A.C. 11:10-1.6(k).

The Department has reviewed the rules at N.J.A.C. 11:10 and the proposed amendments described above and has determined the existing rules to be necessary, reasonable, and proper for the purposes for which they were originally promulgated. The Department intends to readopt these rules for a seven-year period.

A 60-day comment period is provided for this notice of proposal, therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this notice is excepted from the provisions of N.J.A.C. 1:30-3.1 and 3.2 governing rulemaking calendars.

#### **Social Impact**

The rules proposed for readoption with amendments will continue to have a favorable impact on consumers. Readoption of the existing rules will ensure that the protections they afford the consuming public will continue.

The existing rules have established a system of oversight of DPOs that continually monitors their financial arrangements and practices, as well as their provision of dental care services. Readoption of these rules will have a favorable impact on DPOs in that they will serve to ensure that DPOs intending to continue operating maintain the high standards required by these rules, including those addressing eligibility for obtaining a certificate of authority, agreements with dentists, and financial requirements.

The proposed amendments use terms defined in the Act and conform the rules to the EHB requirements of the ACA regarding required pediatric dental benefits. Thus, the amendments will have a favorable impact on the consuming public.

#### **Economic Impact**

The rules proposed for readoption with amendments help align these rules with the EHB requirements of the ACA as it applies to the provision of dental services by DPOs and DSCs. The proposed amendments do not impose additional requirements on DPOs or DSCs. Rather, these requirements merely conform the Department’s rules with existing requirements under the amendments to the ACA, which has been in effect since 2014, and reflects current Federal law. The professional services required to comply with the rules proposed for readoption include actuarial, financial, and legal services. DPOs and DSCs should already possess those services in-house or have contracted

for same. The rules proposed for readoption with amendments should impose no additional costs on DPOs and DSCs. In fact, conforming this State’s requirements with the existing Federal law, provides certainty and stability, thereby minimizing costs to carriers, and thereby ultimately to employers and policyholders.

The benefits to be achieved through the readoption of these rules with amendments far outweigh any costs that will continue to be imposed. Accordingly, the rules proposed for readoption with amendments should not impose any additional economic impact on DPOs.

#### **Federal Standards Statement**

State agencies that propose to adopt or amend State rules that exceed Federal standards regarding the same subject matter are required to include in the rulemaking document a Federal standards analysis. The rules proposed for readoption with amendments are subject to Federal requirements addressing certain standards for health insurance contracts in the ACA. Specifically, the ACA requires that health benefits plans offered to individuals and small groups include coverage for certain categories of services including pediatric dental services. This was referred to earlier as EHB. Therefore, DPOs offering stand-alone dental plans to be sold as pediatric dental plans and DPOs or DSCs offering employee dental plans as alternate coverage through an insurance contract to be sold as a pediatric dental plan must comply with the EHB requirements of the ACA. Because the United States Department of Health and Human Services (HHS) permitted states to establish the benefits for the EHB benchmark plan (within parameters), and the rules proposed for readoption with amendments are bringing the rules concerning DPOs and DSCs into compliance with the selected EHB benchmark requirements, the rules proposed for readoption with amendments do not exceed the Federal standards. Rather, the rules proposed for readoption with amendments are required to implement the provisions of the ACA, as discussed above. Consequently, a Federal standards analysis is not required.

#### **Jobs Impact**

The Department does not believe that the rules proposed for readoption with amendments will cause any jobs to be generated or lost. The Department invites interested parties to submit any data or studies concerning the jobs impact of the proposed readoption together with their written comments on other aspects of the proposal.

#### **Agricultural Industry Impact**

The rules proposed for readoption with amendments will have no impact on the agricultural industry in New Jersey.

#### **Regulatory Flexibility Analysis**

Some of the DPOs presently authorized to operate in New Jersey and that will be affected by the rules proposed for readoption with amendments may be small businesses as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

The rules proposed for readoption with amendments impose certain reporting, recordkeeping, and other compliance requirements on DPOs, including submitting applications to obtain a certificate of authority, filing quarterly and supplemental financial reports, filing all written agreements with dentists, filing all applications for approval of specialist pools, obtaining approval of an alternate payment methodology, filing a schedule of premiums, reporting all finder’s fees, filing all evidences of coverage forms, and subjecting DPOs to financial examinations.

No differentiation in compliance requirements is proposed based on business size. The Department does not believe that these rules as originally adopted, or as being proposed for readoption with amendments, require DPOs to obtain additional professional services to comply with the rules. As noted in the Economic Impact above, any professional services that a DPO might need to engage to comply with this chapter are of such a nature that such services should already be available to the DPOs as a matter of their daily operations.

