

# ASSEMBLY, No. 4132

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 19, 2005

**Sponsored by:**

**Assemblyman UPENDRA J. CHIVUKULA**

**District 17 (Middlesex and Somerset)**

**Assemblywoman LORETTA WEINBERG**

**District 37 (Bergen)**

**Co-Sponsored by:**

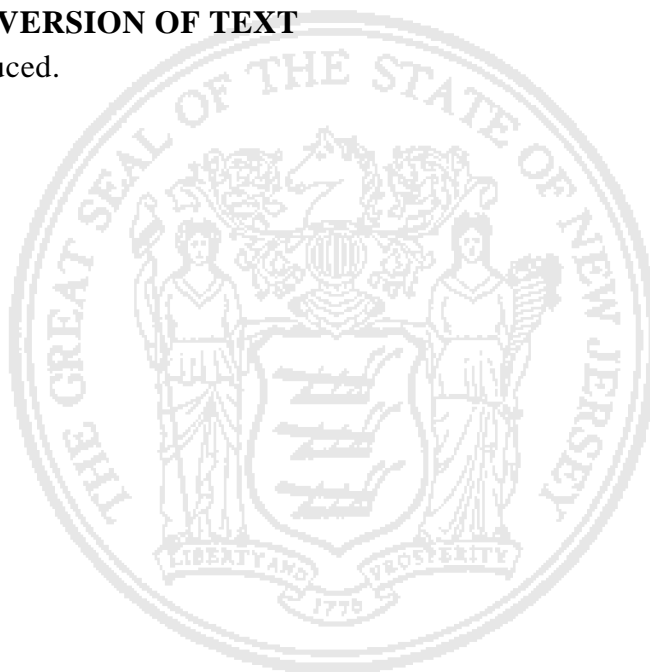
**Assemblymen Scalera, Prieto, Johnson and Assemblywoman Cruz-Perez**

**SYNOPSIS**

Requires health insurers to cover diagnostic testing and long-term antibiotic treatment of chronic Lyme disease and co-infections of Lyme disease.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/21/2005)**

1 AN ACT concerning health insurance coverage for diagnosis and  
2 treatment of Lyme disease and supplementing Titles 17 and 26 of  
3 the Revised Statutes and Title 17B of the New Jersey Statutes.

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

7  
8 1. A hospital service corporation which provides hospital or  
9 medical expense benefits under a contract that is delivered, issued,  
10 executed or renewed in this State or approved for issuance or renewal  
11 in this State by the Commissioner of Banking and Insurance, on or  
12 after the effective date of this act, shall provide benefits under the  
13 contract for expenses incurred in conducting diagnostic testing for,  
14 and providing long-term antibiotic treatment of, chronic Lyme disease  
15 and co-infections of Lyme disease when determined to be medically  
16 necessary and ordered by a physician. Treatment otherwise eligible for  
17 benefits pursuant to this section shall not be denied solely because the  
18 treatment may be characterized as unproven, experimental or  
19 investigational in nature.

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

22 This section shall apply to those hospital service corporation  
23 contracts in which the hospital service corporation has reserved the  
24 right to change the premium.

25  
26 2. A medical service corporation which provides hospital or  
27 medical expense benefits under a contract that is delivered, issued,  
28 executed or renewed in this State or approved for issuance or renewal  
29 in this State by the Commissioner of Banking and Insurance, on or  
30 after the effective date of this act, shall provide benefits under the  
31 contract for expenses incurred in conducting diagnostic testing for,  
32 and providing long-term antibiotic treatment of, chronic Lyme disease  
33 and co-infections of Lyme disease when determined to be medically  
34 necessary and ordered by a physician. Treatment otherwise eligible for  
35 benefits pursuant to this section shall not be denied solely because the  
36 treatment may be characterized as unproven, experimental or  
37 investigational in nature.

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

40 This section shall apply to those medical service corporation  
41 contracts in which the medical service corporation has reserved the  
42 right to change the premium.

43  
44 3. A health service corporation which provides hospital or medical  
45 expense benefits under a contract that is delivered, issued, executed or  
46 renewed in this State or approved for issuance or renewal in this State

1 by the Commissioner of Banking and Insurance, on or after the  
2 effective date of this act, shall provide benefits under the contract for  
3 expenses incurred in conducting diagnostic testing for, and providing  
4 long-term antibiotic treatment of, chronic Lyme disease and co-  
5 infections of Lyme disease when determined to be medically necessary  
6 and ordered by a physician. Treatment otherwise eligible for benefits  
7 pursuant to this section shall not be denied solely because the  
8 treatment may be characterized as unproven, experimental or  
9 investigational in nature.

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

12 This section shall apply to those health service corporation  
13 contracts in which the health service corporation has reserved the right  
14 to change the premium.

