

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 5509

STATE OF NEW JERSEY
218th LEGISLATURE

ADOPTED JUNE 13, 2019

Sponsored by:

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

**Assemblywomen Vainieri Huttie, Murphy, Pinkin, Lampitt, Assemblymen
Spearman, Benson, Assemblywomen McKnight and Jasey**

SYNOPSIS

Requires health benefits coverage for breastfeeding support.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Appropriations Committee.



(Sponsorship Updated As Of: 6/21/2019)

1 AN ACT concerning health benefits coverage for breastfeeding
2 support and 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:

6

7 1. a. A hospital service corporation contract that provides
8 hospital or medical expense benefits and is delivered, issued,
9 executed or renewed in this State, or approved for issuance or
10 renewal in this State by the Commissioner of Banking and
11 Insurance, on or after the effective date of P.L. ,

12 c. (C.)(pending before the Legislature as this bill), shall
13 provide coverage for comprehensive lactation support and
14 counseling by a trained provider, and the costs for renting or
15 purchasing breastfeeding equipment, in conjunction with each birth,
16 for the duration of breastfeeding for health plan enrollees, with no
17 cost-sharing.

18 b. Coverage of breastfeeding equipment shall include:

19 (1) Purchase of a single-user breast pump, subject to the
20 following conditions:

21 (a) A contract shall cover the purchase of a double electric
22 breast pump. If an enrollee requests a manual pump in lieu of the
23 double electric breast pump, the health plan shall cover the
24 purchase of a manual pump.

25 (b) A double electric breast pump provided pursuant to this
26 paragraph shall be of sufficient power and durability to establish
27 and maintain milk supply for the duration of breastfeeding.

28 (c) A contract shall not require documentation of medical
29 necessity, prior authorization, or a prescription for a breast pump
30 provided pursuant to this paragraph.

31 (d) Coverage shall be available at any time during pregnancy
32 and the postpartum period, and shall continue for the duration of
33 breastfeeding as defined by the plan enrollee.

34 (e) Coverage for breast pumps shall include repair or
35 replacement if necessary.

36 (2) Rental or purchase of a multi-user breast pump, on the
37 recommendation of a licensed health care provider, subject to the
38 following conditions:

39 (a) When recommended by a licensed health care provider, a
40 contract shall provide coverage for a multi-user breast pump.

41 (b) A hospital service corporation may determine whether a
42 rental or purchase is covered.

43 (c) Coverage for a multi-user breast pump shall be covered
44 without regard to coverage or acquisition of a single-user breast
45 pump.

46 (d) A hospital service corporation may require a letter of
47 medical necessity from a lactation provider or other health care

1 provider for coverage of a multi-user pump. The letter shall not
2 interfere with the timely acquisition of a multi-user pump.

3 (3) Coverage of breastfeeding equipment pursuant to this
4 section shall include two breast pump kits per birth event, as well as
5 appropriate size breast pump flanges, nipple shields, breast shells,
6 or other lactation accessories recommended by a health provider.

7 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
8 of this subsection shall be furnished: within 48 hours of notification
9 of need, if requested after the birth of the child; or by the later of
10 two weeks before the enrollee's expected due date or 72 hours after
11 notification, if requested prior to the birth of the child. If the
12 hospital service corporation cannot ensure an enrollee receives
13 breastfeeding equipment within 48 hours, an enrollee may purchase
14 the equipment and the health plan shall reimburse all out-of-pocket
15 expenses incurred by the enrollee, including any balance billing
16 amounts.

17 (5) Breastfeeding equipment specified in paragraph (2) of this
18 subsection shall be made available within 12 hours of notification
19 of need. If equipment is not available within 12 hours of
20 notification of need, the hospital service corporation shall reimburse
21 all out-of-pocket rental expenses incurred by an enrollee, including
22 any balance billing amounts, until the enrollee receives
23 breastfeeding equipment.

24 c. Coverage of comprehensive lactation counseling shall
25 include:

26 (1) In-person, one-on-one lactation counseling with a lactation
27 provider, subject to the following conditions:

28 (a) Coverage shall include visits that occur inside and outside a
29 hospital or office setting. In-person lactation counseling shall be
30 covered regardless of location of service provision and shall include
31 home visits.

32 (b) Lactation counseling shall be made available within 24 hours
33 of notification of need.

34 (2) Telephonic lactation assistance shall be covered in addition
35 to, and not as a substitute for, in-person, one-on-one lactation
36 counseling, when an enrollee requests one-on-one, in-person
37 lactation counseling. The telephonic lactation assistance shall be
38 provided within 12 hours of notification of need.

39 (3) Group lactation counseling shall be covered in addition to,
40 and not as a substitute for, one-on-one, in-person lactation
41 counseling, if an enrollee requests one-on-one, in-person lactation
42 counseling. Group counseling shall include educational classes and
43 support groups.

44 (4) A contract shall not require prior authorization, prescription
45 or referral for any lactation counseling, regardless of provider type
46 or setting.

47 (5) A hospital service corporation shall not impose medical
48 management techniques not described in this section.

1 d. Except as otherwise authorized pursuant to this section, a
2 hospital service corporation shall not impose restrictions on the
3 coverage provided pursuant to this section, including, but not
4 limited to, limitations on reimbursement to allowable amounts or
5 reasonable and customary charges, documentation requests, or
6 delays on the coverage provided.

7 e. As used in this section:

8 "Cost-sharing" means deductible, co-insurance or co-payments,
9 or similar charges.

10 "Breast pump kit" means a collection of tubing, valves, flanges,
11 collection bottles, nipple shields, or other parts required to extract
12 human milk using a breast pump.

13 "Lactation provider" means an individual who is a licensed or
14 certified provider with specialty training in breastfeeding and
15 lactation.

16 "Lactation counseling" means breastfeeding education and
17 support services provided by a lactation provider, such as:

18 (1) educating women, families, health professionals, and the
19 community about the impact of breastfeeding and human lactation
20 on health and what to expect in the normal course of breastfeeding;

21 (2) acting as an advocate for breastfeeding as the norm for
22 feeding infants and young children;

23 (3) providing breastfeeding support, encouragement, and care
24 from preconception to weaning in order to help women and their
25 families meet their breastfeeding goals;

26 (4) using principles of adult education when teaching clients,
27 health care providers, and others in the community; and

28 (5) identifying and referring high-risk mothers and babies and
29 those requiring clinical treatment appropriately.

30 "Telephonic lactation assistance" means lactation counseling
31 with a lactation provider conducted remotely through live voice
32 communication.

33 f. This section shall apply to those contracts in which the
34 hospital service corporation has reserved the right to change the
35 premium.

36

37 2. a. A medical service corporation contract that provides
38 hospital or medical expense benefits and is delivered, issued,
39 executed or renewed in this State, or approved for issuance or
40 renewal in this State by the Commissioner of Banking and
41 Insurance, on or after the effective date of P.L. ,

42 c. (C.)(pending before the Legislature as this bill), shall
43 provide coverage for comprehensive lactation support and
44 counseling by a trained provider, and the costs for renting or
45 purchasing breastfeeding equipment, in conjunction with each birth,
46 for the duration of breastfeeding for health plan enrollees, with no
47 cost-sharing.

48 b. Coverage of breastfeeding equipment shall include:

1 (1) Purchase of a single-user breast pump, subject to the
2 following conditions:

3 (a) A contract shall cover the purchase of a double electric
4 breast pump. If an enrollee requests a manual pump in lieu of the
5 double electric breast pump, the health plan shall cover the
6 purchase of a manual pump.

