

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 5509

STATE OF NEW JERSEY
218th LEGISLATURE

ADOPTED JUNE 13, 2019

Sponsored by:

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Senator M. TERESA RUIZ

District 29 (Essex)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

**Assemblywomen Vainieri Huttle, Murphy, Pinkin, Lampitt, Assemblymen
Spearman, Benson, Assemblywomen McKnight, Jasey, Swain,
Assemblyman Tully, Senators Greenstein and Scutari**

SYNOPSIS

Requires health benefits and Medicaid coverage for breastfeeding support.

CURRENT VERSION OF TEXT

As reported by the Senate Commerce Committee on November 14, 2019,
with amendments.

(Sponsorship Updated As Of: 12/17/2019)

1 AN ACT concerning health benefits coverage for breastfeeding
2 support and supplementing various parts of the statutory law.

3

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

6

7 1. a. A hospital service corporation contract that provides
8 hospital or medical expense benefits and is delivered, issued,
9 executed or renewed in this State, or approved for issuance or
10 renewal in this State by the Commissioner of Banking and
11 Insurance, on or after the effective date of P.L. , c. (C.
12)(pending before the Legislature as this bill), shall provide coverage
13 for comprehensive lactation support ¹[and] ¹ counseling ¹[by a
14 trained provider] and consultation¹, and the costs for renting or
15 purchasing breastfeeding equipment, in conjunction with each birth,
16 for the duration of breastfeeding for health plan enrollees, with no
17 cost-sharing.

18 b. Coverage of breastfeeding equipment shall include:

19 (1) Purchase of a single-user breast pump, subject to the
20 following conditions:

21 (a) A contract shall cover the purchase of a double electric
22 breast pump. If an enrollee requests a manual pump in lieu of the
23 double electric breast pump, the health plan shall cover the
24 purchase of a manual pump.

25 (b) A double electric breast pump provided pursuant to this
26 paragraph shall be of sufficient power and durability to establish
27 and maintain milk supply for the duration of breastfeeding.

28 (c) A contract shall not require documentation of medical
29 necessity, prior authorization, or a prescription for a breast pump
30 provided pursuant to this paragraph.

31 (d) Coverage shall be available at any time during pregnancy
32 and the postpartum period, and shall continue for the duration of
33 breastfeeding as defined by the plan enrollee.

34 (e) Coverage for breast pumps shall include repair or
35 replacement if necessary.

36 (2) Rental or purchase of a multi-user breast pump, on the
37 recommendation of a licensed health care provider, subject to the
38 following conditions:

39 (a) When recommended by a licensed health care provider, a
40 contract shall provide coverage for a multi-user breast pump.

41 (b) A hospital service corporation may determine whether a
42 rental or purchase is covered.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCM committee amendments adopted November 14, 2019.

1 (c) Coverage for a multi-user breast pump shall be covered
2 without regard to coverage or acquisition of a single-user breast
3 pump.

4 (d) A hospital service corporation may require a letter of
5 medical necessity from a lactation ¹provider consultant¹ or other
6 health care provider for coverage of a multi-user pump. The letter
7 shall not interfere with the timely acquisition of a multi-user pump.

8 (3) Coverage of breastfeeding equipment pursuant to this
9 section shall include two breast pump kits per birth event, as well as
10 appropriate size breast pump flanges, ¹nipple shields, breast
11 shells,¹ or other lactation accessories recommended by a health
12 care¹ provider.

13 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
14 of this subsection shall be furnished: within 48 hours of notification
15 of need, if requested after the birth of the child; or by the later of
16 two weeks before the enrollee's expected due date or 72 hours after
17 notification, if requested prior to the birth of the child. If the
18 hospital service corporation cannot ensure an enrollee receives
19 breastfeeding equipment within 48 hours, an enrollee may purchase
20 the equipment and the health plan shall reimburse all out-of-pocket
21 expenses incurred by the enrollee, including any balance billing
22 amounts.

23 (5) Breastfeeding equipment specified in paragraph (2) of this
24 subsection shall be made available within 12 hours of notification
25 of need. If equipment is not available within 12 hours of
26 notification of need, the hospital service corporation shall reimburse
27 all out-of-pocket rental expenses incurred by an enrollee, including
28 any balance billing amounts, until the enrollee receives
29 breastfeeding equipment.

30 c. Coverage of comprehensive lactation counseling ¹and
31 lactation consultation¹ shall include:

32 (1) In-person, one-on-one lactation counseling ¹with a and¹
33 lactation ¹provider consultation¹, subject to the following
34 conditions:

35 (a) Coverage shall include visits that occur inside and outside a
36 hospital or office setting. In-person lactation counseling ¹and
37 lactation consultation¹ shall be covered regardless of location of
38 service provision and shall include home visits.

39 (b) Lactation counseling ¹and lactation consultation¹ shall be
40 made available within 24 hours of notification of need.

41 (2) Telephonic lactation assistance shall be covered in addition
42 to, and not as a substitute for, in-person, one-on-one lactation
43 counseling ¹or lactation consultation¹, when an enrollee requests
44 one-on-one, in-person lactation counseling ¹or lactation
45 consultation¹. The telephonic lactation assistance shall be provided
46 within 12 hours of notification of need.

1 (3) Group lactation counseling shall be covered in addition to,
2 and not as a substitute for, one-on-one, in-person lactation
3 counseling ¹or lactation consultation¹, if an enrollee requests one-
4 on-one, in-person lactation counseling ¹or lactation consultation¹.
5 Group counseling shall include educational classes and support
6 groups.

7 (4) A contract shall not require prior authorization, prescription
8 or referral for any lactation counseling ¹or lactation consultation¹,
9 regardless of provider type or setting.

10 (5) A hospital service corporation shall not impose medical
11 management techniques not described in this section.

12 d. Except as otherwise authorized pursuant to this section, a
13 hospital service corporation shall not impose restrictions on the
14 coverage provided pursuant to this section, including, but not
15 limited to, limitations on reimbursement to allowable amounts or
16 reasonable and customary charges, documentation requests, or
17 delays on the coverage provided.

18 e. As used in this section:

19 "Cost-sharing" means deductible, co-insurance or co-payments,
20 or similar charges.

21 "Breast pump kit" means a collection of tubing, valves, flanges,
22 collection bottles, ¹[nipple shields,]¹ or other parts required to
23 extract human milk using a breast pump.

24 ¹["Lactation provider" means an individual who is a licensed or
25 certified provider with specialty training in breastfeeding and
26 lactation.]

27 "Lactation consultant" means an individual who is an
28 International Board Certified Lactation Consultant.

29 "Lactation consultation" means the clinical application by a
30 lactation consultant or other licensed health care provider of
31 scientific principles and a multidisciplinary body of evidence for
32 evaluation, problem identification, treatment, education, and
33 consultation to child-bearing families utilizing lactation care and
34 services.

35 Lactation care and services shall include, but not be limited to:

36 (1) lactation assessment through the systematic collection of
37 subjective and objective data;

38 (2) analysis of data and creation of a plan of care;

39 (3) implementation of a lactation care plan with demonstration
40 and instruction to parents and communication to the primary health
41 care provider;

42 (4) evaluation of outcomes;

43 (5) provision of lactation education to parents and health care
44 providers; and

45 (6) the recommendation and use of assistive devices.¹

1 "Lactation counseling" means breastfeeding education and
2 support services provided by a lactation ¹[provider] counselor¹,
3 such as:

4 (1) educating women, families, health ¹care¹ professionals, and
5 the community about the impact of breastfeeding and human
6 lactation on health and what to expect in the normal course of
7 breastfeeding;

8 (2) acting as an advocate for breastfeeding as the norm for
9 feeding infants and young children;

10 (3) providing breastfeeding support, encouragement, and care
11 from preconception to weaning in order to help women and their
12 families meet their breastfeeding goals;

13 (4) using principles of adult education when teaching clients,
14 health care providers, and others in the community; and

15 (5) identifying and referring high-risk mothers and babies and
16 those requiring clinical treatment appropriately.

