

The rules promulgated by the SEH Board at N.J.A.C. 11:21-1 set forth the definitions of terms used throughout the chapter, how the SEH Board may be contacted, penalties available pursuant to law, a severability clause for the subchapter, and specifies the SEH Board's mission statement. Subchapter 2, the SEH Board's Plan of Operation, sets forth the purpose and structure of the SEH Program. Subchapter 3 sets forth the standard health benefits plans, the deductible and copay options and ranges that may or must be offered, a description of the standard riders, and procedures for filing optional nonstandard benefit riders of increasing value with the SEH Board. N.J.A.C. 11:21-4 sets forth the standard policy forms that carriers are required to use in issuing the standard plans. This subchapter also sets forth the rules for certification or filing of forms with the SEH Board, the SEH Board's standard for review, and guidance for a carrier's use of a compliance and variability rider. N.J.A.C. 11:21-6 sets forth the standard application form, employer certification form, and waiver form used by small employers in obtaining and renewing small employer health benefits plans. These standardized forms are necessary to effectuate the intent of the Legislature in having a standardized market that promotes access to coverage, and to help ensure that carriers administer their business in a fair and equitable manner. Subchapter 7 sets forth the key elements for SEH Program compliance for carriers, including standards for carriers with respect to eligibility and issuance; restrictions on changing plans; minimum employee participation requirements; minimum employer contribution requirements; preexisting condition standards; effective date of coverage; price quotes and disclosures; tie-in sales; guaranteed renewability of coverage; enrollment reporting requirements; paying benefits; and permissible rate classification factors. Subchapter 10 sets forth annual reporting requirements of market share data for the assessment of operational and administrative expenses of the SEH Program. N.J.A.C. 11:21-17 sets forth the standards for carriers for plan identification and marketing, retention of marketing and promotional material, provides for a certification of the marketing material, and outlines prohibited practices by carriers with respect to contracting with producers. N.J.A.C. 11:21-18 sets forth the procedures for interested parties to submit petitions for rulemaking. Lastly, N.J.A.C. 11:21-23 sets forth the procedures that the SEH Board uses in providing notice of proposed rulemaking, receiving public comments regarding existing rules and proposed rulemakings, extending the public comment period, conducting a public hearing, and providing notice of public meetings.

In addition, the following appendices at N.J.A.C. 11:21-1, 2, 3, 4, 6, 7, 10, 17, 18, and 23 including Exhibit D, the Open Face Rider referenced at N.J.A.C. 11:21; Exhibit F, the Small Group Health Benefits policy form for Plans B through E referenced at N.J.A.C. 11:21-3; Exhibit G, the Small Group Health Maintenance Organization (HMO) contract referenced at N.J.A.C. 11:21-3; Exhibit K, the Explanation of Brackets referenced at N.J.A.C. 11:21-4; Exhibit T, the Waiver of Coverage referenced at N.J.A.C. 11:21-6; Exhibit W, the Small Group Health Benefits Certificate for Plans B through E referenced at N.J.A.C. 11:21-4; Exhibit Y, the Evidence of Coverage for Small Group HMOs referenced at N.J.A.C. 11:21-4; Exhibit BB, Part I, the Certification of Compliance with Small Employer Health Benefit Plans referenced at N.J.A.C. 11:21-4, and, Part II, the Certification of Promotional Material and Marketing referenced at N.J.A.C. 11:21-17; Exhibit CC, the Carrier Small Employer Market Share Report referenced at N.J.A.C. 11:21-10; and Exhibit DD, the Compliance and Variability Rider referenced at N.J.A.C. 11:21-4.

These rules implement essential provisions of the SEH Law. The Department and SEH Board have reviewed these rules and have determined that the rules should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, 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.

## TREASURY—GENERAL

### (a)

#### DIVISION OF PENSIONS AND BENEFITS STATE HOUSE COMMISSION

##### Judicial Retirement System

##### Deferred Retirement (P.L. 2021, c. 105; P.L. 2021, c. 329; and P.L. 2022, c. 94)

##### Readoption with Amendments: N.J.A.C. 17:10

Proposed: May 1, 2023, at 55 N.J.R. 822(a).