7 (b) A double electric breast pump provided pursuant to this
8 paragraph shall be of sufficient power and durability to establish
9 and maintain milk supply for the duration of breastfeeding.

10 (c) A contract shall not require documentation of medical
11 necessity, prior authorization, or a prescription for a breast pump
12 provided pursuant to this paragraph.

13 (d) Coverage shall be available at any time during pregnancy
14 and the postpartum period, and shall continue for the duration of
15 breastfeeding as defined by the plan enrollee.

16 (e) Coverage for breast pumps shall include repair or
17 replacement if necessary.

18 (2) Rental or purchase of a multi-user breast pump, on the
19 recommendation of a licensed health care provider, subject to the
20 following conditions:

21 (a) When recommended by a licensed health care provider, a
22 contract shall provide coverage for a multi-user breast pump.

23 (b) A medical service corporation may determine whether a
24 rental or purchase is covered.

25 (c) Coverage for a multi-user breast pump shall be covered
26 without regard to coverage or acquisition of a single-user breast
27 pump.

28 (d) A medical service corporation may require a letter of
29 medical necessity from a lactation provider or other health care
30 provider for coverage of a multi-user pump. The letter shall not
31 interfere with the timely acquisition of a multi-user pump.

32 (3) Coverage of breastfeeding equipment pursuant to this
33 section shall include two breast pump kits per birth event, as well as
34 appropriate size breast pump flanges, nipple shields, breast shells,
35 or other lactation accessories recommended by a health provider.

36 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
37 of this subsection shall be furnished: within 48 hours of notification
38 of need, if requested after the birth of the child; or by the later of
39 two weeks before the enrollee's expected due date or 72 hours after
40 notification, if requested prior to the birth of the child. If the
41 medical service corporation cannot ensure an enrollee receives
42 breastfeeding equipment within 48 hours, an enrollee may purchase
43 the equipment and the health plan shall reimburse all out-of-pocket
44 expenses incurred by the enrollee, including any balance billing
45 amounts.

46 (5) Breastfeeding equipment specified in paragraph (2) of this
47 subsection shall be made available within 12 hours of notification
48 of need. If equipment is not available within 12 hours of

1 notification of need, the medical service corporation shall reimburse
2 all out-of-pocket rental expenses incurred by an enrollee, including
3 any balance billing amounts, until the enrollee receives
4 breastfeeding equipment.

5 c. Coverage of comprehensive lactation counseling shall
6 include:

7 (1) In-person, one-on-one lactation counseling with a lactation
8 provider, subject to the following conditions:

9 (a) Coverage shall include visits that occur inside and outside a
10 hospital or office setting. In-person lactation counseling shall be
11 covered regardless of location of service provision and shall include
12 home visits.

13 (b) Lactation counseling shall be made available within 24 hours
14 of notification of need.

15 (2) Telephonic lactation assistance shall be covered in addition
16 to, and not as a substitute for, in-person, one-on-one lactation
17 counseling, when an enrollee requests one-on-one, in-person
18 lactation counseling. The telephonic lactation assistance shall be
19 provided within 12 hours of notification of need.

20 (3) Group lactation counseling shall be covered in addition to,
21 and not as a substitute for, one-on-one, in-person lactation
22 counseling, if an enrollee requests one-on-one, in-person lactation
23 counseling. Group counseling shall include educational classes and
24 support groups.

25 (4) A contract shall not require prior authorization, prescription
26 or referral for any lactation counseling, regardless of provider type
27 or setting.

28 (5) A medical service corporation shall not impose medical
29 management techniques not described in this section.

30 d. Except as otherwise authorized pursuant to this section, a
31 medical service corporation shall not impose restrictions on the
32 coverage provided pursuant to this section, including, but not
33 limited to, limitations on reimbursement to allowable amounts or
34 reasonable and customary charges, documentation requests, or
35 delays on the coverage provided.

36 e. As used in this section:

37 "Cost-sharing" means deductible, co-insurance or co-payments,
38 or similar charges.

39 "Breast pump kit" means a collection of tubing, valves, flanges,
40 collection bottles, nipple shields, or other parts required to extract
41 human milk using a breast pump.

42 "Lactation provider" means an individual who is a licensed or
43 certified provider with specialty training in breastfeeding and
44 lactation.

45 "Lactation counseling" means breastfeeding education and
46 support services provided by a lactation provider, such as:

- 1 (1) educating women, families, health professionals, and the
- 2 community about the impact of breastfeeding and human lactation
- 3 on health and what to expect in the normal course of breastfeeding;
- 4 (2) acting as an advocate for breastfeeding as the norm for
- 5 feeding infants and young children;
- 6 (3) providing breastfeeding support, encouragement, and care
- 7 from preconception to weaning in order to help women and their
- 8 families meet their breastfeeding goals;
- 9 (4) using principles of adult education when teaching clients,
- 10 health care providers, and others in the community; and
- 11 (5) identifying and referring high-risk mothers and babies and
- 12 those requiring clinical treatment appropriately.
- 13 "Telephonic lactation assistance" means lactation counseling
- 14 with a lactation provider conducted remotely through live voice
- 15 communication.
- 16 f. This section shall apply to those contracts in which the
- 17 medical service corporation has reserved the right to change the
- 18 premium.
- 19
- 20 3. a. A health service corporation contract that provides
- 21 hospital or medical expense benefits and is delivered, issued,
- 22 executed or renewed in this State, or approved for issuance or
- 23 renewal in this State by the Commissioner of Banking and
- 24 Insurance, on or after the effective date of P.L. ,
- 25 c. (C.)(pending before the Legislature as this bill), shall
- 26 provide coverage for comprehensive lactation support and
- 27 counseling by a trained provider, and the costs for renting or
- 28 purchasing breastfeeding equipment, in conjunction with each birth,
- 29 for the duration of breastfeeding for health plan enrollees, with no
- 30 cost-sharing.
- 31 b. Coverage of breastfeeding equipment shall include:
- 32 (1) Purchase of a single-user breast pump, subject to the
- 33 following conditions:
- 34 (a) A contract shall cover the purchase of a double electric
- 35 breast pump. If an enrollee requests a manual pump in lieu of the
- 36 double electric breast pump, the health plan shall cover the
- 37 purchase of a manual pump.
- 38 (b) A double electric breast pump provided pursuant to this
- 39 paragraph shall be of sufficient power and durability to establish
- 40 and maintain milk supply for the duration of breastfeeding.
- 41 (c) A contract shall not require documentation of medical
- 42 necessity, prior authorization, or a prescription for a breast pump
- 43 provided pursuant to this paragraph.
- 44 (d) Coverage shall be available at any time during pregnancy
- 45 and the postpartum period, and shall continue for the duration of
- 46 breastfeeding as defined by the plan enrollee.
- 47 (e) Coverage for breast pumps shall include repair or
- 48 replacement if necessary.

1 (2) Rental or purchase of a multi-user breast pump, on the
2 recommendation of a licensed health care provider, subject to the
3 following conditions:

4 (a) When recommended by a licensed health care provider, a
5 contract shall provide coverage for a multi-user breast pump.

6 (b) A health service corporation may determine whether a rental
7 or purchase is covered.

8 (c) Coverage for a multi-user breast pump shall be covered
9 without regard to coverage or acquisition of a single-user breast
10 pump.

11 (d) A health service corporation may require a letter of medical
12 necessity from a lactation provider or other health care provider for
13 coverage of a multi-user pump. The letter shall not interfere with
14 the timely acquisition of a multi-user pump.

