

ASSEMBLY, No. 542

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

SYNOPSIS

Requires health benefits coverage for orthotic and prosthetic appliances from licensed podiatrists.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning health benefits coverage for orthotic and
2 prosthetic appliances from podiatrists and amending P.L.2007,
3 c.345.
4

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

8 1. Section 1 of P.L.2007, c.345 (C.17:48-6ff) is amended to
9 read as follows:

10 1. a. Every hospital service corporation contract that provides
11 hospital or medical expense benefits and is delivered, issued,
12 executed or renewed in this State pursuant to P.L.1938, c.366
13 (C.17:48-1 et seq.), or approved for issuance or renewal in this State
14 by the Commissioner of Banking and Insurance on or after the
15 effective date of **[this act]** P.L.2007, c.345 (C.17:48-6ff et al.),
16 shall provide benefits to any person covered thereunder for
17 expenses incurred in obtaining an orthotic or prosthetic appliance
18 from any licensed orthotist or prosthetist, licensed podiatrist, or any
19 certified pedorthist, as determined medically necessary by the
20 covered person's physician.

21 As used in this section, "orthotic appliance," "prosthetic
22 appliance," "licensed orthotist" and "licensed prosthetist" have the
23 meaning assigned to them in section 3 of P.L.1991, c.512
24 (C.45:12B-3) , "licensed podiatrist" has the meaning assigned to it
25 in R.S.45:5-1 et seq., and "certified pedorthist" has the meaning
26 assigned to it in subsection j. of section 18 of P.L.1991, c.512
27 (C.45:12B-18).

28 b. On and after the effective date of **[this act]** P.L.2007, c.345
29 (C.17:48-6ff et al.), a hospital service corporation contract shall
30 reimburse for orthotic and prosthetic appliances at the same rate as
31 reimbursement for such appliances under the federal Medicare
32 reimbursement schedule.

33 c. The benefits shall be provided to the same extent as for any
34 other medical condition under the contract.

35 d. The provisions of this section shall apply to all hospital
36 service corporation contracts in which the hospital service
37 corporation has reserved the right to change the premium.
38 (cf: P.L.2007, c.345, s.1)
39

40 2. Section 2 of P.L.2007, c.345 (C. 17:48A-7cc) is amended to
41 read as follows:

42 2. a. Every medical service corporation contract that provides
43 hospital or medical expense benefits and is delivered, issued,
44 executed or renewed in this State pursuant to P.L.1940, c.74
45 (C.17:48A-1 et seq.), or approved for issuance or renewal in this

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 State by the Commissioner of Banking and Insurance on or after
2 the effective date of **【this act】** P.L.2007, c.345 (C.17:48-6ff et al.),
3 shall provide benefits to any person covered thereunder for
4 expenses incurred in obtaining an orthotic or prosthetic appliance
5 from any licensed orthotist or prosthetist, licensed podiatrist, or any
6 certified pedorthist, as determined medically necessary by the
7 covered person's physician.

8 As used in this section, "orthotic appliance," "prosthetic
9 appliance," "licensed orthotist" and "licensed prosthetist" have the
10 meaning assigned to them in section 3 of P.L.1991, c.512
11 (C.45:12B-3) , "licensed podiatrist" has the meaning assigned to it
12 in R.S.45:5-1 et seq., and "certified pedorthist" has the meaning
13 assigned to it in subsection j. of section 18 of P.L.1991, c.512
14 (C.45:12B-18).

15 b. On and after the effective date of **【this act】** P.L.2007, c.345
16 (C.17:48-6ff et al.), a medical service corporation contract shall
17 reimburse for orthotic and prosthetic appliances at the same rate as
18 reimbursement for such appliances under the federal Medicare
19 reimbursement schedule.

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

22 d. The provisions of this section shall apply to all medical
23 service corporation contracts in which the medical service
24 corporation has reserved the right to change the premium.

