

ASSEMBLY, No. 2535

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MAY 5, 2008

Sponsored by:

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

SYNOPSIS

Requires dental benefits coverage for dental composite restorations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/6/2008)

1 AN ACT concerning coverage for certain dental services and
2 supplementing various parts of the statutory law.

3

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

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7 1. Every dental service corporation contract that is delivered,
8 issued, executed or renewed in this State, or approved for issuance
9 or renewal in this State by the Commissioner of Banking and
10 Insurance pursuant to P.L.1968, c.305 (C.17:48C-1 et seq.), on or
11 after the effective date of this act, shall provide coverage to any
12 covered person for dental composite restorations at the basic service
13 percentage level of the usual, customary and reasonable fee.

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15 2. Every certificate of authority to establish and operate a
16 dental plan organization pursuant to P.L.1979, c.473 (C.17:48D-1 et
17 seq.), issued or continued by the Commissioner of Banking and
18 Insurance on or after the effective date of this act, shall provide
19 coverage to any covered person for dental composite restorations at
20 the basic service percentage level of the usual, customary and
21 reasonable fee.

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23 3. Every health service corporation contract providing dental
24 expense benefits that is delivered, issued, executed or renewed in
25 this State, or approved for issuance or renewal in this State by the
26 Commissioner of Banking and Insurance pursuant to P.L.1985,
27 c.236 (C.17:48E-1 et seq.), on or after the effective date of this act,
28 shall provide coverage to any covered person for dental composite
29 restorations at the basic service percentage level of the usual,
30 customary and reasonable fee.

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32 4. Every individual health insurance policy providing dental
33 expense benefits that is delivered, issued, executed or renewed in
34 this State pursuant to chapter 26 of Title 17B of the New Jersey
35 Statutes, or approved for issuance or renewal in this State by the
36 Commissioner of Banking and Insurance, on or after the effective
37 date of this act, shall provide coverage to any covered person for
38 dental composite restorations at the basic service percentage level
39 of the usual, customary and reasonable fee.

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41 5. Every group health insurance policy providing dental
42 expense benefits that is delivered, issued, executed or renewed in
43 this State pursuant to chapter 27 of Title 17B of the New Jersey
44 Statutes, or approved for issuance or renewal in this State by the
45 Commissioner of Banking and Insurance, on or after the effective
46 date of this act, shall provide coverage to any covered person for
47 dental composite restorations at the basic service percentage level
48 of the usual, customary and reasonable fee.

1 6. Every certificate of authority to establish and operate a
2 health maintenance organization in this State pursuant to P.L.1973,
3 c.337 (C.26:2J-1 et seq.), issued or continued by the Commissioner
4 of Banking and Insurance on or after the effective date of this act,
5 which provides coverage to any covered person for dental expense
6 benefits shall provide coverage for dental composite restorations at
7 the basic service percentage level of the usual, customary and
8 reasonable fee.

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10 7. The Commissioner of Human Services shall ensure that
11 every contract for health care services under the Medicaid program
12 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and the NJ
13 FamilyCare Program pursuant to P.L.2005, c.156 (C.30:4J-8 et
14 seq.), entered into on or after the effective date of this act, and that
15 the fee-for-service Medicaid program on or after the effective date
16 of this act, provide benefits to any recipient or other covered person
17 for dental composite restorations at the basic service percentage
18 level of the usual, customary and reasonable fee.

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20 8. a. Every policy of private passenger automobile insurance
21 delivered, issued, executed or renewed in this State, or approved for
22 issuance or renewal in this State by the Commissioner of Banking
23 and Insurance, on or after the effective date of this act, which
24 includes medical expense benefits as part of personal injury
25 protection coverage pursuant to section 4 of P.L.1972, c.70
26 (C.39:6A-4) or section 4 of P.L.1998, c. 21 (C. 39:6A-3.1), shall
27 provide coverage to any covered person for dental composite
28 restorations at the basic service percentage level of the usual,
29 customary and reasonable fee.

30 b. In establishing by regulation the basic medical expense
31 benefits which shall be included in a policy of private passenger
32 automobile insurance pursuant to section 4 of P.L.1972, c.70
33 (C.39:6A-4) or section 4 of P.L.1998, c.21 (C.39:6A-3.1), the
34 commissioner shall include coverage for any covered person for
35 dental composite restorations at the basic service percentage level
36 of the usual, customary and reasonable fee.

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38 9. The State Health Benefits Commission shall ensure that
39 every contract purchased or renewed by the commission, on or after
40 the effective date of this act that provides benefits to any covered
41 person for dental services, shall provide coverage for dental
42 composite restorations at the basic service percentage level of the
43 usual, customary and reasonable fee.

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45 10. This act shall take effect on the 180th day next following
46 enactment.

STATEMENT

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3 This bill requires coverage for dental composite restorations at
4 the basic service percentage level of the usual, customary and
5 reasonable fee under dental service corporation and dental plan
6 organization contracts approved for issuance or renewal in this
7 State by the Commissioner of Banking and Insurance. The same
8 coverage would be required under all health benefits plans
9 providing dental expense benefits issued by health insurance
10 carriers, such as health service corporations, individual and group
11 health insurers, health maintenance organizations and the State
12 Health Benefits Plan. It would also require the same coverage
13 under the medical expense benefits portion of basic and standard
14 private passenger automobile insurance policies, and, finally, under
15 contracts for health care services under the Medicaid and NJ
16 FamilyCare Programs and the fee-for-service Medicaid program.

17 While dental amalgam is a safe and effective dental restorative
18 material that has been used for more than 150 years, the reduction
19 of products that contain mercury, including dental amalgam, is
20 beneficial to the environment. Certain dental composite restorative
21 materials exist in the marketplace today which do not contain
22 mercury; however, the costs are greater than those of dental
23 amalgam. Because of this, in most instances, dental plans and
24 health insurance carriers have chosen not to cover the additional
25 costs associated with dental composite restorative materials, which
26 in turn promotes the continued use of dental amalgam. In order to
27 ensure greater use of dental composite restorative materials among
28 the citizens of the State, this bill requires dental and health benefits
29 plan coverage of dental restorative materials whenever dental
30 expense benefits are provided.