15 (3) Coverage of breastfeeding equipment pursuant to this
16 section shall include two breast pump kits per birth event, as well as
17 appropriate size breast pump flanges, nipple shields, breast shells,
18 or other lactation accessories recommended by a health provider.

19 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
20 of this subsection shall be furnished: within 48 hours of notification
21 of need, if requested after the birth of the child; or by the later of
22 two weeks before the enrollee's expected due date or 72 hours after
23 notification, if requested prior to the birth of the child. If the health
24 service corporation cannot ensure an enrollee receives breastfeeding
25 equipment within 48 hours, an enrollee may purchase the equipment
26 and the health plan shall reimburse all out-of-pocket expenses
27 incurred by the enrollee, including any balance billing amounts.

28 (5) Breastfeeding equipment specified in paragraph (2) of this
29 subsection shall be made available within 12 hours of notification
30 of need. If equipment is not available within 12 hours of
31 notification of need, the health service corporation shall reimburse
32 all out-of-pocket rental expenses incurred by an enrollee, including
33 any balance billing amounts, until the enrollee receives
34 breastfeeding equipment.

35 c. Coverage of comprehensive lactation counseling shall
36 include:

37 (1) In-person, one-on-one lactation counseling with a lactation
38 provider, subject to the following conditions:

39 (a) Coverage shall include visits that occur inside and outside a
40 hospital or office setting. In-person lactation counseling shall be
41 covered regardless of location of service provision and shall include
42 home visits.

43 (b) Lactation counseling shall be made available within 24 hours
44 of notification of need.

45 (2) Telephonic lactation assistance shall be covered in addition
46 to, and not as a substitute for, in-person, one-on-one lactation
47 counseling, when an enrollee requests one-on-one, in-person

1 lactation counseling. The telephonic lactation assistance shall be
2 provided within 12 hours of notification of need.

3 (3) Group lactation counseling shall be covered in addition to,
4 and not as a substitute for, one-on-one, in-person lactation
5 counseling, if an enrollee requests one-on-one, in-person lactation
6 counseling. Group counseling shall include educational classes and
7 support groups.

8 (4) A contract shall not require prior authorization, prescription
9 or referral for any lactation counseling, regardless of provider type
10 or setting.

11 (5) A health service corporation shall not impose medical
12 management techniques not described in this section.

13 d. Except as otherwise authorized pursuant to this section, a
14 health service corporation shall not impose restrictions on the
15 coverage provided pursuant to this section, including, but not
16 limited to, limitations on reimbursement to allowable amounts or
17 reasonable and customary charges, documentation requests, or
18 delays on the coverage provided.

19 e. As used in this section:

20 "Cost-sharing" means deductible, co-insurance or co-payments,
21 or similar charges.

22 "Breast pump kit" means a collection of tubing, valves, flanges,
23 collection bottles, nipple shields, or other parts required to extract
24 human milk using a breast pump.

25 "Lactation provider" means an individual who is a licensed or
26 certified provider with specialty training in breastfeeding and
27 lactation.

28 "Lactation counseling" means breastfeeding education and
29 support services provided by a lactation provider, such as:

30 (1) educating women, families, health professionals, and the
31 community about the impact of breastfeeding and human lactation
32 on health and what to expect in the normal course of breastfeeding;

33 (2) acting as an advocate for breastfeeding as the norm for
34 feeding infants and young children;

35 (3) providing breastfeeding support, encouragement, and care
36 from preconception to weaning in order to help women and their
37 families meet their breastfeeding goals;

38 (4) using principles of adult education when teaching clients,
39 health care providers, and others in the community; and

40 (5) identifying and referring high-risk mothers and babies and
41 those requiring clinical treatment appropriately.

42 "Telephonic lactation assistance" means lactation counseling
43 with a lactation provider conducted remotely through live voice
44 communication.

45 f. This section shall apply to those contracts in which the
46 health service corporation has reserved the right to change the
47 premium.

1 4. a. An individual health insurer policy that provides hospital
2 or medical expense benefits and is delivered, issued, executed or
3 renewed in this State, or approved for issuance or renewal in this
4 State by the Commissioner of Banking and Insurance, on or after
5 the effective date of P.L. , c. (C.)(pending before the
6 Legislature as this bill), shall provide coverage for comprehensive
7 lactation support and counseling by a trained provider, and the costs
8 for renting or purchasing breastfeeding equipment, in conjunction
9 with each birth, for the duration of breastfeeding for health plan
10 enrollees, with no cost-sharing.

11 b. Coverage of breastfeeding equipment shall include:

12 (1) Purchase of a single-user breast pump, subject to the
13 following conditions:

14 (a) A policy shall cover the purchase of a double electric breast
15 pump. If an enrollee requests a manual pump in lieu of the double
16 electric breast pump, the health plan shall cover the purchase of a
17 manual pump.

18 (b) A double electric breast pump provided pursuant to this
19 paragraph shall be of sufficient power and durability to establish
20 and maintain milk supply for the duration of breastfeeding.

21 (c) A policy shall not require documentation of medical
22 necessity, prior authorization, or a prescription for a breast pump
23 provided pursuant to this paragraph.

24 (d) Coverage shall be available at any time during pregnancy
25 and the postpartum period, and shall continue for the duration of
26 breastfeeding as defined by the plan enrollee.

27 (e) Coverage for breast pumps shall include repair or
28 replacement if necessary.

29 (2) Rental or purchase of a multi-user breast pump, on the
30 recommendation of a licensed health care provider, subject to the
31 following conditions:

32 (a) When recommended by a licensed health care provider, a
33 policy shall provide coverage for a multi-user breast pump.

34 (b) An individual health insurer may determine whether a rental
35 or purchase is covered.

36 (c) Coverage for a multi-user breast pump shall be covered
37 without regard to coverage or acquisition of a single-user breast
38 pump.

39 (d) An individual health insurer may require a letter of medical
40 necessity from a lactation provider or other health care provider for
41 coverage of a multi-user pump. The letter shall not interfere with
42 the timely acquisition of a multi-user pump.

43 (3) Coverage of breastfeeding equipment pursuant to this
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45 appropriate size breast pump flanges, nipple shields, breast shells,
46 or other lactation accessories recommended by a health provider.

47 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
48 of this subsection shall be furnished: within 48 hours of notification

1 of need, if requested after the birth of the child; or by the later of
2 two weeks before the enrollee's expected due date or 72 hours after
3 notification, if requested prior to the birth of the child. If the
4 individual health insurer cannot ensure an enrollee receives
5 breastfeeding equipment within 48 hours, an enrollee may purchase
6 the equipment and the health plan shall reimburse all out-of-pocket
7 expenses incurred by the enrollee, including any balance billing
8 amounts.

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10 subsection shall be made available within 12 hours of notification
11 of need. If equipment is not available within 12 hours of
12 notification of need, the individual health insurer shall reimburse all
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14 balance billing amounts, until the enrollee receives breastfeeding
15 equipment.

16 c. Coverage of comprehensive lactation counseling shall
17 include:

18 (1) In-person, one-on-one lactation counseling with a lactation
19 provider, subject to the following conditions:

20 (a) Coverage shall include visits that occur inside and outside a
21 hospital or office setting. In-person lactation counseling shall be
22 covered regardless of location of service provision and shall include
23 home visits.

24 (b) Lactation counseling shall be made available within 24 hours
25 of notification of need.

