

ASSEMBLY, No. 1004

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen MORAN and CONNORS

1 AN ACT requiring health insurance benefits for the treatment of Lyme
2 disease and supplementing P.L.1938, c.366 (C.17:48-1 et seq.),
3 P.L.1940, c.74 (C.17:48A-1 et seq.), P.L.1985, c.236 (C.17:48E-1
4 et seq.), chapter 26 of Title 17B of the New Jersey Statutes,
5 chapter 27 of Title 17B of the New Jersey Statutes, and P.L.1973,
6 c.337 (C.26:2J-1 et seq.).

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8 **BE IT ENACTED** *by the Senate and General Assembly of the State*
9 *of New Jersey:*

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11 1. a. No group or individual hospital service corporation contract
12 providing hospital or medical expense benefits shall be delivered,
13 issued, executed or renewed in this State, or approved for issuance or
14 renewal in this State by the Commissioner of Insurance on or after the
15 effective date of this act, unless the contract provides benefits as
16 provided by this section to persons covered thereunder for expenses
17 incurred in the treatment of Lyme disease determined to be medically
18 necessary by the covered person's physician after making a written
19 evaluation of that person's symptoms, condition and response to
20 treatment.

21 b. Treatment otherwise eligible for benefits pursuant to this section
22 shall not be denied because such treatment may be characterized as
23 experimental or investigational in nature.

24 c. The provisions of this section shall apply to all contracts in
25 which the hospital service corporation has reserved the right to change
26 the premium.

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28 2. a. No group or individual medical service corporation contract
29 providing hospital or medical expense benefits shall be delivered,
30 issued, executed or renewed in this State, or approved for issuance or
31 renewal in this State by the Commissioner of Insurance on or after the
32 effective date of this act, unless the contract provides benefits as
33 provided by this section to persons covered thereunder for expenses
34 incurred in the treatment of Lyme disease determined to be medically
35 necessary by the covered person's physician after making a written

1 evaluation of that person's symptoms, condition and response to
2 treatment.

3 b. Treatment otherwise eligible for benefits pursuant to this section
4 shall not be denied because such treatment may be characterized as
5 experimental or investigational in nature.

6 c. The provisions of this section shall apply to all contracts in
7 which the medical service corporation has reserved the right to change
8 the premium.

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10 3. a. No group or individual health service corporation contract
11 providing hospital or medical expense benefits shall be delivered,
12 issued, executed or renewed in this State, or approved for issuance or
13 renewal in this State by the Commissioner of Insurance on or after the
14 effective date of this act, unless the contract provides benefits as
15 provided by this section to persons covered thereunder for expenses
16 incurred in the treatment of Lyme disease determined to be medically
17 necessary by the covered person's physician after making a written
18 evaluation of that person's symptoms, condition and response to
19 treatment.

20 b. Treatment otherwise eligible for benefits pursuant to this section
21 shall not be denied because such treatment may be characterized as
22 experimental or investigational in nature.

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

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27 4. a. No individual health insurance policy providing hospital or
28 medical expense benefits shall be delivered, issued, executed or
29 renewed in this State, or approved for issuance or renewal in this State
30 by the Commissioner of Insurance on or after the effective date of this
31 act, unless the policy provides benefits as provided by this section to
32 persons covered thereunder for expenses incurred in the treatment of
33 Lyme disease determined to be medically necessary by the covered
34 person's physician after making a written evaluation of that person's
35 symptoms, condition and response to treatment.

36 b. Treatment otherwise eligible for benefits pursuant to this section
37 shall not be denied because such treatment may be characterized as
38 experimental or investigational in nature.

39 c. The provisions of this section shall apply to all policies in which
40 the insurer has reserved the right to change the premium.

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42 5. a. No group health insurance policy providing hospital or
43 medical expense benefits shall be delivered, issued, executed or
44 renewed in this State, or approved for issuance or renewal in this State
45 by the Commissioner of Insurance on or after the effective date of this
46 act, unless the policy provides benefits as provided by this section to

1 persons covered thereunder for expenses incurred in the treatment of
2 Lyme disease determined to be medically necessary by the covered
3 person's physician after making a written evaluation of that person's
4 symptoms, condition and response to treatment.

5 b. Treatment otherwise eligible for benefits pursuant to this section
6 shall not be denied because such treatment may be characterized as
7 experimental or investigational in nature.

8 c. The provisions of this section shall apply to all policies in which
9 the insurer has reserved the right to change the premium.

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11 6. a. Notwithstanding any provision of law to the contrary, a
12 certificate of authority to establish and operate a health maintenance
13 organization in this State shall not be issued or continued by the
14 Commissioner of Health on or after the effective date of this act unless
15 the health maintenance organization provides health care services to
16 every enrollee for the treatment of Lyme Disease as provided by this
17 section determined to be medically necessary by the enrollee's
18 physician after making a written evaluation of the enrollee's symptoms,
19 condition and response to treatment.

20 b. Health care services otherwise eligible for coverage pursuant to
21 this section shall not be denied because such services may be
22 characterized as experimental or investigational in nature.

23 c. The provisions of this section shall apply to all contracts for
24 health care services by health maintenance organizations under which
25 the right to change the schedule of charges for enrollee coverage is
26 reserved.

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28 7. This act shall take effect on the 90th day after enactment.

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STATEMENT

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33 This bill requires hospital service corporations, medical service
34 corporations, health service corporations, commercial insurers and
35 health maintenance organizations to provide benefits for the treatment
36 of Lyme disease determined to be medically necessary by the covered
37 person's physician after making a written evaluation of that person's
38 symptoms, condition and response to treatment. Treatment otherwise
39 eligible for benefits pursuant to this bill could not be denied because
40 such treatment may be characterized as experimental or investigational
41 in nature.

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46 Requires health insurers to cover Lyme disease.