

SENATE, No. 526

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Co-Sponsored by:

Senators Turner, Ruiz and Madden

SYNOPSIS

Requires health insurers to limit copayments for insulin.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning copayments for insulin, amending
2 P.L.1995, c.331, and supplementing various parts of the statutory
3 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.1995, c.331 (C.17:48-6n) is amended to
9 read as follows:

10 1. a. Every individual or group hospital service corporation
11 contract providing hospital or medical expense benefits that is
12 delivered, issued, executed or renewed in this State pursuant to
13 P.L.1938, c.366 (C.17:48-1 et seq.) or approved for issuance or
14 renewal in this State by the Commissioner of Banking and
15 Insurance on or after the effective date of this act shall provide
16 benefits to any subscriber or other person covered thereunder for
17 expenses incurred for the following equipment and supplies for the
18 treatment of diabetes, if recommended or prescribed by a physician
19 or nurse practitioner/clinical nurse specialist: blood glucose
20 monitors and blood glucose monitors for the legally blind; test
21 strips for glucose monitors and visual reading and urine testing
22 strips; insulin; injection aids; cartridges for the legally blind;
23 syringes; insulin pumps and appurtenances thereto; insulin infusion
24 devices; and oral agents for controlling blood sugar. No copayment
25 for the purchase of insulin shall exceed \$100 per 30 day supply.

26 b. Each individual or group hospital service corporation
27 contract shall also provide benefits for expenses incurred for
28 diabetes self-management education to ensure that a person with
29 diabetes is educated as to the proper self-management and treatment
30 of their diabetic condition, including information on proper diet.
31 Benefits provided for self-management education and education
32 relating to diet shall be limited to visits medically necessary upon
33 the diagnosis of diabetes; upon diagnosis by a physician or nurse
34 practitioner/clinical nurse specialist of a significant change in the
35 subscriber's or other covered person's symptoms or conditions
36 which necessitate changes in that person's self-management; and
37 upon determination of a physician or nurse practitioner/clinical
38 nurse specialist that reeducation or refresher education is necessary.
39 Diabetes self-management education shall be provided by a dietitian
40 registered by a nationally recognized professional association of
41 dietitians or a health care professional recognized as a Certified
42 Diabetes Educator by the American Association of Diabetes
43 Educators or a registered pharmacist in the State qualified with
44 regard to management education for diabetes by any institution
45 recognized by the board of pharmacy of the State of New Jersey.

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

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

Matter underlined thus is new matter.

1 d. This section shall apply to all hospital service corporation
2 contracts in which the hospital service corporation has reserved the
3 right to change the premium.

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

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

14 (cf: P.L.1995, c.331, s.1)

15
16 2. Section 2 of P.L.1995, c.331 (C.17:48A-7l) is amended to
17 read as follows:

18 2. a. Every individual or group medical service corporation
19 contract providing hospital or medical expense benefits that is
20 delivered, issued, executed or renewed in this State pursuant to
21 P.L.1940, c.74 (C.17:48A-1 et seq.) or approved for issuance or
22 renewal in this State by the Commissioner of Banking and
23 Insurance on or after the effective date of this act shall provide
24 benefits to any subscriber or other person covered thereunder for
25 expenses incurred for the following equipment and supplies for the
26 treatment of diabetes, if recommended or prescribed by a physician
27 or nurse practitioner/clinical nurse specialist: blood glucose
28 monitors and blood glucose monitors for the legally blind; test
29 strips for glucose monitors and visual reading and urine testing
30 strips; insulin; injection aids; cartridges for the legally blind;
31 syringes; insulin pumps and appurtenances thereto; insulin infusion
32 devices; and oral agents for controlling blood sugar. No copayment
33 for the purchase of insulin shall exceed \$100 per 30 day supply.

34 b. Each individual or group medical service corporation
35 contract shall also provide benefits for expenses incurred for
36 diabetes self-management education to ensure that a person with
37 diabetes is educated as to the proper self-management and treatment
38 of their diabetic condition, including information on proper diet.
39 Benefits provided for self-management education and education
40 relating to diet shall be limited to visits medically necessary upon
41 the diagnosis of diabetes; upon diagnosis by a physician or nurse
42 practitioner/clinical nurse specialist of a significant change in the
43 subscriber's or other covered person's symptoms or conditions
44 which necessitate changes in that person's self-management; and
45 upon determination of a physician or nurse practitioner/clinical
46 nurse specialist that reeducation or refresher education is necessary.
47 Diabetes self-management education shall be provided by a dietitian
48 registered by a nationally recognized professional association of

1 dietitians or a health care professional recognized as a Certified
2 Diabetes Educator by the American Association of Diabetes
3 Educators or a registered pharmacist in the State qualified with
4 regard to management education for diabetes by any institution
5 recognized by the board of pharmacy of the State of New Jersey.