26 (2) Telephonic lactation assistance shall be covered in addition
27 to, and not as a substitute for, in-person, one-on-one lactation
28 counseling, when an enrollee requests one-on-one, in-person
29 lactation counseling. The telephonic lactation assistance shall be
30 provided within 12 hours of notification of need.

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37 referral for any lactation counseling, regardless of provider type or
38 setting.

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42 individual health insurer shall not impose restrictions on the
43 coverage provided pursuant to this section, including, but not
44 limited to, limitations on reimbursement to allowable amounts or
45 reasonable and customary charges, documentation requests, or
46 delays on the coverage provided.

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1 “Cost-sharing” means deductible, co-insurance or co-payments,
2 or similar charges.

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16 (3) providing breastfeeding support, encouragement, and care
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18 families meet their breastfeeding goals;

19 (4) using principles of adult education when teaching clients,
20 health care providers, and others in the community; and

21 (5) identifying and referring high-risk mothers and babies and
22 those requiring clinical treatment appropriately.

23 "Telephonic lactation assistance" means lactation counseling
24 with a lactation provider conducted remotely through live voice
25 communication.

26 f. This section shall apply to those policies in which the
27 individual health insurer has reserved the right to change the
28 premium.

29

30 5. a. A group health insurer policy that provides hospital or
31 medical expense benefits and is delivered, issued, executed or
32 renewed in this State, or approved for issuance or renewal in this
33 State by the Commissioner of Banking and Insurance, on or after
34 the effective date of P.L. , c. (C.)(pending before the
35 Legislature as this bill), shall provide coverage for comprehensive
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37 for renting or purchasing breastfeeding equipment, in conjunction
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41 (1) Purchase of a single-user breast pump, subject to the
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- 1 (b) A double electric breast pump provided pursuant to this
- 2 paragraph shall be of sufficient power and durability to establish
- 3 and maintain milk supply for the duration of breastfeeding.
- 4 (c) A policy shall not require documentation of medical
- 5 necessity, prior authorization, or a prescription for a breast pump
- 6 provided pursuant to this paragraph.
- 7 (d) Coverage shall be available at any time during pregnancy
- 8 and the postpartum period, and shall continue for the duration of
- 9 breastfeeding as defined by the plan enrollee.
- 10 (e) Coverage for breast pumps shall include repair or
- 11 replacement if necessary.
- 12 (2) Rental or purchase of a multi-user breast pump, on the
- 13 recommendation of a licensed health care provider, subject to the
- 14 following conditions:
- 15 (a) When recommended by a licensed health care provider, a
- 16 policy shall provide coverage for a multi-user breast pump.
- 17 (b) A group health insurer may determine whether a rental or
- 18 purchase is covered.
- 19 (c) Coverage for a multi-user breast pump shall be covered
- 20 without regard to coverage or acquisition of a single-user breast
- 21 pump.
- 22 (d) A group health insurer may require a letter of medical
- 23 necessity from a lactation provider or other health care provider for
- 24 coverage of a multi-user pump. The letter shall not interfere with
- 25 the timely acquisition of a multi-user pump.
- 26 (3) Coverage of breastfeeding equipment pursuant to this
- 27 section shall include two breast pump kits per birth event, as well as
- 28 appropriate size breast pump flanges, nipple shields, breast shells,
- 29 or other lactation accessories recommended by a health provider.
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- 31 of this subsection shall be furnished: within 48 hours of notification
- 32 of need, if requested after the birth of the child; or by the later of
- 33 two weeks before the enrollee's expected due date or 72 hours after
- 34 notification, if requested prior to the birth of the child. If the group
- 35 health insurer cannot ensure an enrollee receives breastfeeding
- 36 equipment within 48 hours, an enrollee may purchase the equipment
- 37 and the health plan shall reimburse all out-of-pocket expenses
- 38 incurred by the enrollee, including any balance billing amounts.
- 39 (5) Breastfeeding equipment specified in paragraph (2) of this
- 40 subsection shall be made available within 12 hours of notification
- 41 of need. If equipment is not available within 12 hours of
- 42 notification of need, the group health insurer shall reimburse all
- 43 out-of-pocket rental expenses incurred by an enrollee, including any
- 44 balance billing amounts, until the enrollee receives breastfeeding
- 45 equipment.
- 46 c. Coverage of comprehensive lactation counseling shall
- 47 include:

- 1 (1) In-person, one-on-one lactation counseling with a lactation
2 provider, subject to the following conditions:
 - 3 (a) Coverage shall include visits that occur inside and outside a
4 hospital or office setting. In-person lactation counseling shall be
5 covered regardless of location of service provision and shall include
6 home visits.
 - 7 (b) Lactation counseling shall be made available within 24 hours
8 of notification of need.
- 9 (2) Telephonic lactation assistance shall be covered in addition
10 to, and not as a substitute for, in-person, one-on-one lactation
11 counseling, when an enrollee requests one-on-one, in-person
12 lactation counseling. The telephonic lactation assistance shall be
13 provided within 12 hours of notification of need.
- 14 (3) Group lactation counseling shall be covered in addition to,
15 and not as a substitute for, one-on-one, in-person lactation
16 counseling, if an enrollee requests one-on-one, in-person lactation
17 counseling. Group counseling shall include educational classes and
18 support groups.
- 19 (4) A policy shall not require prior authorization, prescription or
20 referral for any lactation counseling, regardless of provider type or
21 setting.
- 22 (5) A group health insurer shall not impose medical
23 management techniques not described in this section.
- 24 d. Except as otherwise authorized pursuant to this section, a
25 group health insurer shall not impose restrictions on the coverage
26 provided pursuant to this section, including, but not limited to,
27 limitations on reimbursement to allowable amounts or reasonable
28 and customary charges, documentation requests, or delays on the
29 coverage provided.
- 30 e. As used in this section:
 - 31 “Cost-sharing” means deductible, co-insurance or co-payments,
32 or similar charges.
 - 33 “Breast pump kit” means a collection of tubing, valves, flanges,
34 collection bottles, nipple shields, or other parts required to extract
35 human milk using a breast pump.
 - 36 “Lactation provider” means an individual who is a licensed or
37 certified provider with specialty training in breastfeeding and
38 lactation.
 - 39 “Lactation counseling” means breastfeeding education and
40 support services provided by a lactation provider, such as:
 - 41 (1) educating women, families, health professionals, and the
42 community about the impact of breastfeeding and human lactation
43 on health and what to expect in the normal course of breastfeeding;
 - 44 (2) acting as an advocate for breastfeeding as the norm for
45 feeding infants and young children;
 - 46 (3) providing breastfeeding support, encouragement, and care
47 from preconception to weaning in order to help women and their
48 families meet their breastfeeding goals;

1 (4) using principles of adult education when teaching clients,
2 health care providers, and others in the community; and

3 (5) identifying and referring high-risk mothers and babies and
4 those requiring clinical treatment appropriately.

5 "Telephonic lactation assistance" means lactation counseling
6 with a lactation provider conducted remotely through live voice
7 communication.

8 f. This section shall apply to those policies in which the group
9 health insurer has reserved the right to change the premium.

10

11 6. a. An individual health benefits plan that provides hospital
12 or medical expense benefits and is delivered, issued, executed or
13 renewed in this State, or approved for issuance or renewal in this
14 State by the Commissioner of Banking and Insurance, on or after
15 the effective date of P.L. , c. (C.)(pending before the
16 Legislature as this bill), shall provide coverage for comprehensive
17 lactation support and counseling by a trained provider, and the costs
18 for renting or purchasing breastfeeding equipment, in conjunction
19 with each birth, for the duration of breastfeeding for health plan
20 enrollees, with no cost-sharing.

