

SENATE, No. 1783

STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1997

By Senators MATHEUSSEN, INVERSO, Sacco, Bark, LaRossa,  
Bubba, Assemblywomen Heck, Vandervalk, Assemblymen  
Corodemus, Azzolina, Barnes, Assemblywomen Buono, Gill,  
Quigley, Turner, Weinberg, Assemblymen Wolfe, Felice, Rocco,  
Augustine and Bucco

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.

4

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

7

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)

27

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

**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 providing medical service benefits delivered, issued, executed or  
2 renewed in this State, or approved for issuance or renewal in this State  
3 by the Commissioner of Banking and Insurance on or after the  
4 effective date of this act, shall provide benefits, following a  
5 mastectomy on one breast or both breasts, for reconstructive breast  
6 surgery, [including but not limited to] surgery to restore and achieve  
7 symmetry between the two breasts, and the costs of prostheses and,  
8 under any contract providing out-of-hospital x-ray or radiation  
9 therapy, benefits for out-of-hospital chemotherapy following surgical  
10 procedures in connection with the treatment of breast cancer shall be  
11 included as a part of the out-of-hospital x-ray or radiation therapy  
12 benefit. The provisions of this section shall apply to all contracts in  
13 which the medical service corporation has reserved the right to change  
14 the premium. Such benefits shall be provided to the same extent as for  
15 any other sickness under the contract.

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

17

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

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

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

37

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

40 1. Every health insurance policy providing hospital or medical  
41 expense benefits delivered, issued, executed or renewed in this State,  
42 or approved for issuance or renewal in this State by the Commissioner  
43 of Banking and Insurance on or after the effective date of this act,  
44 shall provide benefits, following a mastectomy on one breast or both  
45 breasts, for reconstructive breast surgery, [including but not limited  
46 to] surgery to restore and achieve symmetry between the two breasts,

1 and the costs of prostheses, and, under any policy providing outpatient  
2 x-ray or radiation therapy, the costs of outpatient chemotherapy  
3 following surgical procedures in connection with the treatment of  
4 breast cancer shall be included as a part of the outpatient x-ray or  
5 radiation therapy coverage. The provisions of this section shall apply  
6 to all policies in which the insurer has reserved the right to change the  
7 premium. Such benefits shall be provided to the same extent as for  
8 any other sickness under the policy.

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

10

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

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

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

29

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

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

45 The provisions of this section shall apply to all contracts for health  
46 care services by health maintenance organizations under which the

1 right to change the schedule of charges for enrollee coverage is  
2 reserved.

3

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

5

6

STATEMENT

7

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

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

30

31

32

33

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