25 (cf: P.L.2007, c.345, s.2)

26
27 3. Section 3 of P.L.2007, c.345 (C.17:48E-35.30) is amended
28 to read as follows:

29 3. a. Every health service corporation contract that provides
30 hospital or medical expense benefits and is delivered, issued,
31 executed or renewed in this State pursuant to P.L.1985, c.236
32 (C.17:48E-1 et al.), or approved for issuance or renewal in this State
33 by the Commissioner of Banking and Insurance on or after the
34 effective date of **【this act】** P.L.2007, c.345 (C.17:48-6ff et al.),
35 shall provide benefits to any person covered thereunder for
36 expenses incurred in obtaining an orthotic or prosthetic appliance
37 from any licensed orthotist or prosthetist, licensed podiatrist, or any
38 certified pedorthist, as determined medically necessary by the
39 covered person's physician.

40 As used in this section, "orthotic appliance," "prosthetic
41 appliance," "licensed orthotist" and "licensed prosthetist" have the
42 meaning assigned to them in section 3 of P.L.1991, c.512
43 (C.45:12B-3) , "licensed podiatrist" has the meaning assigned to it
44 in R.S.45:5-1 et seq., and "certified pedorthist" has the meaning
45 assigned to it in subsection j. of section 18 of P.L.1991, c.512
46 (C.45:12B-18).

47 b. On and after the effective date of **【this act】** P.L.2007, c.345
48 (C.17:48-6ff et al.), a health service corporation contract shall

reimburse for orthotic and prosthetic appliances at the same rate as reimbursement for such appliances under the federal Medicare reimbursement schedule.

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

d. The provisions of this section shall apply to all health service corporation contracts in which the health service corporation has reserved the right to change the premium.

(cf: P.L.2007, c.345, s.3)

4. Section 4 of P.L.2007, c.345 (C.17B:26-2.1z) is amended to read as follow:

4. a. Every individual health insurance policy that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to N.J.S.17B:26-1 et seq., or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance on or after the effective date of **[this act]** P.L.2007, c.345 (C.17:48-6ff et al.), shall provide benefits to any person covered thereunder for expenses incurred in obtaining an orthotic or prosthetic appliance from any licensed orthotist or prosthetist, licensed podiatrist, or any certified pedorthist, as determined medically necessary by the covered person's physician.

As used in this section, "orthotic appliance," "prosthetic appliance," "licensed orthotist" and "licensed prosthetist" have the meaning assigned to them in section 3 of P.L.1991, c.512 (C.45:12B-3) , "licensed podiatrist" has the meaning assigned to it in R.S.45:5-1 et seq., and "certified pedorthist" has the meaning assigned to it in subsection j. of section 18 of P.L.1991, c.512 (C.45:12B-18).

b. On and after the effective date of **[this act]** P.L.2007, c.345 (C.17:48-6ff et al.), an individual health insurance policy shall reimburse for orthotic and prosthetic appliances at the same rate as reimbursement for such appliances under the federal Medicare reimbursement schedule.

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

d. The provisions of this section shall apply to all individual health insurance policies in which the insurer has reserved the right to change the premium.

(cf: P.L.2007, c.345, s.4)

5. Section 5 of P.L.2007, c.345 (C.17B:27-46.1ff) is amended to read as follows:

5. a. Every group health insurance policy that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to N.J.S.17B:27-26 et seq., or approved for issuance or renewal in this State by the

1 Commissioner of Banking and Insurance on or after the effective
2 date of **【this act】** P.L.2007, c.345 (C.17:48-6ff et al.), shall provide
3 benefits to any person covered thereunder for expenses incurred in
4 obtaining an orthotic or prosthetic appliance from any licensed
5 orthotist or prosthetist, licensed podiatrist, or any certified
6 pedorthist, as determined medically necessary by the covered
7 person's physician.

8 As used in this section, "orthotic appliance," "prosthetic
9 appliance," "licensed orthotist" and "licensed prosthetist" have the
10 meaning assigned to them in section 3 of P.L.1991, c.512
11 (C.45:12B-3) , "licensed podiatrist" has the meaning assigned to it
12 in R.S.45:5-1 et seq., and "certified pedorthist" has the meaning
13 assigned to it in subsection j. of section 18 of P.L.1991, c.512
14 (C.45:12B-18).

15 b. On and after the effective date of **【this act】** P.L.2007, c.345
16 (C.17:48-6ff et al.), a group health insurance policy shall reimburse
17 for orthotic and prosthetic appliances at the same rate as
18 reimbursement for such appliances under the federal Medicare
19 reimbursement schedule.