17 ¹"Lactation counselor" means an individual, other than an
18 International Board Certified Lactation Consultant or a licensed
19 health care provider, who is:

20 (1) licensed or certified to practice lactation counseling under
21 any law, or who is an accredited member belonging to another
22 profession or occupation, who provides breastfeeding education and
23 support services for which that person is licensed, regulated,
24 accredited, or certified; or

25 (2) a community-based lactation supporter who has received at
26 least 40 hours of specialty education in breastfeeding and lactation,
27 and who works within a lactation counselor's scope of practice.¹

28 "Telephonic lactation assistance" means lactation counseling ¹or
29 consultation¹ with a lactation ¹[provider] counselor or lactation
30 consultant¹ conducted remotely through live voice communication.

31 f. This section shall apply to those contracts in which the
32 hospital service corporation has reserved the right to change the
33 premium.

34
35 2. a. A medical service corporation contract that provides
36 hospital or medical expense benefits and is delivered, issued,
37 executed or renewed in this State, or approved for issuance or
38 renewal in this State by the Commissioner of Banking and
39 Insurance, on or after the effective date of P.L. , c. (C.
40)(pending before the Legislature as this bill), shall provide coverage
41 for comprehensive lactation support ¹[and] ¹ counseling ¹[by a
42 trained provider] ¹, and consultation¹, and the costs for renting or
43 purchasing breastfeeding equipment, in conjunction with each birth,
44 for the duration of breastfeeding for health plan enrollees, with no
45 cost-sharing.

46 b. Coverage of breastfeeding equipment shall include:

- 1 (1) Purchase of a single-user breast pump, subject to the
2 following conditions:
- 3 (a) A contract shall cover the purchase of a double electric
4 breast pump. If an enrollee requests a manual pump in lieu of the
5 double electric breast pump, the health plan shall cover the
6 purchase of a manual pump.
- 7 (b) A double electric breast pump provided pursuant to this
8 paragraph shall be of sufficient power and durability to establish
9 and maintain milk supply for the duration of breastfeeding.
- 10 (c) A contract shall not require documentation of medical
11 necessity, prior authorization, or a prescription for a breast pump
12 provided pursuant to this paragraph.
- 13 (d) Coverage shall be available at any time during pregnancy
14 and the postpartum period, and shall continue for the duration of
15 breastfeeding as defined by the plan enrollee.
- 16 (e) Coverage for breast pumps shall include repair or
17 replacement if necessary.
- 18 (2) Rental or purchase of a multi-user breast pump, on the
19 recommendation of a licensed health care provider, subject to the
20 following conditions:
- 21 (a) When recommended by a licensed health care provider, a
22 contract shall provide coverage for a multi-user breast pump.
- 23 (b) A medical service corporation may determine whether a
24 rental or purchase is covered.
- 25 (c) Coverage for a multi-user breast pump shall be covered
26 without regard to coverage or acquisition of a single-user breast
27 pump.
- 28 (d) A medical service corporation may require a letter of
29 medical necessity from a lactation ¹ **provider** consultant¹ or other
30 health care provider for coverage of a multi-user pump. The letter
31 shall not interfere with the timely acquisition of a multi-user pump.
- 32 (3) Coverage of breastfeeding equipment pursuant to this
33 section shall include two breast pump kits per birth event, as well as
34 appropriate size breast pump flanges, ¹ **nipple shields**, breast
35 shells,¹ or other lactation accessories recommended by a health
36 care¹ provider.
- 37 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
38 of this subsection shall be furnished: within 48 hours of notification
39 of need, if requested after the birth of the child; or by the later of
40 two weeks before the enrollee's expected due date or 72 hours after
41 notification, if requested prior to the birth of the child. If the
42 medical service corporation cannot ensure an enrollee receives
43 breastfeeding equipment within 48 hours, an enrollee may purchase
44 the equipment and the health plan shall reimburse all out-of-pocket
45 expenses incurred by the enrollee, including any balance billing
46 amounts.
- 47 (5) Breastfeeding equipment specified in paragraph (2) of this
48 subsection shall be made available within 12 hours of notification

1 of need. If equipment is not available within 12 hours of
2 notification of need, the medical service corporation shall reimburse
3 all out-of-pocket rental expenses incurred by an enrollee, including
4 any balance billing amounts, until the enrollee receives
5 breastfeeding equipment.

6 c. Coverage of comprehensive lactation counseling ¹and
7 lactation consultation¹ shall include:

8 (1) In-person, one-on-one lactation counseling ¹**【with a】** and¹
9 lactation ¹**【provider】** consultation¹, subject to the following
10 conditions:

11 (a) Coverage shall include visits that occur inside and outside a
12 hospital or office setting. In-person lactation counseling ¹and
13 lactation consultation¹ shall be covered regardless of location of
14 service provision and shall include home visits.

15 (b) Lactation counseling ¹and lactation consultation¹ shall be
16 made available within 24 hours of notification of need.

17 (2) Telephonic lactation assistance shall be covered in addition
18 to, and not as a substitute for, in-person, one-on-one lactation
19 counseling ¹or lactation consultation¹, when an enrollee requests
20 one-on-one, in-person lactation counseling ¹or lactation
21 consultation¹. The telephonic lactation assistance shall be provided
22 within 12 hours of notification of need.

23 (3) Group lactation counseling shall be covered in addition to,
24 and not as a substitute for, one-on-one, in-person lactation
25 counseling ¹or lactation consultation¹, if an enrollee requests one-
26 on-one, in-person lactation counseling ¹or lactation consultation¹.
27 Group counseling shall include educational classes and support
28 groups.

29 (4) A contract shall not require prior authorization, prescription
30 or referral for any lactation counseling ¹or lactation consultation¹,
31 regardless of provider type or setting.

32 (5) A medical service corporation shall not impose medical
33 management techniques not described in this section.

34 d. Except as otherwise authorized pursuant to this section, a
35 medical service corporation shall not impose restrictions on the
36 coverage provided pursuant to this section, including, but not
37 limited to, limitations on reimbursement to allowable amounts or
38 reasonable and customary charges, documentation requests, or
39 delays on the coverage provided.

40 e. As used in this section:

41 "Cost-sharing" means deductible, co-insurance or co-payments,
42 or similar charges.

43 "Breast pump kit" means a collection of tubing, valves, flanges,
44 collection bottles, ¹**【nipple shields,】**¹ or other parts required to
45 extract human milk using a breast pump.

1 ¹["Lactation provider" means an individual who is a licensed or
2 certified provider with specialty training in breastfeeding and
3 lactation.]

4 "Lactation consultant" means an individual who is an
5 International Board Certified Lactation Consultant.

6 "Lactation consultation" means the clinical application by a
7 lactation consultant or other licensed health care provider of
8 scientific principles and a multidisciplinary body of evidence for
9 evaluation, problem identification, treatment, education, and
10 consultation to child-bearing families utilizing lactation care and
11 services.

