

ASSEMBLY, No. 2613

STATE OF NEW JERSEY

INTRODUCED DECEMBER 16, 1996

By Assemblyman FELICE and Assemblywoman ALLEN

1 AN ACT concerning health insurance coverage for treatment of asthma  
2 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. Every individual or group hospital service corporation  
8 contract providing hospital or medical expense benefits that is  
9 delivered, issued, executed or renewed in this State pursuant to  
10 P.L.1938, c.366 (C.17:48-1 et seq.) or approved for issuance or  
11 renewal in this State by the Commissioner of Banking and Insurance  
12 on or after the effective date of this act shall provide benefits to any  
13 subscriber or other person covered thereunder for expenses incurred  
14 for the following equipment and supplies for the treatment of asthma,  
15 if recommended or prescribed by a physician or nurse  
16 practitioner/clinical nurse specialist, including, but not limited to:  
17 peak flow meters; sodium chloride for respiratory use; spacing devices;  
18 mini nebulizers; and ultrasonic nebulizers.

19 b. That individual or group hospital service corporation contract  
20 shall also provide benefits for expenses incurred for asthma  
21 self-management education to ensure that a person with asthma is  
22 educated as to the proper self-management and treatment of their  
23 asthmatic condition. Benefits provided for self-management education  
24 shall be limited to visits medically necessary upon the diagnosis of  
25 asthma; upon diagnosis by a physician or nurse practitioner/clinical  
26 nurse specialist of a significant change in the subscriber's or other  
27 covered person's symptoms or conditions which necessitate changes  
28 in that person's self-management; and upon determination of a  
29 physician or nurse practitioner/clinical nurse specialist that reeducation  
30 or refresher education is necessary. Asthma self-management  
31 education shall be provided by a physician, nurse practitioner/clinical  
32 nurse specialist, or a registered pharmacist in the State qualified with  
33 regard to management education for asthma by any institution  
34 recognized by the board of pharmacy of the State of New Jersey.

35 c. The benefits required by this section shall be provided to the  
36 same extent as for any other sickness under the contract.

37 d. This section shall apply to all hospital service corporation

1 contracts in which the hospital service corporation has reserved the  
2 right to change the premium.

3 e. The provisions of this section shall not apply to a health benefits  
4 plan subject to the provisions of P.L.1992, c.161 (C.17B:27A-2 et  
5 seq.) or P.L.1992, c.162 (C.17B:27A-17 et seq.).

6 f. The Commissioner of Banking and Insurance may, in  
7 consultation with the Commissioner of Health and Senior Services,  
8 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
9 (C.52:14B-1 et seq.), promulgate and periodically update a list of  
10 additional asthma equipment and related supplies that are medically  
11 necessary for the treatment of asthma and for which benefits shall be  
12 provided according to the provisions of this section.

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14 2. a. Every individual or group medical service corporation  
15 contract providing hospital or medical expense benefits that is  
16 delivered, issued, executed or renewed in this State pursuant to  
17 P.L.1940, c.74 (C.17:48A-1 et seq.) or approved for issuance or  
18 renewal in this State by the Commissioner of Banking and Insurance  
19 on or after the effective date of this act shall provide benefits to any  
20 subscriber or other person covered thereunder for expenses incurred  
21 for the following equipment and supplies for the treatment of asthma,  
22 if recommended or prescribed by a physician or nurse  
23 practitioner/clinical nurse specialist, including, but not limited to:  
24 peak flow meters; sodium chloride for respiratory use; spacing devices;  
25 mini nebulizers; and ultrasonic nebulizers.

26 b. That individual or group medical service corporation contract  
27 shall also provide benefits for expenses incurred for asthma  
28 self-management education to ensure that a person with asthma is  
29 educated as to the proper self-management and treatment of their  
30 asthmatic condition. Benefits provided for self-management education  
31 shall be limited to visits medically necessary upon the diagnosis of  
32 asthma; upon diagnosis by a physician or nurse practitioner/clinical  
33 nurse specialist of a significant change in the subscriber's or other  
34 covered person's symptoms or conditions which necessitate changes  
35 in that person's self-management; and upon determination of a  
36 physician or nurse practitioner/clinical nurse specialist that reeducation  
37 or refresher education is necessary. Asthma self-management  
38 education shall be provided by a physician, nurse practitioner/clinical  
39 nurse specialist, or a registered pharmacist in the State qualified with  
40 regard to management education for asthma by any institution  
41 recognized by the board of pharmacy of the State of New Jersey.

