

(h)-(p) (No change.)

SUBCHAPTER 33. APPEALS FROM DENIAL OF AUTOMOBILE INSURANCE

11:3-33.5 Procedure for filing an appeal

(a) Appeals from a denial of automobile insurance in the voluntary market shall be submitted to the Department, on a form prescribed by the Department (Appendix B to this subchapter, which is incorporated herein by reference as part of this rule), within 90 days of the date of a written denial from an insurer or insurance agent. Notwithstanding an insurer's or agent's obligation to provide a person with this form upon a denial of initial coverage (see N.J.A.C. 11:3-33.4(c)), copies can also be obtained by contacting the Department by telephone (609) 984-2426 or by mail at the address below:

Department of Banking and Insurance
Division of Enforcement and Consumer Protection
Attn: Auto Insurance Denial
20 West State Street
PO Box [329] 471
Trenton, New Jersey [08625-0329] 08625-0471
(b) (No change.)

APPENDIX B

NOTE: YOU HAVE 90 DAYS FROM THE DATE ON WHICH A WRITTEN DENIAL OF AUTOMOBILE INSURANCE IS MADE TO FILE THIS APPEAL.

NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE
AUTOMOBILE DECLINATION APPEAL

BASIS FOR YOUR APPEAL (Please indicate with an "X" those statements or reasons that apply and attach a copy of pertinent documentation supporting your appeal. Such documentation should include a certified motor vehicle driver "abstract," where appropriate, available from the Motor Vehicle Commission. To obtain a certified copy of your driving record:

- 1.-2. (No change.)
3. Mail the application, a copy of your driver's license (or other form of acceptable ID) and a check or money order for \$ 10.00 payable to the New Jersey Motor Vehicle Commission to:
Motor Vehicle Commission
Abstract Unit
225 East State Street
PO Box 142
Trenton, New Jersey 08666-0142
There is a \$ 10.00 fee for each copy of the [DMV] MVC abstract.)

CERTIFICATION OF APPEAL

The information contained in this appeal is true and complete to the best of my knowledge and belief.

I UNDERSTAND THAT FILING THIS APPEAL DOES NOT PROVIDE ME WITH AUTOMOBILE INSURANCE. IF MY AUTO IS REGISTERED IN NEW JERSEY OR IS BEING DRIVEN, I HAVE OBTAINED OTHER AUTO INSURANCE.

Your Signature: _____ Date: _____
MAIL THIS COMPLETED FORM AND NECESSARY DOCUMENTATION TO:

New Jersey Department of Banking and Insurance
Division of Enforcement and Consumer Protection
PO Box [329] 471
Trenton, New Jersey [08625-0329] 08625-0471
Attn: Auto Insurance Denial

(a)

DEPARTMENT OF BANKING AND INSURANCE
DIVISION OF INSURANCE

Notice of Readoption
Persons Employed in the Business of Insurance
Readoption with Technical Changes: N.J.A.C. 11:17E

Authority: N.J.S.A. 2A:168A-1 et seq., 17:1-8.1, 17:1-15.e, and 17:22A-26 et seq.; and 18 U.S.C. §§ 1033 and 1034.

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

Effective Dates: November 30, 2021, Readoption;
January 3, 2022, Technical Changes.

New Expiration Date: November 30, 2028.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 11:17E were scheduled to expire on August 6, 2021. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 103, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 103, this notice of readoption is timely filed.

Chapter 17E, Persons Employed in the Business of Insurance, implements 18 U.S.C. § 1033 and § 1034, Federal statutes that provide that no person having been convicted of a felony involving dishonesty or breach of trust or an offense under 18 U.S.C. § 1033 shall engage in the business of insurance without having first obtained the written consent of the Commissioner of Banking and Insurance (Commissioner), or his or her designee. This chapter applies to all insurers doing business in this State pursuant to Title 17, 17B, or 26 of the New Jersey Statutes, or any risk retention group or purchasing group operating pursuant to the Liability Risk Retention Act of 1986, 15 U.S.C. § 3901-3906, or other similar risk retention organization organized pursuant to State law. 18 U.S.C. § 1033 also prohibits any person from employing a prohibited person in the business of insurance in any capacity without first obtaining a waiver. Both the prohibited person and the employer risk Federal criminal charges for a violation of these provisions.