12 Lactation care and services shall include, but not be limited to:

13 (1) lactation assessment through the systematic collection of
14 subjective and objective data;

15 (2) analysis of data and creation of a plan of care;

16 (3) implementation of a lactation care plan with demonstration
17 and instruction to parents and communication to the primary health
18 care provider;

19 (4) evaluation of outcomes;

20 (5) provision of lactation education to parents and health care
21 providers; and

22 (6) the recommendation and use of assistive devices.¹

23 "Lactation counseling" means breastfeeding education and
24 support services provided by a lactation ¹["provider"] counselor¹,
25 such as:

26 (1) educating women, families, health ¹care¹ professionals, and
27 the community about the impact of breastfeeding and human
28 lactation on health and what to expect in the normal course of
29 breastfeeding;

30 (2) acting as an advocate for breastfeeding as the norm for
31 feeding infants and young children;

32 (3) providing breastfeeding support, encouragement, and care
33 from preconception to weaning in order to help women and their
34 families meet their breastfeeding goals;

35 (4) using principles of adult education when teaching clients,
36 health care providers, and others in the community; and

37 (5) identifying and referring high-risk mothers and babies and
38 those requiring clinical treatment appropriately.

39 ¹"Lactation counselor" means an individual, other than an
40 International Board Certified Lactation Consultant or a licensed
41 health care provider, who is:

42 (1) licensed or certified to practice lactation counseling under
43 any law, or who is an accredited member belonging to another
44 profession or occupation, who provides breastfeeding education and
45 support services for which that person is licensed, regulated,
46 accredited, or certified; or

1 (2) a community-based lactation supporter who has received at
2 least 40 hours of specialty education in breastfeeding and lactation,
3 and who works within a lactation counselor's scope of practice.¹

4 "Telephonic lactation assistance" means lactation counseling ¹or
5 consultation¹ with a lactation ¹**[provider]** counselor or lactation
6 consultant¹ conducted remotely through live voice communication.

7 f. This section shall apply to those contracts in which the
8 medical service corporation has reserved the right to change the
9 premium.

10
11 3. a. A health service corporation contract that provides
12 hospital or medical expense benefits and is delivered, issued,
13 executed or renewed in this State, 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 P.L. ,

16 c. (C.)(pending before the Legislature as this bill), shall
17 provide coverage for comprehensive lactation support ¹**[and]** ¹
18 counseling ¹**[by a trained provider]** , and consultation¹, and the
19 costs for renting or purchasing breastfeeding equipment, in
20 conjunction with each birth, for the duration of breastfeeding for
21 health plan enrollees, with no cost-sharing.

22 b. Coverage of breastfeeding equipment shall include:

23 (1) Purchase of a single-user breast pump, subject to the
24 following conditions:

25 (a) A contract shall cover the purchase of a double electric
26 breast pump. If an enrollee requests a manual pump in lieu of the
27 double electric breast pump, the health plan shall cover the
28 purchase of a manual pump.

29 (b) A double electric breast pump provided pursuant to this
30 paragraph shall be of sufficient power and durability to establish
31 and maintain milk supply for the duration of breastfeeding.

32 (c) A contract shall not require documentation of medical
33 necessity, prior authorization, or a prescription for a breast pump
34 provided pursuant to this paragraph.

35 (d) Coverage shall be available at any time during pregnancy
36 and the postpartum period, and shall continue for the duration of
37 breastfeeding as defined by the plan enrollee.

38 (e) Coverage for breast pumps shall include repair or
39 replacement if necessary.

40 (2) Rental or purchase of a multi-user breast pump, on the
41 recommendation of a licensed health care provider, subject to the
42 following conditions:

43 (a) When recommended by a licensed health care provider, a
44 contract shall provide coverage for a multi-user breast pump.

45 (b) A health service corporation may determine whether a rental
46 or purchase is covered.

- 1 (c) Coverage for a multi-user breast pump shall be covered
2 without regard to coverage or acquisition of a single-user breast
3 pump.
- 4 (d) A health service corporation may require a letter of medical
5 necessity from a lactation ¹provider consultant¹ or other health
6 care provider for coverage of a multi-user pump. The letter shall
7 not interfere with the timely acquisition of a multi-user pump.
- 8 (3) Coverage of breastfeeding equipment pursuant to this
9 section shall include two breast pump kits per birth event, as well as
10 appropriate size breast pump flanges, ¹nipple shields, breast
11 shells,¹ or other lactation accessories recommended by a health
12 care¹ provider.
- 13 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
14 of this subsection shall be furnished: within 48 hours of notification
15 of need, if requested after the birth of the child; or by the later of
16 two weeks before the enrollee's expected due date or 72 hours after
17 notification, if requested prior to the birth of the child. If the health
18 service corporation cannot ensure an enrollee receives breastfeeding
19 equipment within 48 hours, an enrollee may purchase the equipment
20 and the health plan shall reimburse all out-of-pocket expenses
21 incurred by the enrollee, including any balance billing amounts.
- 22 (5) Breastfeeding equipment specified in paragraph (2) of this
23 subsection shall be made available within 12 hours of notification
24 of need. If equipment is not available within 12 hours of
25 notification of need, the health service corporation shall reimburse
26 all out-of-pocket rental expenses incurred by an enrollee, including
27 any balance billing amounts, until the enrollee receives
28 breastfeeding equipment.
- 29 c. Coverage of comprehensive lactation counseling ¹and
30 lactation consultation¹ shall include:
- 31 (1) In-person, one-on-one lactation counseling ¹with a and¹
32 provider consultation¹, subject to the following
33 conditions:
- 34 (a) Coverage shall include visits that occur inside and outside a
35 hospital or office setting. In-person lactation counseling ¹and
36 lactation consultation¹ shall be covered regardless of location of
37 service provision and shall include home visits.
- 38 (b) Lactation counseling ¹and lactation consultation¹ shall be
39 made available within 24 hours of notification of need.
- 40 (2) Telephonic lactation assistance shall be covered in addition
41 to, and not as a substitute for, in-person, one-on-one lactation
42 counseling ¹or lactation consultation¹, when an enrollee requests
43 one-on-one, in-person lactation counseling ¹or lactation
44 consultation¹. The telephonic lactation assistance shall be provided
45 within 12 hours of notification of need.
- 46 (3) Group lactation counseling shall be covered in addition to,
47 and not as a substitute for, one-on-one, in-person lactation

1 counseling ¹or lactation consultation¹, if an enrollee requests one-
2 on-one, in-person lactation counseling ¹or lactation consultation¹.
3 Group counseling shall include educational classes and support
4 groups.

5 (4) A contract shall not require prior authorization, prescription
6 or referral for any lactation counseling ¹or lactation consultation¹,
7 regardless of provider type or setting.

8 (5) A health service corporation shall not impose medical
9 management techniques not described in this section.

10 d. Except as otherwise authorized pursuant to this section, a
11 health service corporation shall not impose restrictions on the
12 coverage provided pursuant to this section, including, but not
13 limited to, limitations on reimbursement to allowable amounts or
14 reasonable and customary charges, documentation requests, or
15 delays on the coverage provided.

16 e. As used in this section:

17 "Cost-sharing" means deductible, co-insurance or co-payments,
18 or similar charges.

19 "Breast pump kit" means a collection of tubing, valves, flanges,
20 collection bottles, ¹**[nipple shields,]**¹ or other parts required to
21 extract human milk using a breast pump.

22 ¹**["Lactation provider" means an individual who is a licensed or
23 certified provider with specialty training in breastfeeding and
24 lactation.]**

25 "Lactation consultant" means an individual who is an
26 International Board Certified Lactation Consultant.