21 b. Coverage of breastfeeding equipment shall include:

22 (1) Purchase of a single-user breast pump, subject to the
23 following conditions:

24 (a) A plan shall cover the purchase of a double electric breast
25 pump. If an enrollee requests a manual pump in lieu of the double
26 electric breast pump, the health plan shall cover the purchase of a
27 manual pump.

28 (b) A double electric breast pump provided pursuant to this
29 paragraph shall be of sufficient power and durability to establish
30 and maintain milk supply for the duration of breastfeeding.

31 (c) A plan shall not require documentation of medical necessity,
32 prior authorization, or a prescription for a breast pump provided
33 pursuant to this paragraph.

34 (d) Coverage shall be available at any time during pregnancy
35 and the postpartum period, and shall continue for the duration of
36 breastfeeding as defined by the plan enrollee.

37 (e) Coverage for breast pumps shall include repair or
38 replacement if necessary.

39 (2) Rental or purchase of a multi-user breast pump, on the
40 recommendation of a licensed health care provider, subject to the
41 following conditions:

42 (a) When recommended by a licensed health care provider, a
43 plan shall provide coverage for a multi-user breast pump.

44 (b) An individual health benefits plan may determine whether a
45 rental or purchase is covered.

46 (c) Coverage for a multi-user breast pump shall be covered
47 without regard to coverage or acquisition of a single-user breast
48 pump.

1 (d) An individual health benefits plan may require a letter of
2 medical necessity from a lactation provider or other health care
3 provider for coverage of a multi-user pump. The letter shall not
4 interfere with the timely acquisition of a multi-user pump.

5 (3) Coverage of breastfeeding equipment pursuant to this
6 section shall include two breast pump kits per birth event, as well as
7 appropriate size breast pump flanges, nipple shields, breast shells,
8 or other lactation accessories recommended by a health provider.

9 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
10 of this subsection shall be furnished: within 48 hours of notification
11 of need, if requested after the birth of the child; or by the later of
12 two weeks before the enrollee's expected due date or 72 hours after
13 notification, if requested prior to the birth of the child. If the
14 individual health benefits plan cannot ensure an enrollee receives
15 breastfeeding equipment within 48 hours, an enrollee may purchase
16 the equipment and the health plan shall reimburse all out-of-pocket
17 expenses incurred by the enrollee, including any balance billing
18 amounts.

19 (5) Breastfeeding equipment specified in paragraph (2) of this
20 subsection shall be made available within 12 hours of notification
21 of need. If equipment is not available within 12 hours of
22 notification of need, the individual health benefits plan shall
23 reimburse all out-of-pocket rental expenses incurred by an enrollee,
24 including any balance billing amounts, until the enrollee receives
25 breastfeeding equipment.

26 c. Coverage of comprehensive lactation counseling shall
27 include:

28 (1) In-person, one-on-one lactation counseling with a lactation
29 provider, subject to the following conditions:

30 (a) Coverage shall include visits that occur inside and outside a
31 hospital or office setting. In-person lactation counseling shall be
32 covered regardless of location of service provision and shall include
33 home visits.

34 (b) Lactation counseling shall be made available within 24 hours
35 of notification of need.

36 (2) Telephonic lactation assistance shall be covered in addition
37 to, and not as a substitute for, in-person, one-on-one lactation
38 counseling, when an enrollee requests one-on-one, in-person
39 lactation counseling. The telephonic lactation assistance shall be
40 provided within 12 hours of notification of need.

41 (3) Group lactation counseling shall be covered in addition to,
42 and not as a substitute for, one-on-one, in-person lactation
43 counseling, if an enrollee requests one-on-one, in-person lactation
44 counseling. Group counseling shall include educational classes and
45 support groups.

46 (4) A plan shall not require prior authorization, prescription or
47 referral for any lactation counseling, regardless of provider type or
48 setting.

1 (5) An individual health benefits plan shall not impose medical
2 management techniques not described in this section.

3 d. Except as otherwise authorized pursuant to this section, an
4 individual health benefits plan shall not impose restrictions on the
5 coverage provided pursuant to this section, including, but not
6 limited to, limitations on reimbursement to allowable amounts or
7 reasonable and customary charges, documentation requests, or
8 delays on the coverage provided.

9 e. As used in this section:

10 "Cost-sharing" means deductible, co-insurance or co-payments,
11 or similar charges.

12 "Breast pump kit" means a collection of tubing, valves, flanges,
13 collection bottles, nipple shields, or other parts required to extract
14 human milk using a breast pump.

15 "Lactation provider" means an individual who is a licensed or
16 certified provider with specialty training in breastfeeding and
17 lactation.

18 "Lactation counseling" means breastfeeding education and
19 support services provided by a lactation provider, such as:

20 (1) educating women, families, health professionals, and the
21 community about the impact of breastfeeding and human lactation
22 on health and what to expect in the normal course of breastfeeding;

23 (2) acting as an advocate for breastfeeding as the norm for
24 feeding infants and young children;

25 (3) providing breastfeeding support, encouragement, and care
26 from preconception to weaning in order to help women and their
27 families meet their breastfeeding goals;

28 (4) using principles of adult education when teaching clients,
29 health care providers, and others in the community; and

30 (5) identifying and referring high-risk mothers and babies and
31 those requiring clinical treatment appropriately.

32 "Telephonic lactation assistance" means lactation counseling
33 with a lactation provider conducted remotely through live voice
34 communication.

35 f. This section shall apply to those plans in which the
36 individual health benefits plan has reserved the right to change the
37 premium.

38

39 7. a. A small employer health benefits plan that provides
40 hospital or medical expense benefits and is delivered, issued,
41 executed or renewed in this State, or approved for issuance or
42 renewal in this State by the Commissioner of Banking and
43 Insurance, on or after the effective date of P.L. ,

44 c. (C.)(pending before the Legislature as this bill), shall
45 provide coverage for comprehensive lactation support and
46 counseling by a trained provider, and the costs for renting or
47 purchasing breastfeeding equipment, in conjunction with each birth,

1 for the duration of breastfeeding for health plan enrollees, with no
2 cost-sharing.

3 b. Coverage of breastfeeding equipment shall include:

4 (1) Purchase of a single-user breast pump, subject to the
5 following conditions:

6 (a) A plan shall cover the purchase of a double electric breast
7 pump. If an enrollee requests a manual pump in lieu of the double
8 electric breast pump, the health plan shall cover the purchase of a
9 manual pump.

10 (b) A double electric breast pump provided pursuant to this
11 paragraph shall be of sufficient power and durability to establish
12 and maintain milk supply for the duration of breastfeeding.

13 (c) A plan shall not require documentation of medical necessity,
14 prior authorization, or a prescription for a breast pump provided
15 pursuant to this paragraph.

16 (d) Coverage shall be available at any time during pregnancy
17 and the postpartum period, and shall continue for the duration of
18 breastfeeding as defined by the plan enrollee.

19 (e) Coverage for breast pumps shall include repair or
20 replacement if necessary.

21 (2) Rental or purchase of a multi-user breast pump, on the
22 recommendation of a licensed health care provider, subject to the
23 following conditions:

24 (a) When recommended by a licensed health care provider, a
25 plan shall provide coverage for a multi-user breast pump.

26 (b) A small employer health benefits plan may determine
27 whether a rental or purchase is covered.

28 (c) Coverage for a multi-user breast pump shall be covered
29 without regard to coverage or acquisition of a single-user breast
30 pump.