This chapter contains the following subchapters:

N.J.A.C. 11:17E-1.1 sets forth the purpose and scope of the convicted persons waiver approval process.

N.J.A.C. 11:17E-1.2 supplies the definitions of key terms used within the chapter.

N.J.A.C. 11:17E-1.3 defines the prohibited activities that compel a convicted person to obtain a waiver and sets the requirements for a determination that the waiver should be from New Jersey (and not another state).

N.J.A.C. 11:17E-1.4 addresses the application process and those applicants who qualify for use of either the "short form" or "comprehensive form" waiver application.

N.J.A.C. 11:17E-1.5 sets forth the scope of actions available to the Commissioner following the consideration and review of a waiver application.

N.J.A.C. 11:17E-1.6 involves the maintenance of the confidentiality of the information submitted to the Department of Banking and Insurance (Department) by waiver applicants.

N.J.A.C. 11:17E-1.7 refers to the available penalties imposed by law for the failure to comply with the requirements of the subchapter.

N.J.A.C. 11:17E Appendix, which contains Exhibit A, the Initial Application for Written Consent to Engage In The Business Of Insurance, pursuant to 18 U.S.C. §§ 1033 and 1034 and Exhibit B, the Comprehensive Application for Written Consent to Engage in the Business of Insurance, pursuant to 18 U.S.C. §§ 1033 and 1034.

The Department has reviewed N.J.A.C. 11:17E and has determined that the existing rules continue to be necessary, reasonable, and proper for

the purpose for which they were originally promulgated. Accordingly, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period, with the following technical changes:

N.J.A.C. 11:17E-1.1(c) is changed to reflect the correct title number in citation for the “Liability Risk Retention Act of 1986” to 15 and N.J.A.C. 11:17E-1.3(c) is changed to reflect the Department’s correct return address to New Jersey Department of Banking and Insurance, Consumer Protection Services—Licensing, 20 West State Street, PO Box 329, Trenton, NJ 08625-0329.

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

SUBCHAPTER 1. CONVICTED PERSONS; WAIVERS

11:17E-1.1 Purpose and scope

(a)-(b) (No change.)

(c) This subchapter applies to all insurers doing business in this State pursuant to Title 17, 17B, or 26 of the New Jersey Statutes, or any risk retention group or purchasing group operating pursuant to the “Liability Risk Retention Act of 1986,” [18]15 U.S.C. §§ 3901 et seq., or other similar risk retention organization organized pursuant to State law.

11:17E-1.3 Prohibited activities; requirement to obtain waiver; determination of appropriate state

(a)-(b) (No change.)

(c) All prohibited persons seeking to obtain a waiver in accordance with (a) above shall complete and file “Application for Waiver Short Form” or “Application for Waiver Comprehensive Form,” set forth [in] at Exhibits A and B respectively in the Appendix to this chapter and incorporated herein by reference to:

New Jersey Department of Banking and Insurance
[1033 Compliance] **Consumer Protection Services—Licensing**
PO Box [324] **329**
Trenton, NJ 08625-[0324]**0329**

(d) (No change.)

(a)

DEPARTMENT OF BANKING AND INSURANCE

DIVISION OF INSURANCE

Notice of Readoption

Health Maintenance Organizations

Readoption with Technical Changes: N.J.A.C. 11:24

Authority: N.J.S.A. 17:1-8.1, 17:1-15.e, 17B:30-54, 26:2J-21, and 26:2S-18.

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

Effective Dates: November 30, 2021, Readoption;
January 3, 2022, Technical Changes.