27 "Lactation consultation" means the clinical application by a
28 lactation consultant or other licensed health care provider of
29 scientific principles and a multidisciplinary body of evidence for
30 evaluation, problem identification, treatment, education, and
31 consultation to child-bearing families utilizing lactation care and
32 services.

33 Lactation care and services shall include, but not be limited to:

34 (1) lactation assessment through the systematic collection of
35 subjective and objective data;

36 (2) analysis of data and creation of a plan of care;

37 (3) implementation of a lactation care plan with demonstration
38 and instruction to parents and communication to the primary health
39 care provider;

40 (4) evaluation of outcomes;

41 (5) provision of lactation education to parents and health care
42 providers; and

43 (6) the recommendation and use of assistive devices.¹

44 "Lactation counseling" means breastfeeding education and
45 support services provided by a lactation ¹**[provider]** counselor¹,
46 such as:

1 (1) educating women, families, health ¹care¹ professionals, and
2 the community about the impact of breastfeeding and human
3 lactation on health and what to expect in the normal course of
4 breastfeeding;

5 (2) acting as an advocate for breastfeeding as the norm for
6 feeding infants and young children;

7 (3) providing breastfeeding support, encouragement, and care
8 from preconception to weaning in order to help women and their
9 families meet their breastfeeding goals;

10 (4) using principles of adult education when teaching clients,
11 health care providers, and others in the community; and

12 (5) identifying and referring high-risk mothers and babies and
13 those requiring clinical treatment appropriately.

14 ¹“Lactation counselor” means an individual, other than an
15 International Board Certified Lactation Consultant or a licensed
16 health care provider, who is:

17 (1) licensed or certified to practice lactation counseling under
18 any law, or who is an accredited member belonging to another
19 profession or occupation, who provides breastfeeding education and
20 support services for which that person is licensed, regulated,
21 accredited, or certified; or

22 (2) a community-based lactation supporter who has received at
23 least 40 hours of specialty education in breastfeeding and lactation,
24 and who works within a lactation counselor’s scope of practice.¹

25 "Telephonic lactation assistance" means lactation counseling ¹or
26 consultation¹ with a lactation ¹[provider] counselor or lactation
27 consultant¹ conducted remotely through live voice communication.

28 f. This section shall apply to those contracts in which the
29 health service corporation has reserved the right to change the
30 premium.

31
32 4. a. An individual health insurer policy that provides hospital
33 or medical expense benefits and is delivered, issued, executed or
34 renewed in this State, or approved for issuance or renewal in this
35 State by the Commissioner of Banking and Insurance, on or after
36 the effective date of P.L. , c. (C.)(pending before the
37 Legislature as this bill), shall provide coverage for comprehensive
38 lactation support ¹[and] ¹ counseling ¹[by a trained provider] ¹,
39 and consultation¹, and the costs for renting or purchasing
40 breastfeeding equipment, in conjunction with each birth, for the
41 duration of breastfeeding for health plan enrollees, with no cost-
42 sharing.

43 b. Coverage of breastfeeding equipment shall include:

44 (1) Purchase of a single-user breast pump, subject to the
45 following conditions:

46 (a) A policy shall cover the purchase of a double electric breast
47 pump. If an enrollee requests a manual pump in lieu of the double

1 electric breast pump, the health plan shall cover the purchase of a
2 manual pump.

3 (b) A double electric breast pump provided pursuant to this
4 paragraph shall be of sufficient power and durability to establish
5 and maintain milk supply for the duration of breastfeeding.

6 (c) A policy shall not require documentation of medical
7 necessity, prior authorization, or a prescription for a breast pump
8 provided pursuant to this paragraph.

9 (d) Coverage shall be available at any time during pregnancy
10 and the postpartum period, and shall continue for the duration of
11 breastfeeding as defined by the plan enrollee.

12 (e) Coverage for breast pumps shall include repair or
13 replacement if necessary.

14 (2) Rental or purchase of a multi-user breast pump, on the
15 recommendation of a licensed health care provider, subject to the
16 following conditions:

17 (a) When recommended by a licensed health care provider, a
18 policy shall provide coverage for a multi-user breast pump.

19 (b) An individual health insurer may determine whether a rental
20 or purchase is covered.

21 (c) Coverage for a multi-user breast pump shall be covered
22 without regard to coverage or acquisition of a single-user breast
23 pump.

24 (d) An individual health insurer may require a letter of medical
25 necessity from a lactation ¹~~provider~~ consultant¹ or other health
26 care provider for coverage of a multi-user pump. The letter shall
27 not interfere with the timely acquisition of a multi-user pump.

28 (3) Coverage of breastfeeding equipment pursuant to this
29 section shall include two breast pump kits per birth event, as well as
30 appropriate size breast pump flanges, ¹~~nipple shields, breast~~
31 ~~shells,~~¹ or other lactation accessories recommended by a health
32 care¹ provider.

33 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
34 of this subsection shall be furnished: within 48 hours of notification
35 of need, if requested after the birth of the child; or by the later of
36 two weeks before the enrollee's expected due date or 72 hours after
37 notification, if requested prior to the birth of the child. If the
38 individual health insurer cannot ensure an enrollee receives
39 breastfeeding equipment within 48 hours, an enrollee may purchase
40 the equipment and the health plan shall reimburse all out-of-pocket
41 expenses incurred by the enrollee, including any balance billing
42 amounts.

43 (5) Breastfeeding equipment specified in paragraph (2) of this
44 subsection shall be made available within 12 hours of notification
45 of need. If equipment is not available within 12 hours of
46 notification of need, the individual health insurer shall reimburse all
47 out-of-pocket rental expenses incurred by an enrollee, including any

1 balance billing amounts, until the enrollee receives breastfeeding
2 equipment.

3 c. Coverage of comprehensive lactation counseling ¹and
4 lactation consultation¹ shall include:

5 (1) In-person, one-on-one lactation counseling ¹**【with a】** and¹
6 lactation ¹**【provider】** consultation¹, subject to the following
7 conditions:

8 (a) Coverage shall include visits that occur inside and outside a
9 hospital or office setting. In-person lactation counseling ¹and
10 lactation consultation¹ shall be covered regardless of location of
11 service provision and shall include home visits.

12 (b) Lactation counseling ¹and lactation consultation¹ shall be
13 made available within 24 hours of notification of need.

14 (2) Telephonic lactation assistance shall be covered in addition
15 to, and not as a substitute for, in-person, one-on-one lactation
16 counseling ¹or lactation consultation¹, when an enrollee requests
17 one-on-one, in-person lactation counseling ¹or lactation
18 consultation¹. The telephonic lactation assistance shall be provided
19 within 12 hours of notification of need.

20 (3) Group lactation counseling shall be covered in addition to,
21 and not as a substitute for, one-on-one, in-person lactation
22 counseling ¹or lactation consultation¹, if an enrollee requests one-
23 on-one, in-person lactation counseling ¹or lactation consultation¹.
24 Group counseling shall include educational classes and support
25 groups.

26 (4) A policy shall not require prior authorization, prescription or
27 referral for any lactation counseling ¹or lactation consultation¹,
28 regardless of provider type or setting.

29 (5) An individual health insurer shall not impose medical
30 management techniques not described in this section.

31 d. Except as otherwise authorized pursuant to this section, an
32 individual health insurer shall not impose restrictions on the
33 coverage provided pursuant to this section, including, but not
34 limited to, limitations on reimbursement to allowable amounts or
35 reasonable and customary charges, documentation requests, or
36 delays on the coverage provided.

37 e. As used in this section:

38 “Cost-sharing” means deductible, co-insurance or co-payments,
39 or similar charges.

