

**ASSEMBLY, No. 269**

---

**STATE OF NEW JERSEY**

**212th LEGISLATURE**

---

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Assemblyman UPENDRA J. CHIVUKULA**  
**District 17 (Middlesex and Somerset)**

**Co-Sponsored by:**

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

**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**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 6/2/2006)**

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  
11 renewal in this State by the Commissioner of Banking and  
12 Insurance, on or after the effective date of this act, shall provide  
13 benefits under the contract for expenses incurred in conducting  
14 diagnostic testing for, and providing long-term antibiotic treatment  
15 of, chronic Lyme disease and co-infections of Lyme disease when  
16 determined to be medically necessary and ordered by a physician.  
17 Treatment otherwise eligible for benefits pursuant to this section  
18 shall not be denied solely because the treatment may be  
19 characterized as unproven, experimental or investigational in  
20 nature.

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

23 This section shall apply to those hospital service corporation  
24 contracts in which the hospital service corporation has reserved the  
25 right to change the premium.  
26

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

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

42 This section shall apply to those medical service corporation  
43 contracts in which the medical service corporation has reserved the  
44 right to change the premium.  
45

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

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

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

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

16

17 4. A group health insurer which provides hospital or medical  
18 expense benefits under a policy that is delivered, issued, executed  
19 or renewed in this State or approved for issuance or renewal in this  
20 State by the Commissioner of Banking and Insurance, on or after  
21 the effective date of this act, shall provide benefits for expenses  
22 incurred in conducting diagnostic testing for, and providing long-  
23 term antibiotic treatment of, chronic Lyme disease and co-infections  
24 of Lyme disease when determined to be medically necessary and  
25 ordered by a physician. Treatment otherwise eligible for benefits  
26 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 policy.

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

33

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

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

48 This section shall apply to those insurance policies in which the

1 insurer has reserved the right to change the premium.

2

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

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

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

20

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

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

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

37

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

