

# ASSEMBLY, No. 1713

## STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

**Assemblywoman NANCY F. MUNOZ**

**District 21 (Essex, Morris, Somerset and Union)**

**Assemblyman ERIC MUNOZ**

**District 21 (Essex, Morris, Somerset and Union)**

**Co-Sponsored by:**

**Assemblyman Bramnick and Assemblywoman Wagner**

**SYNOPSIS**

Requires health benefits coverage for bone mass measurement.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 5/22/2009)**

1 AN ACT concerning health benefits coverage for bone mass  
2 measurement and supplementing various parts of the statutory  
3 law.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. No group or individual hospital service corporation contract  
9 providing hospital or medical expense benefits shall be delivered,  
10 issued, executed or renewed in this State pursuant to P.L.1938,  
11 c.366 (C.17:48-1 et seq.), or approved for issuance or renewal in  
12 this State by the Commissioner of Banking and Insurance on or  
13 after the effective date of this act, unless the contract provides  
14 benefits to a subscriber or other person covered thereunder for  
15 expenses incurred for bone mass measurement. As used in this  
16 section, "bone mass measurement" means a radiologic or  
17 radioisotopic procedure or other procedure, approved by the federal  
18 Food and Drug Administration, and performed on a person for the  
19 purpose of identifying bone mass, detecting bone loss or  
20 determining bone quality, and includes a physician's interpretation  
21 of the results of the procedure.

22 The Commissioner of Health and Senior Services shall, in  
23 consultation with the Commissioner of Banking and Insurance,  
24 establish standards regarding the frequency with which a person  
25 shall be eligible for bone mass measurement benefits under this  
26 section.

27 The benefits shall be provided to the same extent as for any other  
28 medical condition under the contract.

29 This section shall apply to all hospital service corporation  
30 contracts in which the hospital service corporation has reserved the  
31 right to change the premium.  
32

33 2. No group or individual medical service corporation contract  
34 providing hospital or medical expense benefits shall be delivered,  
35 issued, executed or renewed in this State pursuant to P.L.1940, c.74  
36 (C.17:48A-1 et seq.), or approved for issuance or renewal in this  
37 State by the Commissioner of Banking and Insurance on or after the  
38 effective date of this act, unless the contract provides benefits to a  
39 subscriber or other person covered thereunder for expenses incurred  
40 for bone mass measurement. For purposes of this section, "bone  
41 mass measurement" means a radiologic or radioisotopic procedure  
42 or other procedure, approved by the federal Food and Drug  
43 Administration, and performed on a person for the purpose of  
44 identifying bone mass, detecting bone loss or determining bone  
45 quality, and includes a physician's interpretation of the results of the  
46 procedure.

47 The Commissioner of Health and Senior Services shall, in  
48 consultation with the Commissioner of Banking and Insurance,

1 establish standards regarding the frequency with which a person  
2 shall be eligible for bone mass measurement benefits under this  
3 section.

4 The benefits shall be provided to the same extent as for any other  
5 medical condition under the contract.

6 This section shall apply to all medical service corporation  
7 contracts in which the medical service corporation has reserved the  
8 right to change the premium.

9  
10 3. No group or individual health service corporation contract  
11 providing hospital or medical expense benefits shall be delivered,  
12 issued, executed or renewed in this State pursuant to P.L.1985,  
13 c.236 (C.17:48E-1 et seq.), or approved for issuance or renewal in  
14 this State by the Commissioner of Banking and Insurance on or  
15 after the effective date of this act, unless the contract provides  
16 benefits to a subscriber or other person covered thereunder for  
17 expenses incurred for bone mass measurement. As used in this  
18 section, "bone mass measurement" means a radiologic or  
19 radioisotopic procedure or other procedure, approved by the federal  
20 Food and Drug Administration, and performed on a person for the  
21 purpose of identifying bone mass, detecting bone loss or  
22 determining bone quality, and includes a physician's interpretation  
23 of the results of the procedure.

24 The Commissioner of Health and Senior Services shall, in  
25 consultation with the Commissioner of Banking and Insurance,  
26 establish standards regarding the frequency with which a person  
27 shall be eligible for bone mass measurement benefits under this  
28 section.