40 “Breast pump kit” means a collection of tubing, valves, flanges,
41 collection bottles, ¹**【nipple shields,】**¹ or other parts required to
42 extract human milk using a breast pump.

43 ¹**【“Lactation provider” means an individual who is a licensed or**
44 **certified provider with specialty training in breastfeeding and**
45 **lactation.】**

1 “Lactation consultant” means an individual who is an
2 International Board Certified Lactation Consultant.

3 “Lactation consultation” means the clinical application by a
4 lactation consultant or other licensed health care provider of
5 scientific principles and a multidisciplinary body of evidence for
6 evaluation, problem identification, treatment, education, and
7 consultation to child-bearing families utilizing lactation care and
8 services.

9 Lactation care and services shall include, but not be limited to:

10 (1) lactation assessment through the systematic collection of
11 subjective and objective data;

12 (2) analysis of data and creation of a plan of care;

13 (3) implementation of a lactation care plan with demonstration
14 and instruction to parents and communication to the primary health
15 care provider;

16 (4) evaluation of outcomes;

17 (5) provision of lactation education to parents and health care
18 providers; and

19 (6) the recommendation and use of assistive devices.¹

20 "Lactation counseling" means breastfeeding education and
21 support services provided by a lactation ¹**[provider]** counselor¹,
22 such as:

23 (1) educating women, families, health ¹care¹ professionals, and
24 the community about the impact of breastfeeding and human
25 lactation on health and what to expect in the normal course of
26 breastfeeding;

27 (2) acting as an advocate for breastfeeding as the norm for
28 feeding infants and young children;

29 (3) providing breastfeeding support, encouragement, and care
30 from preconception to weaning in order to help women and their
31 families meet their breastfeeding goals;

32 (4) using principles of adult education when teaching clients,
33 health care providers, and others in the community; and

34 (5) identifying and referring high-risk mothers and babies and
35 those requiring clinical treatment appropriately.

36 ¹“Lactation counselor” means an individual, other than an
37 International Board Certified Lactation Consultant or a licensed
38 health care provider, who is:

39 (1) licensed or certified to practice lactation counseling under
40 any law, or who is an accredited member belonging to another
41 profession or occupation, who provides breastfeeding education and
42 support services for which that person is licensed, regulated,
43 accredited, or certified; or

44 (2) a community-based lactation supporter who has received at
45 least 40 hours of specialty education in breastfeeding and lactation,
46 and who works within a lactation counselor’s scope of practice.¹

1 "Telephonic lactation assistance" means lactation counseling ¹or
2 consultation¹ with a lactation ¹**[provider]** counselor or lactation
3 consultant¹ conducted remotely through live voice communication.

4 f. This section shall apply to those policies in which the
5 individual health insurer has reserved the right to change the
6 premium.

7
8 5. a. A group health insurer policy that provides hospital or
9 medical expense benefits and is delivered, issued, executed or
10 renewed in this State, or approved for issuance or renewal in this
11 State by the Commissioner of Banking and Insurance, on or after
12 the effective date of P.L. , c. (C.)(pending before the
13 Legislature as this bill), shall provide coverage for comprehensive
14 lactation support ¹**[and]** ¹ counseling ¹**[by a trained provider]** ,
15 and consultation¹, and the costs for renting or purchasing
16 breastfeeding equipment, in conjunction with each birth, for the
17 duration of breastfeeding for health plan enrollees, with no cost-
18 sharing.

19 b. Coverage of breastfeeding equipment shall include:

20 (1) Purchase of a single-user breast pump, subject to the
21 following conditions:

22 (a) A policy shall cover the purchase of a double electric breast
23 pump. If an enrollee requests a manual pump in lieu of the double
24 electric breast pump, the health plan shall cover the purchase of a
25 manual pump.

26 (b) A double electric breast pump provided pursuant to this
27 paragraph shall be of sufficient power and durability to establish
28 and maintain milk supply for the duration of breastfeeding.

29 (c) A policy shall not require documentation of medical
30 necessity, prior authorization, or a prescription for a breast pump
31 provided pursuant to this paragraph.

32 (d) Coverage shall be available at any time during pregnancy
33 and the postpartum period, and shall continue for the duration of
34 breastfeeding as defined by the plan enrollee.

35 (e) Coverage for breast pumps shall include repair or
36 replacement if necessary.

37 (2) Rental or purchase of a multi-user breast pump, on the
38 recommendation of a licensed health care provider, subject to the
39 following conditions:

40 (a) When recommended by a licensed health care provider, a
41 policy shall provide coverage for a multi-user breast pump.

42 (b) A group health insurer may determine whether a rental or
43 purchase is covered.

44 (c) Coverage for a multi-user breast pump shall be covered
45 without regard to coverage or acquisition of a single-user breast
46 pump.

1 (d) A group health insurer may require a letter of medical
2 necessity from a lactation ¹**[provider]** consultant¹ or other health
3 care provider for coverage of a multi-user pump. The letter shall
4 not interfere with the timely acquisition of a multi-user pump.

5 (3) Coverage of breastfeeding equipment pursuant to this
6 section shall include two breast pump kits per birth event, as well as
7 appropriate size breast pump flanges, ¹**[nipple shields, breast**
8 **shells,]**¹ or other lactation accessories recommended by a health
9 care¹ provider.

10 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
11 of this subsection shall be furnished: within 48 hours of notification
12 of need, if requested after the birth of the child; or by the later of
13 two weeks before the enrollee's expected due date or 72 hours after
14 notification, if requested prior to the birth of the child. If the group
15 health insurer cannot ensure an enrollee receives breastfeeding
16 equipment within 48 hours, an enrollee may purchase the equipment
17 and the health plan shall reimburse all out-of-pocket expenses
18 incurred by the enrollee, including any balance billing amounts.

19 (5) Breastfeeding equipment specified in paragraph (2) of this
20 subsection shall be made available within 12 hours of notification
21 of need. If equipment is not available within 12 hours of
22 notification of need, the group health insurer shall reimburse all
23 out-of-pocket rental expenses incurred by an enrollee, including any
24 balance billing amounts, until the enrollee receives breastfeeding
25 equipment.

26 c. Coverage of comprehensive lactation counseling ¹and
27 lactation consultation¹ shall include:

28 (1) In-person, one-on-one lactation counseling ¹**[with a]** and¹
29 lactation ¹**[provider]** consultation¹, subject to the following
30 conditions:

31 (a) Coverage shall include visits that occur inside and outside a
32 hospital or office setting. In-person lactation counseling ¹and
33 lactation consultation¹ shall be covered regardless of location of
34 service provision and shall include home visits.

35 (b) Lactation counseling ¹and lactation consultation¹ shall be
36 made available within 24 hours of notification of need.

37 (2) Telephonic lactation assistance shall be covered in addition
38 to, and not as a substitute for, in-person, one-on-one lactation
39 counseling ¹or lactation consultation¹, when an enrollee requests
40 one-on-one, in-person lactation counseling ¹or lactation
41 consultation¹. The telephonic lactation assistance shall be provided
42 within 12 hours of notification of need.

43 (3) Group lactation counseling shall be covered in addition to,
44 and not as a substitute for, one-on-one, in-person lactation
45 counseling ¹or lactation consultation¹, if an enrollee requests one-
46 on-one, in-person lactation counseling ¹or lactation consultation¹.

1 Group counseling shall include educational classes and support
2 groups.

3 (4) A policy shall not require prior authorization, prescription or
4 referral for any lactation counseling ¹or lactation consultation¹,
5 regardless of provider type or setting.

