

Search
[Home](#) > [Out-of-network Consumer Protections](#) > Data Reporting

The Out-of-network Consumer Protection, Transparency, Cost Containment, and Accountability Act (P.L. 2018, c. 32) Data Reporting

Arbitrations Filed Under P.L. 2018, c. 32

As of December 31, 2020, MAXIMUS Federal¹ has received 5,717 c. 32 arbitration requests. Of the 5,715 cases submitted as of December 31, 2020, 5,428 cases have been resolved by issuance of decision, by withdrawal requested by the initiating party or by dismissal for ineligibility. 55 cases are pending with MAXIMUS Federal for either completion of eligibility review, receipt of information from the Provider or Carrier, drafting of decision or issuance of dismissal or withdrawal. See chart below. The full list of arbitrations filed between January 1 and December 31 may be found [here](#).

Initiated	22	Application received; eligibility to be determined
Preliminary Review	116	Awaiting info/documentation from Provider and/or Carrier
Review	149	Complete case files received; case needs to be arbitrated
Decision Pending	55	To be dismissed or withdrawn
Letter Sent	5373	Case closed (decision issued, case withdrawn or dismissed)
Grand Total	5715	

Of the 5,715 cases that have been resolved, decisions (including default decisions) were issued in 4,173 cases, 813 cases were dismissed as ineligible and 729 cases were withdrawn. With respect to awards issued, carriers prevailed in 1489 cases or 36% of the total and providers prevailed in 2,683 cases or 64% of the total. Awards to carriers totaled \$5,222,355.84 and awards to providers totaled \$31,434,987.84.

Decision	Count of Case Number	Sum of Total Award
Carrier Awarded	1489	\$5,222,355.84
Provider Awarded	2650	\$31,434,987.84
Member Awarded	1	\$2,384.55
Provider Awarded (Default)	33	\$355,113.39
Grand Total	4173	\$37,014,841.62

Of the 813 cases that were dismissed as ineligible, the primary reasons for dismissal are that the health benefits plan was issued in a state other than New Jersey or the health benefits plan is a self-funded plan that did not opt into c. 32 arbitration.

Dismissal Category	Count of Dismissal Reason
Plan not issued in NJ	236
Self-funded plan did not opt in	295

Did not negotiate/ untimely negotiation / untimely arbitration	85
Disputed amount is <\$1k	43
Incomplete application	75
Federal Plan	3
Member was not covered during DOS	2
Medical necessity dispute	3
Not emergency or inadvertant	62
Provider has contract with Carrier	1
Service before 08/30/18	1
Workers Compensation dispute	1
Medicare and/or Medicaid Plan	6
Grand Total	813

Provider Network Status

The charts below show the percentage of hospitals and ambulatory surgical centers that participate in the Health Maintenance Organization (HMO) and Preferred Provider Organization (PPO) networks of the carriers issuing health benefits plans in the commercial market. Hospital participation in HMO and PPO plans ranges from 67% to 98%. Ambulatory surgical center participation in HMO and PPO plans ranges from 57% to 94%.

HMO	Hospitals	Percentage
Aetna	67	95%
AmeriHealth	67	95%
Cigna	60	85%
Horizon	66	94%
Oxford	69	98%
70 total General Hospitals in NJ		

HMO	ASCs	Percentage
Aetna	199	68%
AmeriHealth	168	57%
Cigna	272	93%
Horizon	272	93%
Oxford	197	67%
290 total Ambulatory Surgical Centers in NJ		

PPO	Hospitals	Percentage
Cigna PPO	60	85%
Horizon PPO	66	94%
Oxford Navigate	47	67%
Oxford Metro	47	67%
UnitedHealthcare Core Network	47	67%
70 total General Hospitals in NJ		

PPO	ASCs	Percentage
Cigna PPO	273	94%
Horizon PPO	272	93%
Oxford Navigate	215	74%
Oxford Metro	197	67%
UnitedHealthcare Core Network	211	72%
296 total Ambulatory Surgical Centers in NJ		

Health Benefit Annual Rate Trends

The chart below shows aggregate trends in health benefit plan premium rates in the individual health coverage (IHC) and small employer health coverage (SEH) markets over the last several years.



Year	IHC	SEH
2021	3.3%	2.5%
2020	8.7%	1.1%
2019	-9.3%	5.3%
2018	23.3%	8.5%
2017	8.7%	10.8%

Medical Loss Ratios (MLR)

The aggregate Medical Loss Ratios for the last four available years are as follows:

Year	IHC	SEH
2019	78.9%	78.6%
2018	78.72%	80.54%
2017	89.38%	81.27%
2016	95.29%	83.38%

New Jersey Medical Loss Ratio reports can be found [here](#).