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

22 d. The provisions of this section shall apply to all group health
23 insurance policies in which the insurer has reserved the right to
24 change the premium.

25 (cf: P.L.2007, c.345, s.5)

26

27 6. Section 6 of P.L.2007, c.345 (C.17B:27A-7.13) is amended
28 to read as follows:

29 6. a. Every individual health benefits plan that provides
30 hospital or medical expense benefits and is delivered, issued,
31 executed or renewed in this State pursuant to P.L.1992, c.161
32 (C.17B:27A-2 et al.), or approved for issuance or renewal in this
33 State by the Commissioner of Banking and Insurance on or after the
34 effective date of **【this act】** P.L.2007, c.345 (C.17:48-6ff et al.),
35 shall provide benefits to any person covered thereunder for
36 expenses incurred in obtaining an orthotic or prosthetic appliance
37 from any licensed orthotist or prosthetist, licensed podiatrist, or any
38 certified pedorthist, as determined medically necessary by the
39 covered person's physician.

40 As used in this section, "orthotic appliance," "prosthetic
41 appliance," "licensed orthotist" and "licensed prosthetist" have the
42 meaning assigned to them in section 3 of P.L.1991, c.512
43 (C.45:12B-3) , "licensed podiatrist" has the meaning assigned to it
44 in R.S.45:5-1 et seq., and "certified pedorthist" has the meaning
45 assigned to it in subsection j. of section 18 of P.L.1991, c.512
46 (C.45:12B-18).

47 b. On and after the effective date of **【this act】** P.L.2007, c.345
48 (C.17:48-6ff et al.), an individual health benefits plan shall

1 reimburse for orthotic and prosthetic appliances at the same rate as
2 reimbursement for such appliances under the federal Medicare
3 reimbursement schedule.

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

6 d. The provisions of this section shall apply to all individual
7 health benefits plans in which the carrier has reserved the right to
8 change the premium.

9 (cf: P.L.2007, c.345, s.6)

10

11 7. Section 7 of P.L.2007, c.345 (C.17B:27A-19.17) is amended
12 to read as follows:

13 7. a. Every small employer health benefits plan that provides
14 hospital or medical expense benefits and is delivered, issued,
15 executed or renewed in this State pursuant to P.L.1992, c.162
16 (C.17B:27A-17 et seq.), or approved for issuance or renewal in this
17 State by the Commissioner of Banking and Insurance on or after the
18 effective date of **[this act]** P.L.2007, c.345 (C.17:48-6ff et al.),
19 shall provide benefits to any person covered thereunder for
20 expenses incurred in obtaining an orthotic or prosthetic appliance
21 from any licensed orthotist or prosthetist, licensed podiatrist, or any
22 certified pedorthist, as determined medically necessary by the
23 covered person's physician.

24 As used in this section, "orthotic appliance," "prosthetic
25 appliance," "licensed orthotist" and "licensed prosthetist" have the
26 meaning assigned to them in section 3 of P.L.1991, c.512
27 (C.45:12B-3) , "licensed podiatrist" has the meaning assigned to it
28 in R.S.45:5-1 et seq., and "certified pedorthist" has the meaning
29 assigned to it in subsection j. of section 18 of P.L.1991, c.512
30 (C.45:12B-18).

31 b. On and after the effective date of **[this act]** P.L.2007, c.345
32 (C.17:48-6ff et al.), a small employer health benefits plan shall
33 reimburse for orthotic and prosthetic appliances at the same rate as
34 reimbursement for such appliances under the federal Medicare
35 reimbursement schedule.

36 c. The benefits shall be provided to the same extent as for any
37 other medical condition under the health benefits plan.

38 d. The provisions of this section shall apply to all small
39 employer health benefits plans in which the carrier has reserved the
40 right to change the premium.

