

P.L. 1997, CHAPTER 75, *approved April 17, 1997*  
Senate, No. 1783

1 AN ACT requiring health insurance coverage for reconstructive breast  
2 surgery to restore symmetry, and amending and supplementing  
3 parts of the statutory law.

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

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8 1. Section 1 of P.L.1983, c.50 (C.17:48-6b) is amended to read as  
9 follows:

10 1. Every subscription certificate and group and individual contract  
11 providing hospital service benefits delivered, issued, executed or  
12 renewed in this State, or approved for issuance or renewal in this State  
13 by the Commissioner of Banking and Insurance on or after the  
14 effective date of this act, shall provide benefits, following a  
15 mastectomy on one breast or both breasts, for reconstructive breast  
16 surgery, [including but not limited to] surgery to restore and achieve  
17 symmetry between the two breasts, and the cost of prostheses and,  
18 under any contract providing outpatient x-ray or radiation therapy,  
19 benefits for outpatient chemotherapy following surgical procedures in  
20 connection with the treatment of breast cancer shall be included as a  
21 part of the outpatient x-ray or radiation therapy benefit. The  
22 provisions of this section shall apply to all contracts in which the  
23 hospital service corporation has reserved the right to change the  
24 premium. Such benefits shall be provided to the same extent as for  
25 any other sickness under the contract.

26 (cf: P.L.1983, c.50, s.1)

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28 2. Section 1 of P.L.1983, c.51 (C.17:48A-7b) is amended to read  
29 as follows:

30 1. Every subscription certificate and group and individual contract  
31 providing medical service benefits delivered, issued, executed or  
32 renewed in this State, 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, shall provide benefits, following a

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

Matter underlined thus is new matter.

1 mastectomy on one breast or both breasts, for reconstructive breast  
2 surgery, [including but not limited to] surgery to restore and achieve  
3 symmetry between the two breasts, and the costs of prostheses and,  
4 under any contract providing out-of-hospital x-ray or radiation  
5 therapy, benefits for out-of-hospital chemotherapy following surgical  
6 procedures in connection with the treatment of breast cancer shall be  
7 included as a part of the out-of-hospital x-ray or radiation therapy  
8 benefit. The provisions of this section shall apply to all contracts in  
9 which the medical service corporation has reserved the right to change  
10 the premium. Such benefits shall be provided to the same extent as for  
11 any other sickness under the contract.

12 (cf: P.L.1983, c.51, s.1)

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14 3. Section 35 of P.L.1985, c.236 (C.17:48E-35) is amended to  
15 read as follows:

16 35. Every subscription certificate and group and individual contract  
17 providing health service coverage, delivered, issued, executed or  
18 renewed in this State, or approved for issuance or renewal in this State  
19 by the commissioner on or after the effective date of this act, shall  
20 provide benefits, following a mastectomy on one breast or both  
21 breasts, for reconstructive breast surgery, [including, but not limited  
22 to:] surgery to restore and achieve symmetry between the two breasts,  
23 and the cost of prostheses and, under any contract providing  
24 outpatient x-ray or radiation therapy, benefits for outpatient  
25 chemotherapy following surgical procedures in connection with the  
26 treatment of breast cancer, which shall be included as a part of the  
27 outpatient x-ray or radiation therapy benefit. The provisions of this  
28 section shall apply to all contracts in which the health service  
29 corporation has reserved the right to change the premium. These  
30 benefits shall be provided to the same extent as for any other sickness  
31 under the contract.

32 (cf: P.L. 1985, c.236, s.35)

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34 4. Section 1 of P.L. 1983, c.53 (C.17B:26-2.1a) is amended to  
35 read as follows:

36 1. Every health insurance policy providing hospital or medical  
37 expense benefits delivered, issued, executed or renewed in this State,  
38 or approved for issuance or renewal in this State by the Commissioner  
39 of Banking and Insurance on or after the effective date of this act,  
40 shall provide benefits, following a mastectomy on one breast or both  
41 breasts, for reconstructive breast surgery, [including but not limited  
42 to] surgery to restore and achieve symmetry between the two breasts,  
43 and the costs of prostheses, and, under any policy providing outpatient  
44 x-ray or radiation therapy, the costs of outpatient chemotherapy  
45 following surgical procedures in connection with the treatment of  
46 breast cancer shall be included as a part of the outpatient x-ray or

1 radiation therapy coverage. The provisions of this section shall apply  
2 to all policies in which the insurer has reserved the right to change the  
3 premium. Such benefits shall be provided to the same extent as for  
4 any other sickness under the policy.