Total Spending on Inadvertent and Emergency Out-of-network Costs

As part of the Department's rate review process, carriers were asked to provide data on out-of-network claims spending. All carriers from which the Department obtained data have experienced a reduction in involuntary out-of-network claim costs since the Act has taken effect. The change in the law likely contributed to reduced costs associated with claims for involuntary (i.e. emergency and inadvertent) out-of-network services paid by carriers. The extent to which costs were reduced varied by market and carrier. The size of the reduction may also vary. The total carrier spending on involuntary out-of-network services (as defined by each carrier) was reduced by 56% for the individual health coverage (IHC) market and 38% for the small employer health coverage (SEH) market. In the IHC market, the reduction in involuntary out-of-network service claim costs for carriers, adjusted for membership changes, ranged from approximately 30% to approximately 70%. Within the SEH market, the reduction on spending on claims for involuntary out-of-network services, adjusted for membership changes, ranged from approximately 20% to approximately 70%. Within the large group market there was much more limited data, but that data showed a reduction of approximately 48% adjusted for membership changes.

Complaints Related to Out-of-network Health Care Charges

Between January 1, 2020 and December 31, 2020, the Department received 76 complaints relating to out-of-network health care charges.

Self-Funded Plans

As of January 28, 2021, 137 self-funded plans opted in to the arbitration process under the law. The list of Plan Sponsors that have filed ID cards indicating opt-in to the OON arbitration and the date of the opt-in is below.

Opt In Date	Plan Sponsor
07/01/2019	Affiliated Physicians and Employers Master Trust
07/01/2019	Employers Association of NJ

07/01/2019	Employers Association of NJ (RX Express Scripts)	
09/01/2019	Princeton University	
01/01/2019	Association Master Trust	
01/01/2019	Mack-Cali Realty Corp.	
01/01/2019	NJ Manufacturers	
01/01/2019	NJ Turnpike Authority	
01/01/2019	South Jersey Industries	
01/01/2019	VNA of Central NJ	
01/01/2019	Romark Logistics	
01/01/2019	ICIMS	
01/01/2019	Community Surgical Supply	
01/01/2019	Academy Bus	
01/01/2019	Township of Freehold	
01/01/2019	Town of West New York	
01/01/2019	Hoagland Longo Moran Dunst and Doukas, LLP-PPO	
01/01/2019	Motors Management, Inc.	
04/01/2019	Aurobindo Pharma	
04/01/2019	AMSPEC Services LLC	
04/01/2019	Atalanta Corporation	
05/01/2019	Yang Ming	
05/01/2019	Passaic Valley Water	
05/01/2019	Warren County	
01/06/2019	Mycone Dental Supply Inc.	
07/01/2019	Flemington Raritan BOE	
07/01/2019	Jackson Township BOE	
07/01/2019	Brick Township BOE	
07/01/2019	Egg Harbor Township	
07/01/2019	Ray Catena Motor Car	
07/01/2019	Freehold Township BOE	
07/01/2019	East Brunswick Public Schools	
07/01/2019	Union County	
08/20/2019	G & S Motor Equipment Co, Inc.	
08/20/2019	Hopewell Valley Regional School	
08/01/2019	Evonik Corporation Medical Plan	
09/01/2019	Education Services Commission NJ	
10/01/2019	Felician University	
01/01/2020	Atlantic Health System	
01/20/2020	Capital Health System	
01/20/2020	Tris Pharma, Inc.	
01/20/2020	Humanscale Corporation	
01/20/2020	CentraState Healthcare System	
01/20/2020	St. Joseph's Healthcare System Inc.	Opt Out 01/01/2021

01/20/2020	New York Presbyterian Hospital
01/20/2020	Virtua Health Inc.
01/20/2020	American Music Supply Inc.
01/20/2020	Atlantic Medical Imaging
01/01/2020	1-800-FLOWERS.COM
01/01/2020	Acrisure, LLC
01/01/2020	American Roll-On Roll-Off Carrier Group Inc.
01/01/2020	Delta Galil USA Inc.
01/01/2020	Elwyn Inc.
01/01/2020	Gracie Square Hospital
01/01/2020	Kings Physician Services, PC
01/01/2020	New York Presbyterian Brooklyn Methodist
01/01/2020	New York Presbyterian Hudson Valley
01/01/2020	New York Presbyterian Medical Group Westchester
01/01/2020	New York Presbyterian Queens
01/01/2020	RCG Global Services, Inc.
01/01/2020	Redfin Corporation
01/01/2020	Rockefeller Group International Inc.
01/01/2020	Roosevelt Paper Company
01/01/2020	Silvercrest Center for Nursing and Rehabilitation
01/01/2020	Westchester Medical Practice, PC, dba New York Presbyterian Medical Group Hudson Valley
01/01/2020	Vinson & Elkins LLP
01/01/2020	WWL Holdings Americas LLC
01/01/2020	WWL Vehicle Services Americas Inc.
01/01/2020	Kearny Bank
01/01/2019	Members Health Plan of New Jersey
03/01/2021	The Kuiken Brothers Company
01/01/2021	Wework Management LLC
01/01/2020	Christian Health Care Center
01/01/2020	Borough of Florham Park
01/01/2020	Hard Rock Hotel & Casino Atlantic City
01/01/2020	The Knights of Columbus
01/01/2020	DeSimone Consulting Engineers
02/01/2020	Union City Board of Education
01/01/2020	The Fresh Market
03/01/2020	Rotor Clip
03/01/2020	Rancocas Anesthesiology, P.A.
03/01/2020	Montgomery Board of Education
03/01/2020	Holtec International
03/01/2020	Springpoint Senior Living Inc.
04/01/2020	Shore Point Distributing Company, Inc.
04/01/2020	Autolenders Liquidation Center, Inc.