29 The benefits shall be provided to the same extent as for any other  
30 medical condition under the contract.

31 This section shall apply to all health service corporation  
32 contracts in which the health service corporation has reserved the  
33 right to change the premium.

34  
35 4. No individual health insurance policy providing hospital or  
36 medical expense benefits shall be delivered, issued, executed or  
37 renewed in this State pursuant to chapter 26 of Title 17B of the New  
38 Jersey Statutes, or approved for issuance or renewal in this State by  
39 the Commissioner of Banking and Insurance on or after the  
40 effective date of this act, unless the policy provides benefits to an  
41 insured or other person covered thereunder for expenses incurred  
42 for bone mass measurement. As used in this section, "bone mass  
43 measurement" means a radiologic or radioisotopic procedure or  
44 other procedure, approved by the federal Food and Drug  
45 Administration, and performed on a person for the purpose of  
46 identifying bone mass, detecting bone loss or determining bone  
47 quality, and includes a physician's interpretation of the results of the  
48 procedure.

1 The Commissioner of Health and Senior Services shall, in  
2 consultation with the Commissioner of Banking and Insurance,  
3 establish standards regarding the frequency with which a person  
4 shall be eligible for bone mass measurement benefits under this  
5 section.

6 The benefits shall be provided to the same extent as for any other  
7 medical condition under the policy.

8 This section shall apply to all health insurance policies in which  
9 the health insurer has reserved the right to change the premium.  
10

11 5. No group health insurance policy providing hospital or  
12 medical expense benefits shall be delivered, issued, executed or  
13 renewed in this State pursuant to chapter 27 of Title 17B of the New  
14 Jersey Statutes, or approved for issuance or renewal in this State by  
15 the Commissioner of Banking and Insurance on or after the  
16 effective date of this act, unless the policy provides benefits to an  
17 insured or other person covered thereunder for expenses incurred  
18 for bone mass measurement. As used in this section, "bone mass  
19 measurement" means a radiologic or radioisotopic procedure or  
20 other procedure, approved by the federal Food and Drug  
21 Administration, performed on a person for the purpose of  
22 identifying bone mass, detecting bone loss or determining bone  
23 quality, and includes a physician's interpretation of the results of the  
24 procedure.

25 The Commissioner of Health and Senior Services shall, in  
26 consultation with the Commissioner of Banking and Insurance,  
27 establish standards regarding the frequency with which a person  
28 shall be eligible for bone mass measurement benefits under this  
29 section.

30 The benefits shall be provided to the same extent as for any other  
31 medical condition under the policy.

32 This section shall apply to all health insurance policies in which  
33 the health insurer has reserved the right to change the premium.  
34

35 6. No individual health benefits plan subject to the provisions of  
36 P.L.1992, c.161 (C.17B:27A-2 et seq.) shall be delivered, issued,  
37 executed or renewed in this State, or approved for issuance or  
38 renewal in this State by the Commissioner of Banking and  
39 Insurance on or after the effective date of this act, unless the policy  
40 provides benefits to an insured or other person covered thereunder  
41 for expenses incurred for bone mass measurement. As used in this  
42 section, "bone mass measurement" means a radiologic or  
43 radioisotopic procedure or other procedure, approved by the federal  
44 Food and Drug Administration, and performed on a person for the  
45 purpose of identifying bone mass, detecting bone loss or  
46 determining bone quality, and includes a physician's interpretation  
47 of the results of the procedure.

48 The Commissioner of Health and Senior Services shall, in

1 consultation with the Commissioner of Banking and Insurance,  
2 establish standards regarding the frequency with which a person  
3 shall be eligible for bone mass measurement benefits under this  
4 section.

5 The benefits shall be provided to the same extent as for any other  
6 medical condition under the policy.

7 This section shall apply to all health insurance policies in which  
8 the health insurer has reserved the right to change the premium.