6 (5) A group health insurer shall not impose medical
7 management techniques not described in this section.

8 d. Except as otherwise authorized pursuant to this section, a
9 group health insurer shall not impose restrictions on the coverage
10 provided pursuant to this section, including, but not limited to,
11 limitations on reimbursement to allowable amounts or reasonable
12 and customary charges, documentation requests, or delays on the
13 coverage provided.

14 e. As used in this section:

15 "Cost-sharing" means deductible, co-insurance or co-payments,
16 or similar charges.

17 "Breast pump kit" means a collection of tubing, valves, flanges,
18 collection bottles, ¹**[nipple shields,]**¹ or other parts required to
19 extract human milk using a breast pump.

20 ¹**["Lactation provider" means an individual who is a licensed or**
21 **certified provider with specialty training in breastfeeding and**
22 **lactation.]**

23 "Lactation consultant" means an individual who is an
24 International Board Certified Lactation Consultant.

25 "Lactation consultation" means the clinical application by a
26 lactation consultant or other licensed health care provider of
27 scientific principles and a multidisciplinary body of evidence for
28 evaluation, problem identification, treatment, education, and
29 consultation to child-bearing families utilizing lactation care and
30 services.

31 Lactation care and services shall include, but not be limited to:

32 (1) lactation assessment through the systematic collection of
33 subjective and objective data;

34 (2) analysis of data and creation of a plan of care;

35 (3) implementation of a lactation care plan with demonstration
36 and instruction to parents and communication to the primary health
37 care provider;

38 (4) evaluation of outcomes;

39 (5) provision of lactation education to parents and health care
40 providers; and

41 (6) the recommendation and use of assistive devices.¹

42 "Lactation counseling" means breastfeeding education and
43 support services provided by a lactation ¹**[provider]** counselor¹,
44 such as:

45 (1) educating women, families, health ¹care¹ professionals, and
46 the community about the impact of breastfeeding and human

1 lactation on health and what to expect in the normal course of
2 breastfeeding;

3 (2) acting as an advocate for breastfeeding as the norm for
4 feeding infants and young children;

5 (3) providing breastfeeding support, encouragement, and care
6 from preconception to weaning in order to help women and their
7 families meet their breastfeeding goals;

8 (4) using principles of adult education when teaching clients,
9 health care providers, and others in the community; and

10 (5) identifying and referring high-risk mothers and babies and
11 those requiring clinical treatment appropriately.

12 ¹“Lactation counselor” means an individual, other than an
13 International Board Certified Lactation Consultant or a licensed
14 health care provider, who is:

15 (1) licensed or certified to practice lactation counseling under
16 any law, or who is an accredited member belonging to another
17 profession or occupation, who provides breastfeeding education and
18 support services for which that person is licensed, regulated,
19 accredited, or certified; or

20 (2) a community-based lactation supporter who has received at
21 least 40 hours of specialty education in breastfeeding and lactation,
22 and who works within a lactation counselor’s scope of practice.¹

23 "Telephonic lactation assistance" means lactation counseling ¹or
24 consultation¹ with a lactation ¹**[provider]** counselor or lactation
25 consultant¹ conducted remotely through live voice communication.

26 f. This section shall apply to those policies in which the group
27 health insurer has reserved the right to change the premium.

28
29 6. a. An individual health benefits plan that provides hospital
30 or medical expense benefits and is delivered, issued, executed or
31 renewed in this State, or approved for issuance or renewal in this
32 State by the Commissioner of Banking and Insurance, on or after
33 the effective date of P.L. , c. (C.)(pending before the
34 Legislature as this bill), shall provide coverage for comprehensive
35 lactation support ¹**[and]** ¹ counseling ¹**[by a trained provider]** ,
36 and consultation¹, and the costs for renting or purchasing
37 breastfeeding equipment, in conjunction with each birth, for the
38 duration of breastfeeding for health plan enrollees, with no cost-
39 sharing.

40 b. Coverage of breastfeeding equipment shall include:

41 (1) Purchase of a single-user breast pump, subject to the
42 following conditions:

43 (a) A plan shall cover the purchase of a double electric breast
44 pump. If an enrollee requests a manual pump in lieu of the double
45 electric breast pump, the health plan shall cover the purchase of a
46 manual pump.

- 1 (b) A double electric breast pump provided pursuant to this
2 paragraph shall be of sufficient power and durability to establish
3 and maintain milk supply for the duration of breastfeeding.
- 4 (c) A plan shall not require documentation of medical necessity,
5 prior authorization, or a prescription for a breast pump provided
6 pursuant to this paragraph.
- 7 (d) Coverage shall be available at any time during pregnancy
8 and the postpartum period, and shall continue for the duration of
9 breastfeeding as defined by the plan enrollee.
- 10 (e) Coverage for breast pumps shall include repair or
11 replacement if necessary.
- 12 (2) Rental or purchase of a multi-user breast pump, on the
13 recommendation of a licensed health care provider, subject to the
14 following conditions:
- 15 (a) When recommended by a licensed health care provider, a
16 plan shall provide coverage for a multi-user breast pump.
- 17 (b) An individual health benefits plan may determine whether a
18 rental or purchase is covered.
- 19 (c) Coverage for a multi-user breast pump shall be covered
20 without regard to coverage or acquisition of a single-user breast
21 pump.
- 22 (d) An individual health benefits plan may require a letter of
23 medical necessity from a lactation ¹provider consultant¹ or other
24 health care provider for coverage of a multi-user pump. The letter
25 shall not interfere with the timely acquisition of a multi-user pump.
- 26 (3) Coverage of breastfeeding equipment pursuant to this
27 section shall include two breast pump kits per birth event, as well as
28 appropriate size breast pump flanges, ¹nipple shields, breast
29 shells,¹ or other lactation accessories recommended by a health
30 ¹care¹ provider.
- 31 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
32 of this subsection shall be furnished: within 48 hours of notification
33 of need, if requested after the birth of the child; or by the later of
34 two weeks before the enrollee's expected due date or 72 hours after
35 notification, if requested prior to the birth of the child. If the
36 individual health benefits plan cannot ensure an enrollee receives
37 breastfeeding equipment within 48 hours, an enrollee may purchase
38 the equipment and the health plan shall reimburse all out-of-pocket
39 expenses incurred by the enrollee, including any balance billing
40 amounts.
- 41 (5) Breastfeeding equipment specified in paragraph (2) of this
42 subsection shall be made available within 12 hours of notification
43 of need. If equipment is not available within 12 hours of
44 notification of need, the individual health benefits plan shall
45 reimburse all out-of-pocket rental expenses incurred by an enrollee,
46 including any balance billing amounts, until the enrollee receives
47 breastfeeding equipment.

