

ASSEMBLY, No. 1954

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1996

By Assemblywoman ALLEN, Assemblymen GARRETT, Geist, LeFevre, Assemblywomen Heck, Bark, Assemblyman Bodine, Assemblywomen Weinberg, Gill, Cruz-Perez, Assemblymen T. Smith, Arnone, DeSopo, Corodemus, Augustine, Assemblywoman Myers, Assemblymen Malone, Blee, Gibson, Assemblywomen Farragher, J. Smith, Buono, Assemblyman Steele, Assemblywoman Quigley, Assemblymen R. Smith, Bagger, Wolfe, Lance, Assemblywoman Crecco, Assemblymen Felice, Roma, Stuhltrager, Rocco, Cottrell, O'Toole, Assemblywomen Murphy, Vandervalk, Assemblyman Jones, Assemblywomen Turner, Friscia and Assemblyman DiGaetano

1 AN ACT concerning the provision of health benefits to victims of  
2 domestic violence and supplementing P.L.1938, c.366 (C.17:48-1  
3 et seq.), P.L.1940, c.74 (C.17:48A-1 et seq.), P.L.1985, c.236  
4 (C.17:48E-1 et seq.), chapters 26 and 27 of Title 17B of the New  
5 Jersey Statutes, and P.L.1973, c.337 (C.26:2J-1 et seq.).

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

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10 1. Except as otherwise provided in P.L.1992, c.161 (C.17B:27A-2  
11 et seq.) and P.L.1992, c.162 (C.17B:27A-17 et seq.), no group or  
12 individual hospital service corporation contract providing hospital or  
13 medical expense benefits shall contain any provision which denies  
14 benefits for expenses incurred in the treatment of an injury or injuries  
15 sustained as the result of domestic violence as defined in section 3 of  
16 P.L.1991, c.261 (C.2C:25-19), to a subscriber or other person covered  
17 thereunder. Benefits shall be provided to the same extent as for any  
18 other treatment under the contract. The provisions of this section shall  
19 apply to all contracts in which the hospital service corporation has  
20 reserved the right to change the premium.

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22 2. Except as otherwise provided in P.L.1992, c.161 (C.17B:27A-2  
23 et seq.) and P.L.1992, c.162 (C.17B:27A-17 et seq.), no group or  
24 individual medical service corporation contract providing hospital or  
25 medical expense benefits shall contain any provision which denies  
26 benefits for expenses incurred in the treatment of an injury or injuries  
27 sustained as the result of domestic violence as defined in section 3 of

1 P.L.1991, c.261 (C.2C:25-19), to a subscriber or other person covered  
2 thereunder. Benefits shall be provided to the same extent as for any  
3 other treatment under the contract. The provisions of this section shall  
4 apply to all contracts in which the medical service corporation has  
5 reserved the right to change the premium.

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7 3. Except as otherwise provided in P.L.1992, c.161 (C.17B:27A-2  
8 et seq.) and P.L.1992, c.162 (C.17B:27A-17 et seq.), no group or  
9 individual health service corporation contract providing hospital or  
10 medical expense benefits shall contain any provision which denies  
11 benefits for expenses incurred in the treatment of an injury or injuries  
12 sustained as the result of domestic violence as defined in section 3 of  
13 P.L.1991, c.261 (C.2C:25-19), to a subscriber or other person covered  
14 thereunder. Benefits shall be provided to the same extent as for any  
15 other treatment under the contract. The provisions of this section shall  
16 apply to all contracts in which the health service corporation has  
17 reserved the right to change the premium.

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19 4. Except as otherwise provided in P.L.1992, c.161 (C.17B:27A-2  
20 et seq.), no individual health insurance policy providing hospital or  
21 medical expense benefits shall contain any provision which denies  
22 benefits for expenses incurred in the treatment of an injury or injuries  
23 sustained as the result of domestic violence as defined in section 3 of  
24 P.L.1991, c.261 (C.2C:25-19), to a named insured or other person  
25 covered thereunder. Benefits shall be provided to the same extent as  
26 for any other treatment under the policy. The provisions of this  
27 section shall apply to all policies in which the insurer has reserved the  
28 right to change the premium.

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30 5. Except as otherwise provided in P.L.1992, c.162  
31 (C.17B:27A-17 et seq.), no group health insurance policy providing  
32 hospital or medical expense benefits shall contain any provision which  
33 denies benefits for expenses incurred in the treatment of an injury or  
34 injuries sustained as the result of domestic violence as defined in  
35 section 3 of P.L.1991, c.261 (C.2C:25-19), to a named insured or  
36 other person covered thereunder. Benefits shall be provided to the  
37 same extent as for any other treatment under the policy. The  
38 provisions of this section shall apply to all policies in which the insurer  
39 has reserved the right to change the premium.

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41 6. Except as otherwise provided in P.L.1992, c.161 (C.17B:27A-2  
42 et seq.) and P.L.1992, c.162 (C.17B:27A-17 et seq.), no health  
43 maintenance organization shall deny health care services for the  
44 treatment of an injury or injuries sustained as the result of domestic  
45 violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), to  
46 its enrollees. Services shall be provided to the same extent as for any

1 other treatment. The provisions of this section shall apply to all  
2 certificates of authority in which the health maintenance organization  
3 has reserved the right to change the schedule of charges for enrollee  
4 coverage.

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

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STATEMENT

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11 This bill would prohibit commercial individual and group health  
12 insurers, hospital service corporations, medical service corporations,  
13 health service corporations and health maintenance organizations  
14 (HMOs) from denying benefits, otherwise available under the terms of  
15 a person's health insurance coverage, to a covered person for expenses  
16 incurred in the treatment of an injury or injuries sustained as the result  
17 of domestic violence.

18 It is the sponsor's sense that, just as the health care community, and  
19 the community at large, is beginning to recognize and understand  
20 domestic violence, health insurers may be denying coverage for  
21 treatment of the injuries that result. More women are seeking help and  
22 health care professionals are doing more to identify and help victims.

23 Doctors are being trained to document incidents of abuse in medical  
24 records so women have evidence to take to court; but in some  
25 instances, this information may be used by a health insurer to deny  
26 coverage, treating the situation as a "pre-existing condition" or  
27 specifically excluding domestic violence injuries from coverage. It is  
28 the sponsor's intent to prevent an inequity such as this, whereby the  
29 victim is in essence penalized under her own health insurance coverage  
30 for coming forward about the nature of her injuries.

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35 Prohibits insurers from denying health benefits to victims of domestic  
36 violence.