31 (d) A small employer health benefits plan may require a letter of
32 medical necessity from a lactation provider or other health care
33 provider for coverage of a multi-user pump. The letter shall not
34 interfere with the timely acquisition of a multi-user pump.

35 (3) Coverage of breastfeeding equipment pursuant to this
36 section shall include two breast pump kits per birth event, as well as
37 appropriate size breast pump flanges, nipple shields, breast shells,
38 or other lactation accessories recommended by a health provider.

39 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
40 of this subsection shall be furnished: within 48 hours of notification
41 of need, if requested after the birth of the child; or by the later of
42 two weeks before the enrollee's expected due date or 72 hours after
43 notification, if requested prior to the birth of the child. If the small
44 employer health benefits plan cannot ensure an enrollee receives
45 breastfeeding equipment within 48 hours, an enrollee may purchase
46 the equipment and the health plan shall reimburse all out-of-pocket
47 expenses incurred by the enrollee, including any balance billing
48 amounts.

- 1 (5) Breastfeeding equipment specified in paragraph (2) of this
2 subsection shall be made available within 12 hours of notification
3 of need. If equipment is not available within 12 hours of
4 notification of need, the small employer health benefits plan shall
5 reimburse all out-of-pocket rental expenses incurred by an enrollee,
6 including any balance billing amounts, until the enrollee receives
7 breastfeeding equipment.
- 8 c. Coverage of comprehensive lactation counseling shall
9 include:
 - 10 (1) In-person, one-on-one lactation counseling with a lactation
11 provider, subject to the following conditions:
 - 12 (a) Coverage shall include visits that occur inside and outside a
13 hospital or office setting. In-person lactation counseling shall be
14 covered regardless of location of service provision and shall include
15 home visits.
 - 16 (b) Lactation counseling shall be made available within 24 hours
17 of notification of need.
 - 18 (2) Telephonic lactation assistance shall be covered in addition
19 to, and not as a substitute for, in-person, one-on-one lactation
20 counseling, when an enrollee requests one-on-one, in-person
21 lactation counseling. The telephonic lactation assistance shall be
22 provided within 12 hours of notification of need.
 - 23 (3) Group lactation counseling shall be covered in addition to,
24 and not as a substitute for, one-on-one, in-person lactation
25 counseling, if an enrollee requests one-on-one, in-person lactation
26 counseling. Group counseling shall include educational classes and
27 support groups.
 - 28 (4) A plan shall not require prior authorization, prescription or
29 referral for any lactation counseling, regardless of provider type or
30 setting.
 - 31 (5) A small employer health benefits plan shall not impose
32 medical management techniques not described in this section.
 - 33 d. Except as otherwise authorized pursuant to this section, a
34 small employer health benefits plan shall not impose restrictions on
35 the coverage provided pursuant to this section, including, but not
36 limited to, limitations on reimbursement to allowable amounts or
37 reasonable and customary charges, documentation requests, or
38 delays on the coverage provided.
 - 39 e. As used in this section:
 - 40 "Cost-sharing" means deductible, co-insurance or co-payments,
41 or similar charges.
 - 42 "Breast pump kit" means a collection of tubing, valves, flanges,
43 collection bottles, nipple shields, or other parts required to extract
44 human milk using a breast pump.
 - 45 "Lactation provider" means an individual who is a licensed or
46 certified provider with specialty training in breastfeeding and
47 lactation.

- 1 "Lactation counseling" means breastfeeding education and
- 2 support services provided by a lactation provider, such as:
- 3 (1) educating women, families, health professionals, and the
- 4 community about the impact of breastfeeding and human lactation
- 5 on health and what to expect in the normal course of breastfeeding;
- 6 (2) acting as an advocate for breastfeeding as the norm for
- 7 feeding infants and young children;
- 8 (3) providing breastfeeding support, encouragement, and care
- 9 from preconception to weaning in order to help women and their
- 10 families meet their breastfeeding goals;
- 11 (4) using principles of adult education when teaching clients,
- 12 health care providers, and others in the community; and
- 13 (5) identifying and referring high-risk mothers and babies and
- 14 those requiring clinical treatment appropriately.
- 15 "Telephonic lactation assistance" means lactation counseling
- 16 with a lactation provider conducted remotely through live voice
- 17 communication.
- 18 f. This section shall apply to those plans in which the small
- 19 employer health benefits plan has reserved the right to change the
- 20 premium.
- 21
- 22 8. a. A health maintenance organization contract that provides
- 23 hospital or medical expense benefits and is delivered, issued,
- 24 executed or renewed in this State, or approved for issuance or
- 25 renewal in this State by the Commissioner of Banking and
- 26 Insurance, on or after the effective date of P.L. ,
- 27 c. (C.)(pending before the Legislature as this bill), shall
- 28 provide coverage for comprehensive lactation support and
- 29 counseling by a trained provider, and the costs for renting or
- 30 purchasing breastfeeding equipment, in conjunction with each birth,
- 31 for the duration of breastfeeding for contract enrollees, with no
- 32 cost-sharing.
- 33 b. Coverage of breastfeeding equipment shall include:
- 34 (1) Purchase of a single-user breast pump, subject to the
- 35 following conditions:
- 36 (a) A contract shall cover the purchase of a double electric
- 37 breast pump. If an enrollee requests a manual pump in lieu of the
- 38 double electric breast pump, the contract shall cover the purchase of
- 39 a manual pump.
- 40 (b) A double electric breast pump provided pursuant to this
- 41 paragraph shall be of sufficient power and durability to establish
- 42 and maintain milk supply for the duration of breastfeeding.
- 43 (c) A contract shall not require documentation of medical
- 44 necessity, prior authorization, or a prescription for a breast pump
- 45 provided pursuant to this paragraph.
- 46 (d) Coverage shall be available at any time during pregnancy
- 47 and the postpartum period, and shall continue for the duration of
- 48 breastfeeding as defined by the contract enrollee.

- 1 (e) Coverage for breast pumps shall include repair or
2 replacement if necessary.
- 3 (2) Rental or purchase of a multi-user breast pump, on the
4 recommendation of a licensed health care provider, subject to the
5 following conditions:
 - 6 (a) When recommended by a licensed health care provider, a
7 contract shall provide coverage for a multi-user breast pump.
 - 8 (b) A health maintenance organization may determine whether a
9 rental or purchase is covered.
 - 10 (c) Coverage for a multi-user breast pump shall be covered
11 without regard to coverage or acquisition of a single-user breast
12 pump.
 - 13 (d) A health maintenance organization may require a letter of
14 medical necessity from a lactation provider or other health care
15 provider for coverage of a multi-user pump. The letter shall not
16 interfere with the timely acquisition of a multi-user pump.
- 17 (3) Coverage of breastfeeding equipment pursuant to this
18 section shall include two breast pump kits per birth event, as well as
19 appropriate size breast pump flanges, nipple shields, breast shells,
20 or other lactation accessories recommended by a health provider.
- 21 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
22 of this subsection shall be furnished: within 48 hours of notification
23 of need, if requested after the birth of the child; or by the later of
24 two weeks before the enrollee's expected due date or 72 hours after
25 notification, if requested prior to the birth of the child. If the health
26 maintenance organization cannot ensure an enrollee receives
27 breastfeeding equipment within 48 hours, an enrollee may purchase
28 the equipment and the contract shall reimburse all out-of-pocket
29 expenses incurred by the enrollee, including any balance billing
30 amounts.
- 31 (5) Breastfeeding equipment specified in paragraph (2) of this
32 subsection shall be made available within 12 hours of notification
33 of need. If equipment is not available within 12 hours of
34 notification of need, the health maintenance organization shall
35 reimburse all out-of-pocket rental expenses incurred by an enrollee,
36 including any balance billing amounts, until the enrollee receives
37 breastfeeding equipment.
- 38 c. Coverage of comprehensive lactation counseling shall
39 include:
 - 40 (1) In-person, one-on-one lactation counseling with a lactation
41 provider, subject to the following conditions:
 - 42 (a) Coverage shall include visits that occur inside and outside a
43 hospital or office setting. In-person lactation counseling shall be
44 covered regardless of location of service provision and shall include
45 home visits.
 - 46 (b) Lactation counseling shall be made available within 24 hours
47 of notification of need.