- 1 c. Coverage of comprehensive lactation counseling ¹and
2 lactation consultation¹ shall include:
- 3 (1) In-person, one-on-one lactation counseling ¹**【with a】** and¹
4 lactation ¹**【provider】** consultation¹, subject to the following
5 conditions:
- 6 (a) Coverage shall include visits that occur inside and outside a
7 hospital or office setting. In-person lactation counseling ¹and
8 lactation consultation¹ shall be covered regardless of location of
9 service provision and shall include home visits.
- 10 (b) Lactation counseling ¹and lactation consultation¹ shall be
11 made available within 24 hours of notification of need.
- 12 (2) Telephonic lactation assistance shall be covered in addition
13 to, and not as a substitute for, in-person, one-on-one lactation
14 counseling ¹or lactation consultation¹, when an enrollee requests
15 one-on-one, in-person lactation counseling ¹or lactation
16 consultation¹. The telephonic lactation assistance shall be provided
17 within 12 hours of notification of need.
- 18 (3) Group lactation counseling shall be covered in addition to,
19 and not as a substitute for, one-on-one, in-person lactation
20 counseling ¹or lactation consultation¹, if an enrollee requests one-
21 on-one, in-person lactation counseling ¹or lactation consultation¹.
22 Group counseling shall include educational classes and support
23 groups.
- 24 (4) A plan shall not require prior authorization, prescription or
25 referral for any lactation counseling ¹or lactation consultation¹,
26 regardless of provider type or setting.
- 27 (5) An individual health benefits plan shall not impose medical
28 management techniques not described in this section.
- 29 d. Except as otherwise authorized pursuant to this section, an
30 individual health benefits plan shall not impose restrictions on the
31 coverage provided pursuant to this section, including, but not
32 limited to, limitations on reimbursement to allowable amounts or
33 reasonable and customary charges, documentation requests, or
34 delays on the coverage provided.
- 35 e. As used in this section:
- 36 “Cost-sharing” means deductible, co-insurance or co-payments,
37 or similar charges.
- 38 “Breast pump kit” means a collection of tubing, valves, flanges,
39 collection bottles, ¹**【nipple shields,】**¹ or other parts required to
40 extract human milk using a breast pump.
- 41 ¹**【“Lactation provider” means an individual who is a licensed or**
42 **certified provider with specialty training in breastfeeding and**
43 **lactation.】**
- 44 “Lactation consultant” means an individual who is an
45 International Board Certified Lactation Consultant.

1 “Lactation consultation” means the clinical application by a
2 lactation consultant or other licensed health care provider of
3 scientific principles and a multidisciplinary body of evidence for
4 evaluation, problem identification, treatment, education, and
5 consultation to child-bearing families utilizing lactation care and
6 services.

7 Lactation care and services shall include, but not be limited to:

8 (1) lactation assessment through the systematic collection of
9 subjective and objective data;

10 (2) analysis of data and creation of a plan of care;

11 (3) implementation of a lactation care plan with demonstration
12 and instruction to parents and communication to the primary health
13 care provider;

14 (4) evaluation of outcomes;

15 (5) provision of lactation education to parents and health care
16 providers; and

17 (6) the recommendation and use of assistive devices.¹

18 "Lactation counseling" means breastfeeding education and
19 support services provided by a lactation ¹**【provider】** counselor¹,
20 such as:

21 (1) educating women, families, health ¹care¹ professionals, and
22 the community about the impact of breastfeeding and human
23 lactation on health and what to expect in the normal course of
24 breastfeeding;

25 (2) acting as an advocate for breastfeeding as the norm for
26 feeding infants and young children;

27 (3) providing breastfeeding support, encouragement, and care
28 from preconception to weaning in order to help women and their
29 families meet their breastfeeding goals;

30 (4) using principles of adult education when teaching clients,
31 health care providers, and others in the community; and

32 (5) identifying and referring high-risk mothers and babies and
33 those requiring clinical treatment appropriately.

34 ¹“Lactation counselor” means an individual, other than an
35 International Board Certified Lactation Consultant or a licensed
36 health care provider, who is:

37 (1) licensed or certified to practice lactation counseling under
38 any law, or who is an accredited member belonging to another
39 profession or occupation, who provides breastfeeding education and
40 support services for which that person is licensed, regulated,
41 accredited, or certified; or

42 (2) a community-based lactation supporter who has received at
43 least 40 hours of specialty education in breastfeeding and lactation,
44 and who works within a lactation counselor’s scope of practice.¹

45 "Telephonic lactation assistance" means lactation counseling ¹or
46 consultation¹ with a lactation ¹**【provider】** counselor or lactation
47 consultant¹ conducted remotely through live voice communication.

1 f. This section shall apply to those plans in which the
2 individual health benefits plan has reserved the right to change the
3 premium.
4

5 7. a. A small employer health benefits plan that provides
6 hospital or medical expense benefits and is delivered, issued,
7 executed or renewed in this State, or approved for issuance or
8 renewal in this State by the Commissioner of Banking and
9 Insurance, on or after the effective date of P.L. ,

10 c. (C.)(pending before the Legislature as this bill), shall
11 provide coverage for comprehensive lactation support ¹**and** ¹
12 counseling ¹**by a trained provider** , and consultation¹, and the
13 costs for renting or purchasing breastfeeding equipment, in
14 conjunction with each birth, for the duration of breastfeeding for
15 health plan enrollees, with no cost-sharing.

16 b. Coverage of breastfeeding equipment shall include:

17 (1) Purchase of a single-user breast pump, subject to the
18 following conditions:

19 (a) A plan shall cover the purchase of a double electric breast
20 pump. If an enrollee requests a manual pump in lieu of the double
21 electric breast pump, the health plan shall cover the purchase of a
22 manual pump.

23 (b) A double electric breast pump provided pursuant to this
24 paragraph shall be of sufficient power and durability to establish
25 and maintain milk supply for the duration of breastfeeding.

26 (c) A plan shall not require documentation of medical necessity,
27 prior authorization, or a prescription for a breast pump provided
28 pursuant to this paragraph.

29 (d) Coverage shall be available at any time during pregnancy
30 and the postpartum period, and shall continue for the duration of
31 breastfeeding as defined by the plan enrollee.

32 (e) Coverage for breast pumps shall include repair or
33 replacement if necessary.

34 (2) Rental or purchase of a multi-user breast pump, on the
35 recommendation of a licensed health care provider, subject to the
36 following conditions:

37 (a) When recommended by a licensed health care provider, a
38 plan shall provide coverage for a multi-user breast pump.

39 (b) A small employer health benefits plan may determine
40 whether a rental or purchase is covered.

41 (c) Coverage for a multi-user breast pump shall be covered
42 without regard to coverage or acquisition of a single-user breast
43 pump.

44 (d) A small employer health benefits plan may require a letter of
45 medical necessity from a lactation ¹**provider** consultant¹ or other
46 health care provider for coverage of a multi-user pump. The letter
47 shall not interfere with the timely acquisition of a multi-user pump.

1 (3) Coverage of breastfeeding equipment pursuant to this
2 section shall include two breast pump kits per birth event, as well as
3 appropriate size breast pump flanges, ¹["nipple shields, breast
4 shells,]¹ or other lactation accessories recommended by a health
5 care¹ provider.

6 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
7 of this subsection shall be furnished: within 48 hours of notification
8 of need, if requested after the birth of the child; or by the later of
9 two weeks before the enrollee's expected due date or 72 hours after
10 notification, if requested prior to the birth of the child. If the small
11 employer health benefits plan cannot ensure an enrollee receives
12 breastfeeding equipment within 48 hours, an enrollee may purchase
13 the equipment and the health plan shall reimburse all out-of-pocket
14 expenses incurred by the enrollee, including any balance billing
15 amounts.

16 (5) Breastfeeding equipment specified in paragraph (2) of this
17 subsection shall be made available within 12 hours of notification
18 of need. If equipment is not available within 12 hours of
19 notification of need, the small employer health benefits plan shall
20 reimburse all out-of-pocket rental expenses incurred by an enrollee,
21 including any balance billing amounts, until the enrollee receives
22 breastfeeding equipment.

23 c. Coverage of comprehensive lactation counseling ¹and
24 lactation consultation¹ shall include:

25 (1) In-person, one-on-one lactation counseling ¹["with a"] and¹
26 lactation ¹["provider"] consultation¹, subject to the following
27 conditions:

28 (a) Coverage shall include visits that occur inside and outside a
29 hospital or office setting. In-person lactation counseling ¹and
30 lactation consultation¹ shall be covered regardless of location of
31 service provision and shall include home visits.