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

8 d. This section shall apply to all medical service corporation
9 contracts in which the medical service corporation has reserved the
10 right to change the premium.

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

14 f. The Commissioner of Banking and Insurance may, in
15 consultation with the Commissioner of Health, pursuant to the
16 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
17 seq.), promulgate and periodically update a list of additional
18 diabetes equipment and related supplies that are medically
19 necessary for the treatment of diabetes and for which benefits shall
20 be provided according to the provisions of this section.

21 (cf: P.L.1995, c.331, s.2)

22
23 3. Section 3 of P.L.1995, c.331 (C.17:48E-35.11) is amended
24 to read as follows:

25 3. a. Every individual or group health service corporation
26 contract providing hospital or medical expense benefits that is
27 delivered, issued, executed or renewed in this State pursuant to
28 P.L.1985, c.236 (C.17:48E-1 et seq.) or approved for issuance or
29 renewal in this State by the Commissioner of Banking and
30 Insurance on or after the effective date of this act shall provide
31 benefits to any subscriber or other person covered thereunder for
32 expenses incurred for the following equipment and supplies for the
33 treatment of diabetes, if recommended or prescribed by a physician
34 or nurse practitioner/clinical nurse specialist: blood glucose
35 monitors and blood glucose monitors for the legally blind; test
36 strips for glucose monitors and visual reading and urine testing
37 strips; insulin; injection aids; cartridges for the legally blind;
38 syringes; insulin pumps and appurtenances thereto; insulin infusion
39 devices; and oral agents for controlling blood sugar. No copayment
40 for the purchase of insulin shall exceed \$100 per 30 day supply.

41 b. Each individual or group health service corporation contract
42 shall also provide benefits for expenses incurred for diabetes self-
43 management education to ensure that a person with diabetes is
44 educated as to the proper self-management and treatment of their
45 diabetic condition, including information on proper diet. Benefits
46 provided for self-management education and education relating to
47 diet shall be limited to visits medically necessary upon the
48 diagnosis of diabetes; upon the diagnosis by a physician or nurse

1 practitioner/clinical nurse specialist of a significant change in the
2 subscriber's or other covered person's symptoms or conditions
3 which necessitate changes in that person's self-management; and
4 upon determination of a physician or nurse practitioner/clinical
5 nurse specialist that reeducation or refresher education is necessary.
6 Diabetes self-management education shall be provided by a dietitian
7 registered by a nationally recognized professional association of
8 dietitians or a health care professional recognized as a Certified
9 Diabetes Educator by the American Association of Diabetes
10 Educators or a registered pharmacist in the State qualified with
11 regard to management education for diabetes by any institution
12 recognized by the board of pharmacy of the State of New Jersey.

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

15 d. This section shall apply to all health service corporation
16 contracts in which the health service corporation has reserved the
17 right to change the premium.

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

21 f. The Commissioner of Banking and Insurance may, in
22 consultation with the Commissioner of Health, pursuant to the
23 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
24 seq.), promulgate and periodically update a list of additional
25 diabetes equipment and related supplies that are medically
26 necessary for the treatment of diabetes and for which benefits shall
27 be provided according to the provisions of this section.

28 (cf: P.L.1995, c.331, s.3)

29

30 4. Section 4 of P.L.1995, c.331 (C.17B:26-2.11) is amended to
31 read as follows:

32 4. a. Every individual health insurance policy providing
33 hospital or medical expense benefits that is delivered, issued,
34 executed or renewed in this State pursuant to Chapter 26 of Title
35 17B of the New Jersey Statutes or approved for issuance or renewal
36 in this State by the Commissioner of Banking and Insurance on or
37 after the effective date of this act shall provide benefits to any
38 person covered thereunder for expenses incurred for the following
39 equipment and supplies for the treatment of diabetes, if
40 recommended or prescribed by a physician or nurse
41 practitioner/clinical nurse specialist: blood glucose monitors and
42 blood glucose monitors for the legally blind; test strips for glucose
43 monitors and visual reading and urine testing strips; insulin;
44 injection aids; cartridges for the legally blind; syringes; insulin
45 pumps and appurtenances thereto; insulin infusion devices; and oral
46 agents for controlling blood sugar. No copayment for the purchase
47 of insulin shall exceed \$100 per 30 day supply.