1 (2) Telephonic lactation assistance shall be covered in addition
2 to, and not as a substitute for, in-person, one-on-one lactation
3 counseling, when an enrollee requests one-on-one, in-person
4 lactation counseling. The telephonic lactation assistance shall be
5 provided within 12 hours of notification of need.

6 (3) Group lactation counseling shall be covered in addition to,
7 and not as a substitute for, one-on-one, in-person lactation
8 counseling, if an enrollee requests one-on-one, in-person lactation
9 counseling. Group counseling shall include educational classes and
10 support groups.

11 (4) A contract shall not require prior authorization, prescription
12 or referral for any lactation counseling, regardless of provider type
13 or setting.

14 (5) A health maintenance organization shall not impose medical
15 management techniques not described in this section.

16 d. Except as otherwise authorized pursuant to this section, a
17 health maintenance organization shall not impose restrictions on the
18 coverage provided pursuant to this section, including, but not
19 limited to, limitations on reimbursement to allowable amounts or
20 reasonable and customary charges, documentation requests, or
21 delays on the coverage provided.

22 e. As used in this section:

23 “Cost-sharing” means deductible, co-insurance or co-payments,
24 or similar charges.

25 “Breast pump kit” means a collection of tubing, valves, flanges,
26 collection bottles, nipple shields, or other parts required to extract
27 human milk using a breast pump.

28 “Lactation provider” means an individual who is a licensed or
29 certified provider with specialty training in breastfeeding and
30 lactation.

31 “Lactation counseling” means breastfeeding education and
32 support services provided by a lactation provider, such as:

33 (1) educating women, families, health professionals, and the
34 community about the impact of breastfeeding and human lactation
35 on health and what to expect in the normal course of breastfeeding;

36 (2) acting as an advocate for breastfeeding as the norm for
37 feeding infants and young children;

38 (3) providing breastfeeding support, encouragement, and care
39 from preconception to weaning in order to help women and their
40 families meet their breastfeeding goals;

41 (4) using principles of adult education when teaching clients,
42 health care providers, and others in the community; and

43 (5) identifying and referring high-risk mothers and babies and
44 those requiring clinical treatment appropriately.

45 “Telephonic lactation assistance” means lactation counseling
46 with a lactation provider conducted remotely through live voice
47 communication.

1 f. The provisions of this section shall apply to those contracts
2 for health care services by health maintenance organizations under
3 which the right to change the schedule of charges for enrollee
4 coverage is reserved.

5
6 9. a. The State Health Benefits Commission shall ensure that
7 every contract purchased by the commission on or after the
8 effective date of this act that provides hospital or medical expense
9 benefits shall provide coverage for comprehensive lactation support
10 and counseling by a trained provider, and the costs for renting or
11 purchasing breastfeeding equipment, in conjunction with each birth,
12 for the duration of breastfeeding for contract enrollees, with no
13 cost-sharing.

14 b. Coverage of breastfeeding equipment shall include:

15 (1) Purchase of a single-user breast pump, subject to the
16 following conditions:

17 (a) A contract shall cover the purchase of a double electric
18 breast pump. If an enrollee requests a manual pump in lieu of the
19 double electric breast pump, the contract shall cover the purchase of
20 a manual pump.

21 (b) A double electric breast pump provided pursuant to this
22 paragraph shall be of sufficient power and durability to establish
23 and maintain milk supply for the duration of breastfeeding.

24 (c) A contract shall not require documentation of medical
25 necessity, prior authorization, or a prescription for a breast pump
26 provided pursuant to this paragraph.

27 (d) Coverage shall be available at any time during pregnancy
28 and the postpartum period, and shall continue for the duration of
29 breastfeeding as defined by the contract enrollee.

30 (e) Coverage for breast pumps shall include repair or
31 replacement if necessary.

32 (2) Rental or purchase of a multi-user breast pump, on the
33 recommendation of a licensed health care provider, subject to the
34 following conditions:

35 (a) When recommended by a licensed health care provider, a
36 contract shall provide coverage for a multi-user breast pump.

37 (b) A contract may provide for a determination as to whether a
38 rental or purchase is covered.

39 (c) Coverage for a multi-user breast pump shall be covered
40 without regard to coverage or acquisition of a single-user breast
41 pump.

42 (d) A contract may provide for requirement of a letter of
43 medical necessity from a lactation provider or other health care
44 provider for coverage of a multi-user pump. The letter shall not
45 interfere with the timely acquisition of a multi-user pump.

46 (3) Coverage of breastfeeding equipment pursuant to this
47 section shall include two breast pump kits per birth event, as well as

1 appropriate size breast pump flanges, nipple shields, breast shells,
2 or other lactation accessories recommended by a health provider.

3 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
4 of this subsection shall be furnished: within 48 hours of notification
5 of need, if requested after the birth of the child; or by the later of
6 two weeks before the enrollee's expected due date or 72 hours after
7 notification, if requested prior to the birth of the child. If the
8 enrollee does not receive breastfeeding equipment within 48 hours,
9 the enrollee may purchase the equipment and the contract shall
10 provide for reimbursement of all out-of-pocket expenses incurred
11 by the enrollee, including any balance billing amounts.

12 (5) Breastfeeding equipment specified in paragraph (2) of this
13 subsection shall be made available within 12 hours of notification
14 of need. If equipment is not available within 12 hours of
15 notification of need, the contract shall provide for reimbursement of
16 all out-of-pocket rental expenses incurred by the enrollee, including
17 any balance billing amounts, until the enrollee receives
18 breastfeeding equipment.

19 c. Coverage of comprehensive lactation counseling shall
20 include:

21 (1) In-person, one-on-one lactation counseling with a lactation
22 provider, subject to the following conditions:

23 (a) Coverage shall include visits that occur inside and outside a
24 hospital or office setting. In-person lactation counseling shall be
25 covered regardless of location of service provision and shall include
26 home visits.

27 (b) Lactation counseling shall be made available within 24 hours
28 of notification of need.

29 (2) Telephonic lactation assistance shall be covered in addition
30 to, and not as a substitute for, in-person, one-on-one lactation
31 counseling, when an enrollee requests one-on-one, in-person
32 lactation counseling. The telephonic lactation assistance shall be
33 provided within 12 hours of notification of need.

34 (3) Group lactation counseling shall be covered in addition to,
35 and not as a substitute for, one-on-one, in-person lactation
36 counseling, if an enrollee requests one-on-one, in-person lactation
37 counseling. Group counseling shall include educational classes and
38 support groups.

39 (4) A contract shall not require prior authorization, prescription
40 or referral for any lactation counseling, regardless of provider type
41 or setting.

42 (5) A contract shall not impose medical management techniques
43 not described in this section.