5 (cf: P.L.1983, c.53, s.1)

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7 5. Section 1 of P.L.1983, c.52 (C.17B:27-46.1a) is amended to  
8 read as follows:

9 1. Every group health insurance policy providing hospital or  
10 medical expense benefits delivered, issued, executed or renewed in this  
11 State, or approved for issuance or renewal in this State by the  
12 Commissioner of Banking and Insurance on or after the effective date  
13 of this act, shall provide benefits, following a mastectomy on one  
14 breast or both breasts, for reconstructive breast surgery, [including but  
15 not limited to:] surgery to restore and achieve symmetry between the  
16 two breasts, and the costs of prostheses and, under any policy  
17 providing outpatient x-ray or radiation therapy, the costs of outpatient  
18 chemotherapy following surgical procedures in connection with the  
19 treatment of breast cancer shall be included as a part of the outpatient  
20 x-ray or radiation therapy coverage. The provisions of this section  
21 shall apply to all policies in which the insurer has reserved the right to  
22 change the premium. Such benefits shall be provided to the same  
23 extent as for any other sickness under the policy.

24 (cf: P.L.1983, c.52, s.1)

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26 6. (New section) A certificate of authority to establish and operate  
27 a health maintenance organization in this State pursuant to P.L.1973,  
28 c.337 (C.26:2J-1 et seq.) shall not be issued or continued by the  
29 Commissioner of Health and Senior Services on or after the effective  
30 date of P.L. ...., c. .... (now before the Legislature as this bill) unless  
31 the health maintenance organization provides health care services to  
32 any enrollee, following a mastectomy on one breast or both breasts,  
33 for reconstructive breast surgery, surgery to restore and achieve  
34 symmetry between the two breasts, and prostheses and, under any  
35 contract for health care services providing outpatient x-ray or  
36 radiation therapy, outpatient chemotherapy following surgical  
37 procedures in connection with the treatment of breast cancer shall be  
38 included as a part of the outpatient x-ray or radiation therapy.

39 The health care services shall be provided to the same extent as for  
40 any other medical condition under the contract for health care services.

41 The provisions of this section shall apply to all contracts for health  
42 care services by health maintenance organizations under which the  
43 right to change the schedule of charges for enrollee coverage is  
44 reserved.

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

## STATEMENT

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3 This bill requires health insurers, including hospital service  
4 corporations, medical service corporations, health service  
5 corporations, commercial insurers and health maintenance  
6 organizations, to provide insurance coverage for the costs associated  
7 with all stages of the reconstruction that may be necessary following  
8 breast cancer surgery, including symmetry operations on the opposite  
9 breast, in order to restore a woman's body to wholeness. Insurers and  
10 health maintenance organizations are required under current law to  
11 provide prostheses and, under any contract for health care services  
12 providing outpatient x-ray or radiation therapy, outpatient  
13 chemotherapy following surgical procedures in connection with the  
14 treatment of breast cancer as a part of the outpatient x-ray or radiation  
15 therapy.

16 Breast cancer is the most common cancer in American women,  
17 afflicting 182,000 women per year, striking one out of nine and  
18 causing the death of 46,000 women a year. Coping with this disease  
19 is a medical and emotional struggle since it carries with it the fear of  
20 disfigurement in a society that places great value on physical  
21 appearance. Breast reconstruction is extremely important to restore  
22 a sense of wholeness and well being in society, family, and  
23 interpersonal relationships. There is no known cause or cure for this  
24 epidemic.

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30 Requires health insurance coverage for reconstructive breast surgery  
to restore symmetry.