05/01/2020	Ettain Group Holdings LLC
06/01/2020	Air Group, LLC
07/01/2020	Bridgewater Raritan Board of Education
07/01/2020	Carteret Board of Education
07/01/2020	Nutley Board of Education
07/01/2020	The ARC Ocean County Chapter
07/01/2020	Welfare Fund of Local No. One I.A.T.S.E.
07/01/2020	Mason Tenders' District Council Welfare Fund
08/01/2020	Ralph Clayton & Sons, LLC
08/01/2020	Sheet Metal Workers Local 25 New Jersey Welfare Fund
09/01/2020	Bihler of America
09/01/2020	Lululemon USA Inc.
10/01/2020	IPC Systems Inc.
11/01/2020	Specified Technologies Incorporated
11/01/2020	Custom Bandag Inc.
01/01/2021	Clarke Environmental Mosquito Management Inc.
01/01/2021	Astellas US LLC
01/01/2021	Guggenheim Capital LLC
01/01/2021	Millennium American Holdings Inc.
01/01/2021	Equistar Chemicals LP
01/01/2021	Houston Refining LP
01/01/2021	Engineered Composites
01/01/2021	A. Schulman Inc.
01/01/2021	Lyondell Chemical Company
01/01/2021	Sartorius Group North America
01/01/2021	Chemtrade Holdco US Inc.
01/01/2021	Collabera Inc.
01/01/2021	CB Neptune Holdings LLC
01/01/2021	Society for Worldwide Interbank Financial Telecommunication Inc.
01/01/2021	The Nature Conservancy
01/01/2021	South Brunswick Board of Education
01/01/2021	Institute for Defense Analyses (IDA)
01/01/2021	Dealer Tire LLC
01/01/2021	Merlin Entertainments Group US Holdings Inc.
01/01/2021	IBA USA Inc.
01/01/2021	PTC Therapeutics Inc.
01/01/2021	Planned Systems International Inc.
01/01/2021	CMC Materials Inc.
01/01/2021	Regeneron Pharmaceuticals Inc.
01/01/2021	West Windsor - Plainsboro Regional School District
01/01/2021	GS1 US Inc.
01/01/2021	Nomura Securities International Inc.

01/01/2021	Essence Global LLC
01/01/2021	McCollister's Transportation Group Inc.
01/01/2021	Instinet Holdings Incorporated
01/01/2021	ADG LLC dba Great Expressions Dental Centers
01/01/2021	MSG Entertainment Group LLC
01/01/2021	MSG Sports LLC
01/01/2021	MSGN Holdings LP
01/01/2021	Teamsters Local 817 Welfare fund
01/01/2021	Xylem Inc.
01/01/2021	Takeda Pharmaceuticals USA Inc.

The following multiple employer welfare arrangements (MEWAs) are subject to the provisions of P.L. 2018, c. 32 but have filed ID cards indicating participation in the OON arbitration. The list of MEWAs is below.

Plan Sponsor
Affiliated Physicians and Employers Master Trust/Member's Health Plan NJ
Association Master Trust

Network and ONET Physician Specialists as of December 2020

Specialty	Statewide	Aetna	AmeriHealth	CIGNA	Horizon	Oxford
Specialty	Total # in State*	Total in-network				
Cardiologist	943	1429	1119	1150	1110	1241
Dermatologist	363	394	321	404	375	349
Endocrinologist	294	408	142	266	258	281
ENT	256	323	289	330	92	293
General Surgeon	674	860	612	710	722	787
Neurologist	405	799	469	486	481	494
OB/GYN	1363	1623	1158	1383	1229	1394
Oncologist/Hematologist	498	808	290	488	352	575
Ophthalmologist	578	719	662	692	674	681
Orthopedist	556	711	642	696	648	860
Psychiatrist	1133	748	538	655	741	622
Urologist	346	353	306	329	298	321

¹MAXIMUS Federal is contracted with the Department to conduct c. 32 arbitrations.

*Source: AAMC New Jersey Physician Workforce Profile (2019). NJDOBI cannot verify the accuracy of the data.

As of January 31, 2021



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