

ASSEMBLY, No. 2437

STATE OF NEW JERSEY

INTRODUCED OCTOBER 21, 1996

By Assemblywoman TURNER

1 AN ACT concerning certain maternity health insurance benefits and
2 supplementing Titles 34 and 45 of the Revised Statutes.

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

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7 1. An employer in this State who provides coverage for maternity
8 benefits to his employees or their dependents shall annually and upon
9 request of an employee at other times during the year, notify his
10 employees whether the employees' coverage for maternity benefits is
11 subject to the requirements of P.L.1995, c.138 concerning the
12 minimum time a woman shall be permitted to remain at a health care
13 facility following childbirth.

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15 2. The attending physician or nurse midwife of a pregnant woman
16 who has health care insurance coverage which includes maternity
17 benefits, shall, prior to the woman's delivery date, determine if the
18 coverage is subject to the requirements of P.L.1995, c.138 concerning
19 the minimum time a woman shall be permitted to remain at a health
20 care facility following childbirth. If the physician or nurse midwife
21 determines that the woman's coverage is not subject to the
22 requirements of P.L.1995, c.138, that health care provider shall
23 promptly notify the woman of that fact and, if known, the duration of
24 inpatient care to which the woman is entitled under her insurance
25 coverage.

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27 3. This act shall take effect on the 30th day after enactment.

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STATEMENT

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32 This bill requires an employer in this State who provides coverage
33 for maternity benefits to his employees or their dependents to annually,
34 and upon request of an employee at other times during the year, notify
35 each employee whether that employee's coverage for maternity
36 benefits is subject to the requirements of P.L.1995, c.138 concerning
37 the minimum time a woman shall be permitted to remain at a health

1 care facility following childbirth (i.e., 48 hours for a vaginal delivery
2 and 96 hours for a cesarean section).

3 The bill also requires the attending physician and nurse midwife of
4 a pregnant woman who has health insurance coverage which includes
5 maternity benefits, to determine if the coverage is subject to the
6 requirements of P.L.1995, c.138 concerning the minimum time a
7 woman shall be permitted to remain at the facility following childbirth.
8 If the health care provider determines that the woman's coverage is not
9 subject to the requirements of that law, the provider shall promptly
10 notify the woman of that fact and, if known, the duration of the
11 inpatient care to which the woman is entitled under her insurance
12 coverage.

13 The requirements of P.L.1995, c.138 affect health, hospital and
14 medical service corporation contracts, individual, small employer and
15 group health insurance policies and health maintenance organization
16 coverage issued in this State. The requirements do not extend to
17 coverage issued by an out-of-State carrier or to self-insured health
18 benefits plans that are not subject to State regulation. This gap in
19 coverage, which can only be corrected by federal legislation, has
20 resulted in women who believed that they would be covered under the
21 1995 law being denied 48 hours or 96 hours of inpatient care, as
22 appropriate, after childbirth by their insurance carrier. This bill will
23 ensure that the woman is promptly notified about any such limitations
24 in her health insurance coverage.

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29 Requires employers and certain health care providers to notify insured
30 pregnant women if their health insurance coverage is not subject to
31 48-hour maternity law.