Adopted: September 18, 2023, by the State House Commission,

Brittany Zulla, Secretary, Division of Pensions and Benefits.

Filed: September 18, 2023, as R.2023 d.122, **without change**.

Authority: N.J.S.A. 43:6A-29.d.; P.L. 2021, c. 105; P.L. 2021, c. 329; and P.L. 2022, c. 94.

Effective Dates: September 18, 2023, Readoption;  
October 16, 2023, Amendments.

Expiration Date: September 18, 2030.

Summary of Public Comment and Agency Response:

**No comments were received.**

##### Federal Standards Statement

A Federal standards analysis is not required because N.J.S.A. 43:16A-13(7) governs the subject of this rulemaking, and there are no Federal requirements or standards that affect the subject of this rulemaking.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 17:10.

**Full text** of the adopted amendments follows:

#### SUBCHAPTER 2. ENROLLMENT AND PURCHASES

##### 17:10-2.4 Optional purchase of eligible service

(a) A member may purchase all, or a portion, of former membership in a New Jersey State-administered retirement system. A member may also purchase service rendered in an office, position, or employment of the State of New Jersey, or of a county, municipality, board of education, or public agency of the State of New Jersey. "Service" means public service rendered for which pension credit is allowed on the basis of contributions made by the State. Public employment covered pursuant to the Defined Contribution Retirement Program is not eligible for purchase.

(b)-(c) (No change.)

#### SUBCHAPTER 3. INSURANCE AND DEATH BENEFITS

##### 17:10-3.6 Death benefits in active service; death benefits in retirement

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

(c) If a person dies while in service with a deferred retirement pursuant to the provisions at P.L. 2021, c. 105, P.L. 2021, c. 329, and N.J.A.C. 17:10-5.4(b), as a county prosecutor or as the Administrative Director of the Courts, the death shall not be considered a death in active service. The beneficiary shall be eligible for a pension or survivor's benefit, and for any death benefits, based on the approved retirement application and the retirement shall be effective as of the date of death. The election by the member of an option in accordance with section 1 at P.L. 2002, c. 54 (N.J.S.A. 43:6A-16.1) shall become effective and payable.

#### SUBCHAPTER 5. RETIREMENTS

##### 17:10-5.4 Deferred retirement

(a) (No change.)

(b) Notwithstanding the language at N.J.A.C. 17:10-5.11 and (a) above, a member of the JRS is permitted to resign as a judge and apply for, but defer, retirement in order to serve as a county prosecutor upon appointment by the Governor or as the Administrative Director of the Courts upon appointment by the Chief Justice of the Supreme Court. To be eligible, the member must be at least 65 years of age, have the

necessary judicial service credit for a full judicial retirement, and serve for 20 years as a judge for any court in New Jersey. The retirement would become effective after service as a county prosecutor or as the Administrative Director of the Courts ends. In addition, the health care benefits under the State Health Benefits Program that the person would be entitled to upon retirement as a State employee would also be deferred until after service as a county prosecutor or as the Administrative Director of the Courts ends and the retirement becomes effective. In accordance with N.J.S.A. 43:6A-11.1, if such member attains the age of 70 years while serving as a county prosecutor or as the Administrative Director of the Courts and has an approved application for retirement, the effective date of which has been deferred, the member shall be permitted to continue to serve in the position, and the compulsory retirement for the member shall be deferred to the first day of the month following the

termination of the member's service in the position of county prosecutor or as the Administrative Director of the Courts. A member of the JRS who files for deferred retirement pursuant to this section shall not be eligible to participate in the Defined Contribution Retirement System, enroll in any other State-administered retirement system, or receive any other payments from the county or State deemed to be payments from retirement accounts, funds, or pensions not including annuities.

**17:10-5.11 Compulsory retirement**

Except as provided at P.L. 2021, c. 105, P.L. 2021, c. 329, and N.J.A.C. 17:10-5.4, compulsory retirement will be effective upon the attainment of age 70. The retired member will receive a pension prorated by the number of days in the month of retirement as of the date of attaining age 70.