9  
10 7. No small employer health benefits plan subject to the  
11 provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.) shall be  
12 delivered, issued, executed or renewed in this State, or approved for  
13 issuance or renewal in this State by the Commissioner of Banking  
14 and Insurance on or after the effective date of this act, unless the  
15 policy provides benefits to an insured or other person covered  
16 thereunder for expenses incurred for bone mass measurement. As  
17 used in this section, "bone mass measurement" means a radiologic  
18 or radioisotopic procedure or other procedure, approved by the  
19 federal Food and Drug Administration, and performed on a person  
20 for the purpose of identifying bone mass, detecting bone loss or  
21 determining bone quality, and includes a physician's interpretation  
22 of the results of the procedure.

23 The Commissioner of Health and Senior Services shall, in  
24 consultation with the Commissioner of Banking and Insurance,  
25 establish standards regarding the frequency with which a person  
26 shall be eligible for bone mass measurement benefits under this  
27 section.

28 The benefits shall be provided to the same extent as for any other  
29 medical condition under the policy.

30 This section shall apply to all health insurance policies in which  
31 the health insurer has reserved the right to change the premium.

32  
33 8. No certificate of authority to establish and operate a health  
34 maintenance organization in this State pursuant to P.L.1973, c.337  
35 (C.26:2J-1 et seq.) shall be issued or continued by the  
36 Commissioner of Health and Senior Services on or after the  
37 effective date of this act, unless the health maintenance organization  
38 provides health care services to any enrollee for bone mass  
39 measurement. As used in this section, "bone mass measurement"  
40 means a radiologic or radioisotopic procedure or other procedure,  
41 approved by the federal Food and Drug Administration, and  
42 performed on a person for the purpose of identifying bone mass,  
43 detecting bone loss or determining bone quality, and includes a  
44 physician's interpretation of the results of the procedure.

45 The Commissioner of Health and Senior Services shall, in  
46 consultation with the Commissioner of Banking and Insurance,  
47 establish standards regarding the frequency with which a person  
48 shall be eligible for bone mass measurement benefits under this

1 section.

2 The health care services shall be provided to the same extent as  
3 for any other medical condition under the enrollee agreement.

4 This section shall apply to all enrollee agreements under which  
5 the health maintenance organization has reserved the right to  
6 change the schedule of charges for enrollee coverage.

7

8 9. An employer who provides a comprehensive self-funded  
9 health benefits plan to his employees or their dependents in this  
10 State that does not provide coverage for bone mass measurement as  
11 otherwise required pursuant to this act, shall annually notify his  
12 employees that they are covered by a self-funded health benefits  
13 plan that is not subject to regulation by the State of New Jersey, and  
14 specify that the health benefits coverage for bone mass  
15 measurement, otherwise required pursuant to this act, is not covered  
16 by the self-funded health benefits plan.

17

18 10. This act shall take effect on the 90th day following  
19 enactment and shall apply to contracts and policies issued or  
20 renewed on or after that date.

21

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23 STATEMENT

24

25 This bill requires health insurers, including hospital service  
26 corporations, medical service corporations, health service  
27 corporations, commercial insurers, health maintenance  
28 organizations and health benefits plans issued pursuant to the New  
29 Jersey Individual Health Coverage Program and the New Jersey  
30 Small Employer Health Benefits Program to provide benefits for  
31 expenses incurred for bone mass measurement. Bone mass  
32 measurement is a non-invasive method used to diagnose  
33 osteoporosis before fractures occur.

34 The bill defines "bone mass measurement" as a radiologic or  
35 radioisotopic procedure or other procedure, approved by the federal  
36 Food and Drug Administration, and performed on a person for the  
37 purpose of identifying bone mass, detecting bone loss or  
38 determining bone quality, and includes a physician's interpretation  
39 of the results of the procedure. The bill also provides that the  
40 Commissioner of Health and Senior Services, together with the  
41 Commissioner of Banking and Insurance, shall establish standards  
42 regarding the frequency with which a person shall be eligible for  
43 bone mass measurement benefits.

44 In addition, the bill provides that employers who provide  
45 comprehensive self-funded health benefits plans to employees or  
46 their dependents that do not cover bone mass measurement benefits  
47 shall notify their employees that they are covered by a self-funded  
48 plan that is not subject to regulation by the State of New Jersey, and

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- 1 to specify that the health benefits coverage for bone mass
- 2 measurement required pursuant to the bill is not covered under the
- 3 self-funded plan.