41 (cf: P.L.2007, c.345, s.7)

42

43 8. Section 8 of P.L.2007, c.345 (C.26:2J-4.31) is amended to
44 read as follows:

45 8. a. A certificate of authority to establish and operate a health
46 maintenance organization in this State pursuant to P.L.1973, c.337
47 (C.26:2J-1 et seq.) shall not be issued or continued by the
48 Commissioner of Banking and Insurance on or after the effective

1 date of **[this act]** P.L.2007, c.345 (C.17:48-6ff et al.) unless the
2 health maintenance organization provides health care services for
3 any person covered thereunder for expenses incurred in obtaining
4 an orthotic or prosthetic appliance from any licensed orthotist or
5 prosthetist, licensed podiatrist, or any certified pedorthist, as
6 determined medically necessary by the covered person's physician.

7 As used in this section, "orthotic appliance," "prosthetic
8 appliance," "licensed orthotist," and "licensed prosthetist" have the
9 meaning assigned to them in section 3 of P.L.1991, c.512
10 (C.45:12B-3) , "licensed podiatrist" has the meaning assigned to it
11 in R.S.45:5-1 et seq., and "certified pedorthist" has the meaning
12 assigned to it in subsection j. of section 18 of P.L.1991, c.512
13 (C.45:12B-18).

14 b. On and after the effective date of this act, a health
15 maintenance organization shall reimburse for orthotic and prosthetic
16 appliances at the same rate as reimbursement for such appliances
17 under the federal Medicare reimbursement schedule.

18 c. The benefits shall be provided to the same extent as for any
19 other medical condition under the enrollee agreement.

20 d. The provisions of this section shall apply to all enrollee
21 agreements in which the health maintenance organization has
22 reserved the right to change the schedule of charges.

23 (cf: P.L.2012, c.17, s.276)

24
25 9. Section 9 P.L.2007, c.345 (C.52:14-17.29m) is amended to
26 read as follows:

27 9. a. The State Health Benefits Commission shall ensure that
28 every contract purchased by the commission on or after the
29 effective date of **[this act]** P.L.2007, c.345 (C.17:48-6ff et al.) that
30 provides hospital or medical expense benefits, shall provide
31 benefits to any person covered thereunder for expenses incurred in
32 obtaining an orthotic or prosthetic appliance from any licensed
33 orthotist or prosthetist, licensed podiatrist, or any certified
34 pedorthist, as determined medically necessary by the covered
35 person's physician.

36 As used in this section, "orthotic appliance," "prosthetic
37 appliance," "licensed orthotist" and "licensed prosthetist" have the
38 meaning assigned to them in section 3 of P.L.1991, c.512
39 (C.45:12B-3) , "licensed podiatrist" has the meaning assigned to it
40 in R.S.45:5-1 et seq., and "certified pedorthist" has the meaning
41 assigned to it in subsection j. of section 18 of P.L.1991, c.512
42 (C.45:12B-18).

43 b. On and after the effective date of **[this act]** P.L.2007, c.345
44 (C.17:48-6ff et al.), a contract purchased by the commission shall
45 reimburse for orthotic and prosthetic appliances at the same rate as
46 reimbursement for such appliances under the federal Medicare
47 reimbursement schedule.

1 c. The benefits shall be provided to the same extent as for any
2 other medical condition under the contract.
3 (cf: P.L.2007, c.345, s.9)
4

5 10. This act shall take effect on the 90th day after enactment and
6 shall apply to policies or contracts issued or renewed on or after the
7 effective date.
8
9

10 STATEMENT
11

12 This bill expands the list of health providers for which certain
13 health insurers must provide benefits for expenses incurred in
14 obtaining orthotics or prosthetic appliances for insureds to include
15 licensed podiatrists. Under current law, health insurers, including
16 health, hospital and medical service corporations, commercial
17 individual and group health insurers, health maintenance
18 organizations, and health benefits plans issued pursuant to the New
19 Jersey Individual Health Coverage (IHC) and Small Employer
20 Health Benefits (SEH) Programs, and the State Health Benefits
21 Program (SHBP), are required to provide health benefits coverage
22 for expenses incurred in obtaining an orthotic or prosthetic
23 appliance from any licensed orthotist or prosthetist, or any certified
24 pedorthist, as determined medically necessary by the covered
25 person's physician. Under the bill, licensed podiatrists are included
26 in the list of health providers for which health insurers are required
27 to provide benefits.