15

16 4. A group health insurer which provides hospital or medical  
17 expense benefits under a policy that is delivered, issued, executed or  
18 renewed in this State or approved for issuance or renewal in this State  
19 by the Commissioner of Banking and Insurance, on or after the  
20 effective date of this act, shall provide benefits for expenses incurred  
21 in conducting diagnostic testing for, and providing long-term antibiotic  
22 treatment of, chronic Lyme disease and co-infections of Lyme disease  
23 when determined to be medically necessary and ordered by a physician.  
24 Treatment otherwise eligible for benefits pursuant to this section shall  
25 not be denied solely because the treatment may be characterized as  
26 unproven, experimental or investigational in nature.

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

29 This section shall apply to those insurance policies in which the  
30 insurer has reserved the right to change the premium.

31

32 5. An individual health insurer which provides hospital or medical  
33 expense benefits under a policy that is delivered, issued, executed or  
34 renewed in this State or approved for issuance or renewal in this State  
35 by the Commissioner of Banking and Insurance, on or after the  
36 effective date of this act, shall provide benefits for expenses incurred  
37 in conducting diagnostic testing for, and providing long-term antibiotic  
38 treatment of, chronic Lyme disease and co-infections of Lyme disease  
39 when determined to be medically necessary and ordered by a physician.  
40 Treatment otherwise eligible for benefits pursuant to this section shall  
41 not be denied solely because the treatment may be characterized as  
42 unproven, experimental or investigational in nature.

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

45 This section shall apply to those insurance policies in which the  
46 insurer has reserved the right to change the premium.

1       6. A certificate of authority to establish and operate a health  
2 maintenance organization in this State shall not be issued or continued  
3 on or after the effective date of this act, unless the health maintenance  
4 organization provides health care services for the conduct of  
5 diagnostic testing for, and provision of long-term antibiotic treatment  
6 of, chronic Lyme disease and co-infections of Lyme disease when  
7 determined to be medically necessary and ordered by a physician.  
8 Treatment otherwise eligible for health care services pursuant to this  
9 section shall not be denied solely because the treatment may be  
10 characterized as unproven, experimental or investigational in nature.

11       The health care services shall be provided to the same extent as for  
12 any other medical condition under the contract.

13       The provisions of this section shall apply to those health  
14 maintenance organization contracts for health care services under  
15 which the health maintenance organization has reserved the right to  
16 change the schedule of charges.

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18       7. Every individual health benefits plan that is delivered, issued,  
19 executed or renewed in this State pursuant to P.L.1992, c.161  
20 (C.17B:27A-2 et seq.) or approved for issuance or renewal in this  
21 State, on or after the effective date of this act, shall provide benefits  
22 for expenses incurred in conducting diagnostic testing for, and  
23 providing long-term antibiotic treatment of, chronic Lyme disease and  
24 co-infections of Lyme disease when determined to be medically  
25 necessary and ordered by a physician. Treatment otherwise eligible for  
26 benefits pursuant to this section shall not be denied solely because the  
27 treatment may be characterized as unproven, experimental or  
28 investigational in nature.

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

31       The provisions of this section shall apply to all health benefit plans  
32 in which the carrier has reserved the right to change the premium.

33

34       8. Every small employer health benefits plan that is delivered,  
35 issued, executed or renewed in this State pursuant to P.L.1992, c.162  
36 (C.17B:27A-17 et seq.) or approved for issuance or renewal in this  
37 State, on or after the effective date of this act, shall provide benefits  
38 for expenses incurred in conducting diagnostic testing for, and  
39 providing long-term antibiotic treatment of, chronic Lyme disease and  
40 co-infections of Lyme disease when determined to be medically  
41 necessary and ordered by a physician. Treatment otherwise eligible for  
42 benefits pursuant to this section shall not be denied solely because the  
43 treatment may be characterized as unproven, experimental or  
44 investigational in nature.

45       The benefits shall be provided to the same extent as for any other  
46 medical condition under the health benefits plan.

1       The provisions of this section shall apply to all health benefit plans  
2 in which the carrier has reserved the right to change the premium.

3

4       9. This act shall take effect on the 120th day after enactment.

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STATEMENT

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9       This bill requires hospital, medical and health service corporations,  
10 individual, small employer and large group insurers and health  
11 maintenance organizations to cover the expenses of diagnostic testing  
12 for, and long-term antibiotic treatment of, chronic Lyme disease and  
13 co-infections of Lyme disease when determined to be medically  
14 necessary and ordered by a physician. The bill further provides that  
15 treatment otherwise eligible for benefits under the bill shall not be  
16 denied solely because the treatment may be characterized as unproven,  
17 experimental or investigational in nature.

18       Persons with chronic Lyme disease and co-infections of Lyme  
19 disease often experience great difficulty in being diagnosed and treated  
20 for their condition due to limitations on coverage imposed by their  
21 health insurers. The lack of health insurance coverage for diagnosis  
22 and long-term antibiotic therapies is a major barrier to access to  
23 medical care for persons with symptoms compatible with chronic Lyme  
24 disease. Therefore, the provisions of this bill seek to broaden access  
25 to medical care to ensure that persons with symptoms of chronic Lyme  
26 disease and co-infections of Lyme disease receive the care and  
27 treatment that is most effective for them.