#### **Housing Affordability Impact Analysis**

The rules proposed for readoption with amendments will not have any impact on the affordability of housing in the State and are unlikely to evoke a change in the average costs associated with housing in that the

rules proposed for readoption with amendments relate to provision of dental services by DPOs and DSCs.

#### Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments will not have an impact on smart growth in the State and there is an extreme unlikelihood that the rules proposed for readoption with amendments would evoke a change in housing production in Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules proposed for readoption with amendments address the supervision of DPOs and DSCs to ensure the protection of their enrollees.

#### Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 11:10.

**Full text** of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

#### SUBCHAPTER 1. DENTAL PLAN ORGANIZATIONS

##### 11:10-1.3 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

...  
**“Evidence of coverage” means any certificate, agreement, or contract issued to an enrollee, setting out the dental services and supplies to which the enrollee and his or her dependents are entitled.**  
 ...

##### 11:10-1.6 Evidence of coverage and group contracts

(a) The DPO shall prepare and issue the evidence of coverage [form] to each enrollee within 60 days of the effective date of coverage or of a change in coverage. Covered groups may distribute the forms to covered persons on behalf of the DPO.

(b) [An] **The** evidence of coverage [form] must contain all the information required by N.J.S.A. 17:48D-9. A card containing only basic identifying information is not sufficient to meet these requirements.

(c) (No change.)

(d) All evidences of coverage [forms] shall clearly identify the name of the dental plan organization on its cover and in the text.

(e) All exclusions, exceptions, limitations, items not covered, and services not provided by the plan should be clearly identified in the evidence of coverage [form] and group contract [forms].

(f) Coordination of benefits provisions, which limit payment to 100 percent of allowable expenses when more than one dental plan covers a covered person, are permitted only if all of the following conditions are met:

1.-2. (No change.)

3. Both the group contract and evidence of coverage **issued to group enrollees shall** include the coordination of benefits provisions.

(g)-(j) (No change.)

**(k) Any DPO offering a stand-alone dental plan that is intended to be sold as a pediatric dental plan to satisfy the Essential Health Benefits requirement of 45 CFR 156.110(a)(10) must satisfy the following requirements:**

1. **The evidence of coverage shall include identical policy form language for the coverage of pediatric dental benefits as set forth at N.J.A.C. 11:20 Exhibit A or, if alternative language is used, the DPO must provide a cross-walk document to demonstrate that each required pediatric dental service from Exhibit A is contained in the text of the DPO’s evidence of coverage;**

2. **The evidence of coverage shall indicate that pediatric dental benefits are provided for all covered persons through the end of the**

**month in which the covered person turns age 19, regardless of the covered person’s enrollment status; and**

**3. The evidence of coverage may only include the frequency limits, limitations, and exclusions that appear in the dental benefits provision set forth at N.J.A.C. 11:20 Exhibit A and such coverage may not be denied on the basis of pre-existing conditions.**

[(k)] **(l)** (No change in text.)

#### SUBCHAPTER 2. EMPLOYEE’S DENTAL BENEFIT PLANS; ALTERNATE COVERAGE

##### 11:10-2.5 General rules

(a)-(d) (No change.)

**(e) Any alternate coverage offered through an insurance contract that is intended to be sold as a pediatric dental plan to satisfy the Essential Health Benefits requirement of 45 CFR 156.110(a)(10) must provide pediatric dental coverage as set forth in N.J.A.C. 11:10-1.6(k).**

[(e)] **(f)** (No change in text.)

## LABOR AND WORKFORCE DEVELOPMENT

### (a)

#### INCOME SECURITY

**2019 Maximum Weekly Benefit Rates  
2019 Taxable Wage Base Under the Unemployment  
Compensation Law  
2019 Contribution Rate of Governmental Entities  
and Instrumentalities  
2019 Base Week  
2019 Alternative Earnings Test  
Proposed Amendments: N.J.A.C. 12:15-1.2, 1.3, 1.4,  
1.5 and 1.6**

Authorized By: Robert Asaro-Angelo, Commissioner, Department of Labor and Workforce Development.

Authority: N.J.S.A. 34:1-5, 34:1-20, 34:1A-3(e), 43:21-3(c), 43:21-4(e), 43:21-7(b)(3), 43:21-7.3(e), 43:21-19(t), 43:21-27, 43:21-40, and 43:21-41.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2018-081.

A **public hearing** on the proposed amendments will be held on the following date at the following location:

Tuesday, September 25, 2018

10:00 A.M.

New Jersey Department of Labor and Workforce Development

John Fitch Plaza

12th Floor, Large Conference Room

Trenton, New Jersey

Please call the Office of Legal and Regulatory Services at (609) 292-2789 if you wish to be included on the list of speakers.

Submit written comments by November 3, 2018, to:

David Fish, Executive Director

Office of Legal and Regulatory Services

New Jersey Department of Labor and Workforce Development

PO Box 110-13th Floor

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