

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3093

STATE OF NEW JERSEY

DATED: OCTOBER 5, 2026

The Assembly Health Committee reports favorably Assembly Bill No. 3093.

This bill requires general hospitals that provide surgical services for the treatment of breast cancer, the breast cancer gene, or other breast abnormality, including, but not limited to, mastectomy surgery, lymph node dissection, or lumpectomy, to ensure that breast cancer patients are provided written notice of the patient's right to seek a consultation with a board-certified plastic surgeon of the patient's choosing who provides reconstructive services concerning the patient's treatment options during and after the provision of surgical services, including the use of a prosthesis and the option of undergoing reconstructive surgery either during, or after receiving, surgical treatment for breast cancer, the breast cancer gene, or other breast abnormality, as well as the patient's right to obtain such services, regardless of the plastic surgeon's hospital affiliation or network participation. Patients are also to be provided with written notice concerning the availability of coverage under a health benefits plan for reconstructive surgery pursuant to State and federal law. The written information is to be provided to the patient when the hospital is notified of the patient's breast cancer diagnosis and in advance of obtaining consent to the surgical procedure.

The bill also supplements the "Health Care Quality Act" to provide that a contract between a carrier and a health care provider for network participation will not contain any provision that prohibits or limits a health care provider from making recommendations or referrals for a covered person to a board-certified plastic surgeon, regardless of network affiliation, who provides the full scope of breast reconstructive services necessary and appropriate to the patient's treatment needs, as determined by the patient's treating physician, based on the plastic surgeon's training, experience, and location in relation to the patient's primary residence, provided that the primary consideration in making such recommendations and referrals is the patient's treatment needs. Carriers will not be permitted to deny authorization for reconstructive surgery and related services based on the plastic surgeon's network status or hospital affiliation. The provision applies to reconstructive breast surgery or surgery to restore and achieve symmetry between two breasts following treatment or surgery for breast cancer, the breast cancer gene, or other breast

abnormality, including, but not limited to, mastectomy surgery, lumpectomy, or radiation. For purposes of the bill, the term “carrier” means a carrier as used in the “Health Care Quality Act,” P.L.1997, c.192 (C.26:2S-1 et seq.), as well as the State Health Benefits Program and the School Employees’ Health Benefits Program.

This bill was pre-filed for introduction in the 2026-2027 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.