

SENATE, No. 861

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 26, 1996

By Senators SINGER and MATHEUSSEN

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, P.L.1992,
6 c.161, P.L.1992, c.162 and P.L.1973, c.337 (C.26:2J-1 et seq.).
7

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

10

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 which
25 the hospital service corporation has reserved the right to change the
26 premium.
27

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
36 evaluation of that person's symptoms, condition and response to

1 treatment.

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

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

8

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

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

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

25

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

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

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

40

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

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

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

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

9

10 6. a. No individual health benefits plan subject to the provisions
11 of P.L.1992, c.161 (C.17B:27A-2 et seq.) shall be delivered, issued,
12 executed or renewed in this State, or approved for issuance or renewal
13 in this State on or after the effective date of this act, unless the health
14 benefits plan provides benefits as provided by this section to persons
15 covered thereunder for expenses incurred in the treatment of Lyme
16 disease determined to be medically necessary by the covered person's
17 physician after making a written evaluation of that person's symptoms,
18 condition and response to treatment.

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

22 c. The provisions of this section shall apply to all health benefits
23 plans in which the carrier has reserved the right to change the
24 premium.

25

26 7. a. No small employer health benefits plan subject to the
27 provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.) shall be
28 delivered, issued, executed or renewed in this State, or approved for
29 issuance or renewal in this State on or after the effective date of this
30 act, unless the health benefits plan provides benefits as provided by
31 this section to persons covered thereunder for expenses incurred in the
32 treatment of Lyme disease determined to be medically necessary by the
33 covered person's physician after making a written evaluation of that
34 person's symptoms, condition and response to treatment.

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

38 c. The provisions of this section shall apply to all health benefits
39 plans in which the carrier has reserved the right to change the
40 premium.

41

42 8. a. Notwithstanding any provision of law to the contrary, a
43 certificate of authority to establish and operate a health maintenance
44 organization in this State shall not be issued or continued by the
45 Commissioner of Health on or after the effective date of this act unless
46 the health maintenance organization provides health care services to

1 every enrollee for the treatment of Lyme Disease as provided by this
2 section determined to be medically necessary by the enrollee's
3 physician after making a written evaluation of the enrollee's symptoms,
4 condition and response to treatment.

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

8 c. The provisions of this section shall apply to all contracts for
9 health care services by health maintenance organizations under which
10 the right to change the schedule of charges for enrollee coverage is
11 reserved.

12

13 9. This act shall take effect on the 90th day after enactment.

14

15

16

STATEMENT

17

18 This bill requires hospital service corporations, medical service
19 corporations, health service corporations, commercial insurers and
20 health maintenance organizations to provide benefits for the treatment
21 of Lyme disease determined to be medically necessary by the covered
22 person's physician after making a written evaluation of that person's
23 symptoms, condition and response to treatment. Treatment otherwise
24 eligible for benefits pursuant to this bill could not be denied because
25 such treatment may be characterized as experimental or investigational
26 in nature.

27

28

29

30

31 Requires health insurers to cover Lyme disease.