1 b. Each individual health insurance policy shall also provide
2 benefits for expenses incurred for diabetes self-management
3 education to ensure that a person with diabetes is educated as to the
4 proper self-management and treatment of their diabetic condition,
5 including information on proper diet. Benefits provided for self-
6 management education and education relating to diet shall be
7 limited to visits medically necessary upon the diagnosis of diabetes;
8 upon diagnosis by a physician or nurse practitioner/clinical nurse
9 specialist of a significant change in the covered person's symptoms
10 or conditions which necessitate changes in that person's self-
11 management; and upon determination of a physician or nurse
12 practitioner/clinical nurse specialist that reeducation or refresher
13 education is necessary. Diabetes self-management education shall
14 be provided by a dietitian registered by a nationally recognized
15 professional association of dietitians or a health care professional
16 recognized as a Certified Diabetes Educator by the American
17 Association of Diabetes Educators or a registered pharmacist in the
18 State qualified with regard to management education for diabetes by
19 any institution recognized by the board of pharmacy of the State of
20 New Jersey.

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

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

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

29 f. The Commissioner of Banking and Insurance may, in
30 consultation with the Commissioner of Health, pursuant to the
31 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
32 seq.), promulgate and periodically update a list of additional
33 diabetes equipment and related supplies that are medically
34 necessary for the treatment of diabetes and for which benefits shall
35 be provided according to the provisions of this section.

36 (cf: P.L.1995, c.331, s.4)

37
38 5. Section 5 of P.L.1995, c.331 (C.17B:27-46.1m) is amended
39 to read as follows:

40 5. a. Every group health insurance policy providing hospital
41 or medical expense benefits that is delivered, issued, executed or
42 renewed in this State pursuant to Chapter 27 of Title 17B of the
43 New Jersey Statutes or approved for issuance or renewal in this
44 State by the Commissioner of Banking and Insurance on or after the
45 effective date of this act shall provide benefits to any person
46 covered thereunder for expenses incurred for the following
47 equipment and supplies for the treatment of diabetes, if
48 recommended or prescribed by a physician or nurse

1 practitioner/clinical nurse specialist: blood glucose monitors and
2 blood glucose monitors for the legally blind; test strips for glucose
3 monitors and visual reading and urine testing strips; insulin;
4 injection aids; cartridges for the legally blind; syringes; insulin
5 pumps and appurtenances thereto; insulin infusion devices; and oral
6 agents for controlling blood sugar. No copayment for the purchase
7 of insulin shall exceed \$100 per 30 day supply.

8 b. Each group health insurance policy shall also provide
9 benefits for expenses incurred for diabetes self-management
10 education to ensure that a person with diabetes is educated as to the
11 proper self-management and treatment of their diabetic condition,
12 including information on proper diet. Benefits provided for self-
13 management education and education relating to diet shall be
14 limited to visits medically necessary upon the diagnosis of diabetes;
15 upon diagnosis by a physician or nurse practitioner/clinical nurse
16 specialist of a significant change in the covered person's symptoms
17 or conditions which necessitate changes in that person's self-
18 management; and upon determination of a physician or nurse
19 practitioner/clinical nurse specialist that reeducation or refresher
20 education is necessary. Diabetes self-management education shall
21 be provided by a dietitian registered by a nationally recognized
22 professional association of dietitians or a health care professional
23 recognized as a Certified Diabetes Educator by the American
24 Association of Diabetes Educators or a registered pharmacist in the
25 State qualified with regard to management education for diabetes by
26 any institution recognized by the board of pharmacy of the State of
27 New Jersey.

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

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

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

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

43 (cf: P.L.1995, c.331, s.5)

44

45 6. Section 6 of P.L.1995, c.331 (C.26:2J-4.11) is amended to
46 read as follows:

47 6. a. Every contract for health care services that is delivered,
48 issued, executed or renewed in this State pursuant to

1 P.L.1973, c.337 (C.26:2J-1 et seq.) or approved for issuance or
2 renewal in this State on or after the effective date of this act shall
3 provide health care services to any enrollee or other person covered
4 thereunder for the following equipment and supplies for the
5 treatment of diabetes, if recommended or prescribed by a
6 participating physician or participating nurse practitioner/clinical
7 nurse specialist: blood glucose monitors and blood glucose
8 monitors for the legally blind; test strips for glucose monitors and
9 visual reading and urine testing strips; insulin; injection aids;
10 cartridges for the legally blind; syringes; insulin pumps and
11 appurtenances thereto; insulin infusion devices; and oral agents for
12 controlling blood sugar. No copayment for the purchase of insulin
13 shall exceed \$100 per 30 day supply.