42 c. The benefits required by this section shall be provided to the  
43 same extent as for any other sickness under the contract.

44 d. This section shall apply to all medical service corporation  
45 contracts in which the medical service corporation has reserved the  
46 right to change the premium.

1 e. The provisions of this section shall not apply to a health benefits  
2 plan subject to the provisions of P.L.1992, c.161 (C.17B:27A-2 et  
3 seq.) or P.L.1992, c.162 (C.17B:27A-17 et seq.).

4 f. The Commissioner of Banking and Insurance may, in  
5 consultation with the Commissioner of Health and Senior Services,  
6 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
7 (C.52:14B-1 et seq.), promulgate and periodically update a list of  
8 additional asthma equipment and related supplies that are medically  
9 necessary for the treatment of asthma and for which benefits shall be  
10 provided according to the provisions of this section.

11  
12 3. a. Every individual or group health service corporation contract  
13 providing hospital or medical expense benefits that is delivered, issued,  
14 executed or renewed in this State pursuant to P.L.1985, c.236  
15 (C.17:48E-1 et seq.) or approved for issuance or renewal in this State  
16 by the Commissioner of Banking and Insurance on or after the  
17 effective date of this act shall provide benefits to any subscriber or  
18 other person covered thereunder for expenses incurred for the  
19 following equipment and supplies for the treatment of asthma, if  
20 recommended or prescribed by a physician or nurse  
21 practitioner/clinical nurse specialist, including, but not limited to:  
22 peak flow meters; sodium chloride for respiratory use; spacing devices;  
23 mini nebulizers; and ultrasonic nebulizers.

24 b. That individual or group health service corporation contract  
25 shall also provide benefits for expenses incurred for asthma  
26 self-management education to ensure that a person with asthma is  
27 educated as to the proper self-management and treatment of their  
28 asthmatic condition. Benefits provided for self-management education  
29 shall be limited to visits medically necessary upon the diagnosis of  
30 asthma; upon the diagnosis by a physician or nurse practitioner/clinical  
31 nurse specialist of a significant change in the subscriber's or other  
32 covered person's symptoms or conditions which necessitate changes  
33 in that person's self-management; and upon determination of a  
34 physician or nurse practitioner/clinical nurse specialist that reeducation  
35 or refresher education is necessary. Asthma self-management  
36 education shall be provided by a physician, nurse practitioner/clinical  
37 nurse specialist, or a registered pharmacist in the State qualified with  
38 regard to management education for asthma by any institution  
39 recognized by the board of pharmacy of the State of New Jersey.

40 c. The benefits required by this section shall be provided to the  
41 same extent as for any other sickness under the contract.

42 d. This section shall apply to all health service corporation  
43 contracts in which the health service corporation has reserved the  
44 right to change the premium.

45 e. The provisions of this section shall not apply to a health benefits  
46 plan subject to the provisions of P.L.1992, c.161 (C.17B:27A-2 et

1 seq.) or P.L.1992, c.162 (C.17B:27A-17 et seq.).

2 f. The Commissioner of Banking and Insurance may, in  
3 consultation with the Commissioner of Health and Senior Services,  
4 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
5 (C.52:14B-1 et seq.), promulgate and periodically update a list of  
6 additional asthma equipment and related supplies that are medically  
7 necessary for the treatment of asthma and for which benefits shall be  
8 provided according to the provisions of this section.

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10 4. a. Every individual health insurance policy providing hospital or  
11 medical expense benefits that is delivered, issued, executed or renewed  
12 in this State pursuant to Chapter 26 of Title 17B of the New Jersey  
13 Statutes or approved for issuance or renewal in this State by the  
14 Commissioner of Banking and Insurance on or after the effective date  
15 of this act shall provide benefits to any person covered thereunder for  
16 expenses incurred for the following equipment and supplies for the  
17 treatment of asthma, if recommended or prescribed by a physician or  
18 nurse practitioner/clinical nurse specialist, including, but not limited  
19 to: peak flow meters; sodium chloride for respiratory use; spacing  
20 devices; mini nebulizers; and ultrasonic nebulizers.