New Expiration Date: November 30, 2028.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 11:24 were scheduled to expire on January 14, 2022. The rules in this chapter were promulgated to implement N.J.S.A. 26:2J-1 et seq. (the Act), which governs the establishment and operation of health maintenance organizations (HMOs) in the State of New Jersey and contain the following subchapters:

N.J.A.C. 11:24-1 provides the scope and definitions applicable to this chapter.

N.J.A.C. 11:24-2 contains the criteria for the establishment, maintenance, denial, and withdrawal of an HMO’s certificate of authority in this State.

N.J.A.C. 11:24-3 establishes general standards for HMO operations related to the provision of services, enrollment, and termination of members, as well as handling applications from and termination of health care providers from an HMO’s network.

N.J.A.C. 11:24-4 requires that the HMO designate a medical director to oversee a number of its operations and sets forth the medical director’s responsibilities.

N.J.A.C. 11:24-5 describes the minimum health care services that an HMO member contract must contain.

N.J.A.C. 11:24-6 establishes the minimum standards for an HMO’s network of health care providers.

N.J.A.C. 11:24-7 sets forth certain requirements regarding continuous quality improvement programs and use of performance and outcome measures.

N.J.A.C. 11:24-8 requires that HMOs have a utilization management program under the direction of the medical director, and that the program meet certain standards. An Appendix to the rules contains an Explanation of an Individual’s Right to Appeal Health Insurance Determinations.

N.J.A.C. 11:24-9 contains the standard disclosure requirements that HMOs must make to members and other consumers.

N.J.A.C. 11:24-10 establishes standards for the maintenance and handling of medical records.

N.J.A.C. 11:24-11 establishes financial standards, solvency, and related reporting requirements for HMOs.

N.J.A.C. 11:24-12 contains provisions related to the rehabilitation, conservation, and liquidation of HMOs.

N.J.A.C. 11:24-13 establishes standards for the licensing of agents and brokers employed by or acting on behalf of HMOs, contains certain disclosure requirements regarding provider compensation arrangements, and clarifies that certain other Department of Banking and Insurance (Department) rules relating to marketing, trade practices, and claims handling apply to HMOs.

N.J.A.C. 11:24-14 sets forth the standards by which HMOs may develop and offer a point-of-service (POS) product, and procedures for obtaining approval of such products.

N.J.A.C. 11:24-15 establishes standards for the transfer of risk between HMOs, health care providers, and intermediary organizations, and specifies when such a transfer of risk is, or is not, permissible.

N.J.A.C. 11:24-17 sets forth basic requirements for HMO plan documents, such as enrollment contracts, certificates, evidences of coverage, and handbooks.

N.J.A.C. 11:24-18 establishes standards for the development and use of drug formularies by HMOs, and an appendix to the subchapter contains the Actuarial Justification of Benefit Differentials—Formulary Drug Benefit form.

The Department has reviewed N.J.A.C. 11:24 and has determined the existing rules continue to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Accordingly, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period, with the following technical changes: adding the Department’s website address and correcting the Department’s physical address set forth at N.J.A.C. 11:24-2.2(a), deleting the Department’s outdated 609-292-5316 x50998 telephone number, and correcting the punctuation by removing the comma after the toll free telephone number set forth in the appendix at N.J.A.C. 11:24-8, and correcting the filing information set forth at N.J.A.C. 11:24-14.3(e) and 14.6.

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

SUBCHAPTER 2. ESTABLISHMENT OF HEALTH MAINTENANCE ORGANIZATIONS

11:24-2.2 Application for a new or amended certificate of authority

(a) Any person, organization, or corporation desiring to establish and/or operate an HMO shall apply to the Commissioner for a certificate of authority, pursuant to N.J.S.A. 26:2J-1 et seq. Applications for a certificate of authority may be obtained from:

New Jersey Department of Banking and Insurance
Valuations Bureau
[Life and Health Division] **Office of Solvency Regulation**
20 West State Street
PO Box 325
Trenton, NJ 08625-0325