14 b. Each contract shall also provide health care services for
15 diabetes self-management education to ensure that a person with
16 diabetes is educated as to the proper self-management and treatment
17 of their diabetic condition, including information on proper diet.
18 Health care services provided for self-management education and
19 education relating to diet shall be limited to visits medically
20 necessary upon the diagnosis of diabetes; upon diagnosis by a
21 participating physician or participating nurse practitioner/clinical
22 nurse specialist of a significant change in the enrollee's or other
23 covered person's symptoms or conditions which necessitate changes
24 in that person's self-management; and upon determination of a
25 participating physician or participating nurse practitioner/clinical
26 nurse specialist that reeducation or refresher education is necessary.
27 Diabetes self-management education shall be provided by a
28 participating dietitian registered by a nationally recognized
29 professional association of dietitians or a health care professional
30 recognized as a Certified Diabetes Educator by the American
31 Association of Diabetes Educators or, pursuant to section 6 of
32 P.L.1993, c.378 (C.26:2J-4.7), a registered pharmacist in the State
33 qualified with regard to management education for diabetes by any
34 institution recognized by the board of pharmacy of the State of New
35 Jersey.

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

39 d. This section shall apply to all contracts in which the health
40 maintenance organization has reserved the right to change the
41 schedule of charges.

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

45 f. The Commissioner of Banking and Insurance may, in
46 consultation with the Commissioner of Health, pursuant to the
47 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
48 seq.), promulgate and periodically update a list of additional

1 diabetes equipment and related supplies that are medically
2 necessary for the treatment of diabetes and for which benefits shall
3 be provided according to the provisions of this section.

4 (cf: P.L.1995, c.331, s.6)

5
6 7. (New section) An individual health benefits plan that
7 provides hospital and medical expense benefits and is delivered,
8 issued, executed or renewed in this State pursuant to
9 P.L.1992, c.161 (C.17B:27A-2 et al.), on or after the effective date
10 of P.L. , c. (C.) (pending before the Legislature as this
11 bill), shall provide coverage to any enrollee or other person covered
12 thereunder for insulin for the treatment of diabetes, if recommended
13 or prescribed by a participating physician or participating nurse
14 practitioner/clinical nurse specialist. No copayment for the
15 purchase of insulin shall exceed \$100 per 30 day supply.

16 The benefits shall be provided to the same extent as for any other
17 condition under the health benefits plan.

18 This section shall apply to those health benefits plans in which
19 the carrier has reserved the right to change the premium.

20
21 8. (New section) A small employer health benefits plan that
22 provides hospital and medical expense benefits and is delivered,
23 issued, executed or renewed in this State pursuant to
24 P.L.1992, c.162 (C.17B:27A-17 et seq.), on or after the effective
25 date of P.L. , c. (C.) (pending before the Legislature as this
26 bill), shall provide coverage to any enrollee or other person covered
27 thereunder for insulin for the treatment of diabetes, if recommended
28 or prescribed by a participating physician or participating nurse
29 practitioner/clinical nurse specialist. No copayment for the
30 purchase of insulin shall exceed \$100 per 30 day supply.

31 The benefits shall be provided to the same extent as for any other
32 condition under the health benefits plan.

33 This section shall apply to those health benefits plans in which
34 the carrier has reserved the right to change the premium.

35
36 9. (New section) The State Health Benefits Commission shall
37 ensure that every contract purchased or renewed by the commission
38 on or after the effective date of P.L. , c. (C.) (pending
39 before the Legislature as this bill), shall provide coverage for health
40 care services to any enrollee or other person covered thereunder for
41 insulin for the treatment of diabetes, if recommended or prescribed
42 by a participating physician or participating nurse
43 practitioner/clinical nurse specialist. No copayment for the
44 purchase of insulin shall exceed \$100 per 30 day supply.

45
46 10. (New section) The School Employees' Health Benefits
47 Commission shall ensure that every contract purchased by the
48 commission on or after the effective date of P.L. , c. (C.)

1 (pending before the Legislature as this bill) that provides hospital
2 and medical expense benefits shall provide health care services to
3 any enrollee or other person covered thereunder for insulin for the
4 treatment of diabetes, if recommended or prescribed by a
5 participating physician or participating nurse practitioner/clinical
6 nurse specialist. No copayment for the purchase of insulin shall
7 exceed \$100 per 30 day supply.

8
9 11. This act shall take effect on the 90th day next following
10 enactment.

11
12
13 STATEMENT
14

15 This bill requires health benefits plans issued pursuant to the
16 New Jersey Individual Health Coverage and Small Employer Health
17 Benefits Programs, the State Health Benefits Program, and the
18 School Employees' Health Benefits Program, to provide coverage
19 for insulin for the treatment of diabetes. The bill also requires
20 health insurers (health, hospital and medical service corporations,
21 commercial individual and group health insurers; health
22 maintenance organizations, health benefits plans issued pursuant to
23 the New Jersey Individual Health Coverage and Small Employer
24 Health Benefits Programs, the State Health Benefits Program, and
25 the School Employees' Health Benefits Program) to limit the
26 copayment that may be required for an insulin prescription to \$100
27 per 30 day supply of insulin.