21 b. That individual health insurance policy shall also provide  
22 benefits for expenses incurred for asthma self-management education  
23 to ensure that a person with asthma is educated as to the proper  
24 self-management and treatment of their asthmatic condition. Benefits  
25 provided for self-management education shall be limited to visits  
26 medically necessary upon the diagnosis of asthma; upon diagnosis by  
27 a physician or nurse practitioner/clinical nurse specialist of a  
28 significant change in the covered person's symptoms or conditions  
29 which necessitate changes in that person's self-management; and upon  
30 determination of a physician or nurse practitioner/clinical nurse  
31 specialist that reeducation or refresher education is necessary. Asthma  
32 self-management education shall be provided by a physician, nurse  
33 practitioner/clinical nurse specialist, or a registered pharmacist in the  
34 State qualified with regard to management education for asthma by  
35 any institution recognized by the board of pharmacy of the State of  
36 New Jersey.

37 c. The benefits required by this section shall be provided to the  
38 same extent as for any other sickness under the policy.

39 d. This section shall apply to all individual health insurance policies  
40 in which the insurer has reserved the right to change the premium.

41 e. The provisions of this section shall not apply to a health benefits  
42 plan subject to the provisions of P.L.1992, c.161 (C.17B:27A-2 et  
43 seq.) or P.L.1992, c.162 (C.17B:27A-17 et seq.).

44 f. The Commissioner of Banking and Insurance may, in  
45 consultation with the Commissioner of Health and Senior Services,  
46 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.), promulgate and periodically update a list of  
2 additional asthma equipment and related supplies that are medically  
3 necessary for the treatment of asthma and for which benefits shall be  
4 provided according to the provisions of this section.

5  
6 5. a. Every group health insurance policy providing hospital or  
7 medical expense benefits that is delivered, issued, executed or renewed  
8 in this State pursuant to Chapter 27 of Title 17B of the New Jersey  
9 Statutes or approved for issuance or renewal in this State by the  
10 Commissioner of Banking and Insurance on or after the effective date  
11 of this act shall provide benefits to any person covered thereunder for  
12 expenses incurred for the following equipment and supplies for the  
13 treatment of asthma, if recommended or prescribed by a physician or  
14 nurse practitioner/clinical nurse specialist, including, but not limited  
15 to: peak flow meters; sodium chloride for respiratory use; spacing  
16 devices; mini nebulizers; and ultrasonic nebulizers.

17 b. That group health insurance policy shall also provide benefits for  
18 expenses incurred for asthma self-management education to ensure  
19 that a person with asthma is educated as to the proper  
20 self-management and treatment of their asthmatic condition. Benefits  
21 provided for self-management education shall be limited to visits  
22 medically necessary upon the diagnosis of asthma; upon diagnosis by  
23 a physician or nurse practitioner/clinical nurse specialist of a  
24 significant change in the covered person's symptoms or conditions  
25 which necessitate changes in that person's self-management; and upon  
26 determination of a physician or nurse practitioner/clinical nurse  
27 specialist that reeducation or refresher education is necessary. Asthma  
28 self-management education shall be provided by a physician, nurse  
29 practitioner/clinical nurse specialist, or a registered pharmacist in the  
30 State qualified with regard to management education for asthma by  
31 any institution recognized by the board of pharmacy of the State of  
32 New Jersey.

33 c. The benefits required by this section shall be provided to the  
34 same extent as for any other sickness under the policy.

35 d. This section shall apply to all group health insurance policies in  
36 which the insurer has reserved the right to change the premium.

37 e. The provisions of this section shall not apply to a health benefits  
38 plan subject to the provisions of P.L.1992, c.161 (C.17B:27A-2 et  
39 seq.) or P.L.1992, c.162 (C.17B:27A-17 et seq.).

40 f. The Commissioner of Banking and Insurance may, in  
41 consultation with the Commissioner of Health and Senior Services,  
42 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
43 (C.52:14B-1 et seq.), promulgate and periodically update a list of  
44 additional asthma equipment and related supplies that are medically  
45 necessary for the treatment of asthma and for which benefits shall be  
46 provided according to the provisions of this section.

