



December 13, 2021

To: Sen. Ruiz, Sen. Pou, Sen. Weinberg, Asm. Verrelli, Asw. McKnight,
Asm. McKeon, Asm. Benson, Asw. Timberlake, Asm. Conaway,
Asw. Jasey, Asw. Vainieri Huttel, Asm. Houghtaling, Asw. Swain, Asm. Tully,
And Asw. Lopez

From: NJ for Health Care Coalition
Maura Collinsgru, New Jersey Citizen Action
Renée Steinhagen, New Jersey Appleseed PILC

Re: Easy Enrollment (“EZ”) Health Insurance Program Conditional Veto (S.3238)

We are writing to you to urge the Legislature to adopt S. 3238 as modified by the Governor in his conditional veto. In the veto, the Governor correctly acknowledges that the “program established in this bill would leverage the information provided through tax filings to increase enrollment among the uninsured,” and sees this program as a critical step to improve access to coverage for New Jersey families. Moreover, we support the Governor’s intent in recommending changes to bill “to avoid the risk of creating consumer confusion and unattainable expectations,” at the same time as ensuring an effective rollout of the EZ Enrollment Health Insurance Program.

While we agree that many of the proposed changes may be necessary and are in keeping with the principles of advancing access to coverage for more New Jerseyans, we have reservations that elimination of several of the more prescriptive provisions that the Legislature had included in the bill will hinder implementation. Positive changes in the conditional veto include “a longer implementation timeline, a clearer delineation of the work to be performed by each department, and the leveraging of existing systems and programs to increase efficiencies and ensure full compliance with federal law.” (emphasis added). However, the Governor’s conditional veto specifically drops specific directives that the Legislature had included to ensure that the program actually gets implemented. This bill involves interagency cooperation and coordination; and accordingly, in order to ensure that the program is in fact implemented in an efficient manner, as desired by the Governor, the Legislature and the public, the Department of Banking and Insurance must take the lead and issue regulations spelling out which agency is going to do what and when to make sure that eligibility is determined in a timely fashion and individuals who are eligible for coverage are enrolled on a timely basis.

Accordingly, we are asking each of you to not only support the conditional veto, but when voting to do so to make a statement calling for rulemaking and the timely promulgation of regulations to ensure that the administrative agencies involved in the EZ Enrollment Health Insurance Program implement the program as envisioned by the Legislature.

Furthermore, in lieu of the advisory work group set forth in S. 3238, the Governor has handed off the responsibility for “the implementation of the EZ Enrollment Health Insurance Program” to a pre-established advisory group responsible for the operation of the New Jersey Health Insurance Exchange (i.e., P.L. 2019, c.141, s.2) (“Exchange Advisory Group”). On its face, this consolidation makes sense; however, there are two significant problems of which Legislators should be aware: The first is that the Exchange Advisory Group, which includes the Commissioners of Banking and Insurance, Human Services, and Health and six public members, has never met nor been established. Second, the Exchange Advisory Group is legislatively required to include individuals with experience in health insurance consumer advocacy, individual health coverage, small employer health insurance coverage, health benefits plan marketing, the provision of health care services or academic or professional research relating to health insurance. This list, though extensive does not include the Treasury Commissioner, national tax policy experts, the tax preparer community, Federally Qualified Health Care providers, or navigators or other consumer assisters, insurance brokers or agents.

Again, we are asking each of you to not only support the conditional veto, but when voting to do so to make a statement requiring that the Exchange Advisory Group be appointed and that such body commence holding regular meetings, and be expanded to include the Treasury Commissioner and public members whose expertise is required to ensure proper implementation of the EZ Enrollment Health Insurance Program.

Thank you for taking our comments under consideration.