44 d. Except as otherwise authorized pursuant to this section, a
45 contract shall not impose restrictions on the coverage provided
46 pursuant to this section, including, but not limited to, limitations on
47 reimbursement to allowable amounts or reasonable and customary

1 charges, documentation requests, or delays on the coverage
2 provided.

3 e. As used in this section:

4 “Cost-sharing” means deductible, co-insurance or co-payments,
5 or similar charges.

6 "Breast pump kit" means a collection of tubing, valves, flanges,
7 collection bottles, nipple shields, or other parts required to extract
8 human milk using a breast pump.

9 “Lactation provider” means an individual who is a licensed or
10 certified provider with specialty training in breastfeeding and
11 lactation.

12 "Lactation counseling" means breastfeeding education and
13 support services provided by a lactation provider, such as:

14 (1) educating women, families, health professionals, and the
15 community about the impact of breastfeeding and human lactation
16 on health and what to expect in the normal course of breastfeeding;

17 (2) acting as an advocate for breastfeeding as the norm for
18 feeding infants and young children;

19 (3) providing breastfeeding support, encouragement, and care
20 from preconception to weaning in order to help women and their
21 families meet their breastfeeding goals;

22 (4) using principles of adult education when teaching clients,
23 health care providers, and others in the community; and

24 (5) and identifying and referring high-risk mothers and babies
25 and those requiring clinical treatment appropriately.

26 "Telephonic lactation assistance" means lactation counseling
27 with a lactation provider conducted remotely through live voice
28 communication.

29

30 10. a. The School Employees' Health Benefits Commission
31 shall ensure that every contract purchased by the commission on or
32 after the effective date of this act that provides hospital or medical
33 expense benefits shall provide coverage for comprehensive lactation
34 support and counseling by a trained provider, and the costs for
35 renting or purchasing breastfeeding equipment, in conjunction with
36 each birth, for the duration of breastfeeding for contract enrollees,
37 with no cost-sharing.

38 b. Coverage of breastfeeding equipment shall include:

39 (1) Purchase of a single-user breast pump, subject to the
40 following conditions:

41 (a) A contract shall cover the purchase of a double electric
42 breast pump. If an enrollee requests a manual pump in lieu of the
43 double electric breast pump, the contract shall cover the purchase of
44 a manual pump.

45 (b) A double electric breast pump provided pursuant to this
46 paragraph shall be of sufficient power and durability to establish
47 and maintain milk supply for the duration of breastfeeding.

1 (c) A contract shall not require documentation of medical
2 necessity, prior authorization, or a prescription for a breast pump
3 provided pursuant to this paragraph.

4 (d) Coverage shall be available at any time during pregnancy
5 and the postpartum period, and shall continue for the duration of
6 breastfeeding as defined by the contract enrollee.

7 (e) Coverage for breast pumps shall include repair or
8 replacement if necessary.

9 (2) Rental or purchase of a multi-user breast pump, on the
10 recommendation of a licensed health care provider, subject to the
11 following conditions:

12 (a) When recommended by a licensed health care provider, a
13 contract shall provide coverage for a multi-user breast pump.

14 (b) A contract may provide for a determination as to whether a
15 rental or purchase is covered.

16 (c) Coverage for a multi-user breast pump shall be covered
17 without regard to coverage or acquisition of a single-user breast
18 pump.

19 (d) A contract may provide for requirement of a letter of
20 medical necessity from a lactation provider or other health care
21 provider for coverage of a multi-user pump. The letter shall not
22 interfere with the timely acquisition of a multi-user pump.

23 (3) Coverage of breastfeeding equipment pursuant to this
24 section shall include two breast pump kits per birth event, as well as
25 appropriate size breast pump flanges, nipple shields, breast shells,
26 or other lactation accessories recommended by a health provider.

27 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
28 of this subsection shall be furnished: within 48 hours of notification
29 of need, if requested after the birth of the child; or by the later of
30 two weeks before the enrollee's expected due date or 72 hours after
31 notification, if requested prior to the birth of the child. If the
32 enrollee does not receive breastfeeding equipment within 48 hours,
33 the enrollee may purchase the equipment and the contract shall
34 provide for reimbursement of all out-of-pocket expenses incurred
35 by the enrollee, including any balance billing amounts.

36 (5) Breastfeeding equipment specified in paragraph (2) of this
37 subsection shall be made available within 12 hours of notification
38 of need. If equipment is not available within 12 hours of
39 notification of need, the contract shall provide for reimbursement of
40 all out-of-pocket rental expenses incurred by the enrollee, including
41 any balance billing amounts, until the enrollee receives
42 breastfeeding equipment.

43 c. Coverage of comprehensive lactation counseling shall
44 include:

45 (1) In-person, one-on-one lactation counseling with a lactation
46 provider, subject to the following conditions:

47 (a) Coverage shall include visits that occur inside and outside a
48 hospital or office setting. In-person lactation counseling shall be

- 1 covered regardless of location of service provision and shall include
- 2 home visits.
- 3 (b) Lactation counseling shall be made available within 24 hours
- 4 of notification of need.
- 5 (2) Telephonic lactation assistance shall be covered in addition
- 6 to, and not as a substitute for, in-person, one-on-one lactation
- 7 counseling, when an enrollee requests one-on-one, in-person
- 8 lactation counseling. The telephonic lactation assistance shall be
- 9 provided within 12 hours of notification of need.
- 10 (3) Group lactation counseling shall be covered in addition to,
- 11 and not as a substitute for, one-on-one, in-person lactation
- 12 counseling, if an enrollee requests one-on-one, in-person lactation
- 13 counseling. Group counseling shall include educational classes and
- 14 support groups.
- 15 (4) A contract shall not require prior authorization, prescription
- 16 or referral for any lactation counseling, regardless of provider type
- 17 or setting.
- 18 (5) A contract shall not impose medical management techniques
- 19 not described in this section.
- 20 d. Except as otherwise authorized pursuant to this section, a
- 21 contract shall not impose restrictions on the coverage provided
- 22 pursuant to this section, including, but not limited to, limitations on
- 23 reimbursement to allowable amounts or reasonable and customary
- 24 charges, documentation requests, or delays on the coverage
- 25 provided.
- 26 e. As used in this section:
- 27 "Cost-sharing" means deductible, co-insurance or co-payments,
- 28 or similar charges.
- 29 "Breast pump kit" means a collection of tubing, valves, flanges,
- 30 collection bottles, nipple shields, or other parts required to extract
- 31 human milk using a breast pump.
- 32 "Lactation provider" means an individual who is a licensed or
- 33 certified provider with specialty training in breastfeeding and
- 34 lactation.
- 35 "Lactation counseling" means breastfeeding education and
- 36 support services provided by a lactation provider, such as:
- 37 (1) educating women, families, health professionals, and the
- 38 community about the impact of breastfeeding and human lactation
- 39 on health and what to expect in the normal course of breastfeeding;
- 40 (2) acting as an advocate for breastfeeding as the norm for
- 41 feeding infants and young children;
- 42 (3) providing breastfeeding support, encouragement, and care
- 43 from preconception to weaning in order to help women and their
- 44 families meet their breastfeeding goals;
- 45 (4) using principles of adult education when teaching clients,
- 46 health care providers, and others in the community; and
- 47 (5) identifying and referring high-risk mothers and babies and
- 48 those requiring clinical treatment appropriately.

1 "Telephonic lactation assistance" means lactation counseling
2 with a lactation provider conducted remotely through live voice
3 communication.
4

5 11. This act shall take effect on the 90th day next following
6 enactment.