1       6. a. Every contract for health care services that is delivered,  
2 issued, executed or renewed in this State pursuant to P.L.1973, c.337  
3 (C.26:2J-1 et seq.) or approved for issuance or renewal in this State  
4 on or after the effective date of this act shall provide health care  
5 services to any enrollee or other person covered thereunder for the  
6 following equipment and supplies for the treatment of asthma, if  
7 recommended or prescribed by a participating physician or  
8 participating nurse practitioner/clinical nurse specialist, including, but  
9 not limited to: peak flow meters; sodium chloride for respiratory use;  
10 spacing devices; mini nebulizers; and ultrasonic nebulizers.

11       b. That contract shall also provide health care services for asthma  
12 self-management education to ensure that a person with asthma is  
13 educated as to the proper self-management and treatment of their  
14 asthmatic condition. Health care services provided for  
15 self-management education shall be limited to visits medically  
16 necessary upon the diagnosis of asthma; upon diagnosis by a  
17 participating physician or participating nurse practitioner/clinical nurse  
18 specialist of a significant change in the enrollee's or other covered  
19 person's symptoms or conditions which necessitate changes in that  
20 person's self-management; and upon determination of a participating  
21 physician or participating nurse practitioner/clinical nurse specialist  
22 that reeducation or refresher education is necessary. Asthma  
23 self-management education shall be provided by a physician, nurse  
24 practitioner/clinical nurse specialist, or a registered pharmacist in the  
25 State qualified with regard to management education for asthma by  
26 any institution recognized by the board of pharmacy of the State of  
27 New Jersey.

28       c. The health care services required by this section shall be  
29 provided to the same extent as for any other sickness under the  
30 contract.

31       d. This section shall apply to all contracts in which the health  
32 maintenance organization has reserved the right to change the schedule  
33 of charges.

34       e. The provisions of this section shall not apply to a health benefits  
35 plan subject to the provisions of P.L.1992, c.161 (C.17B:27A-2 et  
36 seq.) or P.L.1992, c.162 (C.17B:27A-17 et seq.).

37       f. The Commissioner of Banking and Insurance may, in  
38 consultation with the Commissioner of Health and Senior Services,  
39 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
40 (C.52:14B-1 et seq.), promulgate and periodically update a list of  
41 additional asthma equipment and related supplies that are medically  
42 necessary for the treatment of asthma and for which benefits shall be  
43 provided according to the provisions of this section.

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45       7. This act shall take effect immediately.

## STATEMENT

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3 This bill requires hospital, medical and health service corporations,  
4 commercial individual and group health insurers and health  
5 maintenance organizations to provide benefits for expenses incurred  
6 for equipment and supplies for the treatment of asthma, if  
7 recommended or prescribed by a physician or nurse  
8 practitioner/clinical nurse specialist. The list of supplies and  
9 equipment includes, but is not limited to, peak flow meters; sodium  
10 chloride for respiratory use; spacing devices; mini nebulizers; and  
11 ultrasonic nebulizers.

12 The bill also requires health insurers to provide benefits for  
13 expenses incurred for asthma self-management education to ensure  
14 that a person with asthma is educated as to the proper  
15 self-management and treatment of their asthmatic condition. Benefits  
16 provided for self-management education shall be limited to visits  
17 medically necessary upon the diagnosis of asthma, upon significant  
18 change in a covered person's symptoms or conditions which  
19 necessitate changes in that person's self-management, and upon the  
20 need for reeducation or refresher education.

21 Asthma self-management education shall be provided by a  
22 physician, nurse practitioner/clinical nurse specialist, or a registered  
23 pharmacists in the State qualified with regard to management  
24 education for asthma by any institution recognized by the board of  
25 pharmacy of the State of New Jersey.

26 Nationwide studies indicate that access to self-management  
27 education, equipment and supplies can result in cost savings for  
28 hospitalization and treatment of asthma. Studies also indicate that  
29 inadequate reimbursement creates a major impediment to high quality  
30 care for persons with asthma. Despite recent advances in the  
31 treatment and monitoring of this disease which allow a person with  
32 asthma to live a near normal and productive life, many persons are  
33 often unable to comply with optimal programs of treatment because  
34 they cannot afford the cost of supplies, equipment, education or  
35 treatment.

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40 Requires health insurers to provide coverage for asthma  
41 self-management education, equipment and supplies.