32 (b) Lactation counseling ¹and lactation consultation¹ shall be
33 made available within 24 hours of notification of need.

34 (2) Telephonic lactation assistance shall be covered in addition
35 to, and not as a substitute for, in-person, one-on-one lactation
36 counseling ¹or lactation consultation¹, when an enrollee requests
37 one-on-one, in-person lactation counseling ¹or lactation
38 consultation¹. The telephonic lactation assistance shall be provided
39 within 12 hours of notification of need.

40 (3) Group lactation counseling shall be covered in addition to,
41 and not as a substitute for, one-on-one, in-person lactation
42 counseling ¹or lactation consultation¹, if an enrollee requests one-
43 on-one, in-person lactation counseling ¹or lactation consultation¹.
44 Group counseling shall include educational classes and support
45 groups.

1 (4) A plan shall not require prior authorization, prescription or
2 referral for any lactation counseling ¹or lactation consultation¹,
3 regardless of provider type or setting.

4 (5) A small employer health benefits plan shall not impose
5 medical management techniques not described in this section.

6 d. Except as otherwise authorized pursuant to this section, a
7 small employer health benefits plan shall not impose restrictions on
8 the coverage provided pursuant to this section, including, but not
9 limited to, limitations on reimbursement to allowable amounts or
10 reasonable and customary charges, documentation requests, or
11 delays on the coverage provided.

12 e. As used in this section:

13 "Cost-sharing" means deductible, co-insurance or co-payments,
14 or similar charges.

15 "Breast pump kit" means a collection of tubing, valves, flanges,
16 collection bottles, ¹**["nipple shields,]"**¹ or other parts required to
17 extract human milk using a breast pump.

18 ¹**["Lactation provider" means an individual who is a licensed or
19 certified provider with specialty training in breastfeeding and
20 lactation.]**

21 "Lactation consultant" means an individual who is an
22 International Board Certified Lactation Consultant.

23 "Lactation consultation" means the clinical application by a
24 lactation consultant or other licensed health care provider of
25 scientific principles and a multidisciplinary body of evidence for
26 evaluation, problem identification, treatment, education, and
27 consultation to child-bearing families utilizing lactation care and
28 services.

29 Lactation care and services shall include, but not be limited to:

30 (1) lactation assessment through the systematic collection of
31 subjective and objective data;

32 (2) analysis of data and creation of a plan of care;

33 (3) implementation of a lactation care plan with demonstration
34 and instruction to parents and communication to the primary health
35 care provider;

36 (4) evaluation of outcomes;

37 (5) provision of lactation education to parents and health care
38 providers; and

39 (6) the recommendation and use of assistive devices.¹

40 "Lactation counseling" means breastfeeding education and
41 support services provided by a lactation ¹**["provider]"** counselor¹,
42 such as:

43 (1) educating women, families, health ¹care¹ professionals, and
44 the community about the impact of breastfeeding and human
45 lactation on health and what to expect in the normal course of
46 breastfeeding;

- 1 (2) acting as an advocate for breastfeeding as the norm for
2 feeding infants and young children;
- 3 (3) providing breastfeeding support, encouragement, and care
4 from preconception to weaning in order to help women and their
5 families meet their breastfeeding goals;
- 6 (4) using principles of adult education when teaching clients,
7 health care providers, and others in the community; and
- 8 (5) identifying and referring high-risk mothers and babies and
9 those requiring clinical treatment appropriately.

10 ¹“Lactation counselor” means an individual, other than an
11 International Board Certified Lactation Consultant or a licensed
12 health care provider, who is:

13 (1) licensed or certified to practice lactation counseling under
14 any law, or who is an accredited member belonging to another
15 profession or occupation, who provides breastfeeding education and
16 support services for which that person is licensed, regulated,
17 accredited, or certified; or

18 (2) a community-based lactation supporter who has received at
19 least 40 hours of specialty education in breastfeeding and lactation,
20 and who works within a lactation counselor’s scope of practice.¹

21 "Telephonic lactation assistance" means lactation counseling ¹or
22 consultation¹ with a lactation ¹**[provider]** counselor or lactation
23 consultant¹ conducted remotely through live voice communication.

24 f. This section shall apply to those plans in which the small
25 employer health benefits plan has reserved the right to change the
26 premium.

27
28 8. a. A health maintenance organization contract that provides
29 hospital or medical expense benefits and is delivered, issued,
30 executed or renewed in this State, or approved for issuance or
31 renewal in this State by the Commissioner of Banking and
32 Insurance, on or after the effective date of P.L. ,

33 c. (C.)(pending before the Legislature as this bill), shall
34 provide coverage for comprehensive lactation support ¹**[and]** ¹
35 counseling ¹**[by a trained provider]** , and consultation¹, and the
36 costs for renting or purchasing breastfeeding equipment, in
37 conjunction with each birth, for the duration of breastfeeding for
38 contract enrollees, with no cost-sharing.

39 b. Coverage of breastfeeding equipment shall include:

40 (1) Purchase of a single-user breast pump, subject to the
41 following conditions:

42 (a) A contract shall cover the purchase of a double electric
43 breast pump. If an enrollee requests a manual pump in lieu of the
44 double electric breast pump, the contract shall cover the purchase of
45 a manual pump.

- 1 (b) A double electric breast pump provided pursuant to this
2 paragraph shall be of sufficient power and durability to establish
3 and maintain milk supply for the duration of breastfeeding.
- 4 (c) A contract shall not require documentation of medical
5 necessity, prior authorization, or a prescription for a breast pump
6 provided pursuant to this paragraph.
- 7 (d) Coverage shall be available at any time during pregnancy
8 and the postpartum period, and shall continue for the duration of
9 breastfeeding as defined by the contract enrollee.
- 10 (e) Coverage for breast pumps shall include repair or
11 replacement if necessary.
- 12 (2) Rental or purchase of a multi-user breast pump, on the
13 recommendation of a licensed health care provider, subject to the
14 following conditions:
- 15 (a) When recommended by a licensed health care provider, a
16 contract shall provide coverage for a multi-user breast pump.
- 17 (b) A health maintenance organization may determine whether a
18 rental or purchase is covered.
- 19 (c) Coverage for a multi-user breast pump shall be covered
20 without regard to coverage or acquisition of a single-user breast
21 pump.
- 22 (d) A health maintenance organization may require a letter of
23 medical necessity from a lactation ¹【provider】 consultant¹ or other
24 health care provider for coverage of a multi-user pump. The letter
25 shall not interfere with the timely acquisition of a multi-user pump.
- 26 (3) Coverage of breastfeeding equipment pursuant to this
27 section shall include two breast pump kits per birth event, as well as
28 appropriate size breast pump flanges, ¹【nipple shields, breast
29 shells,】¹ or other lactation accessories recommended by a health
30 care¹ provider.
- 31 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
32 of this subsection shall be furnished: within 48 hours of notification
33 of need, if requested after the birth of the child; or by the later of
34 two weeks before the enrollee's expected due date or 72 hours after
35 notification, if requested prior to the birth of the child. If the health
36 maintenance organization cannot ensure an enrollee receives
37 breastfeeding equipment within 48 hours, an enrollee may purchase
38 the equipment and the contract shall reimburse all out-of-pocket
39 expenses incurred by the enrollee, including any balance billing
40 amounts.
- 41 (5) Breastfeeding equipment specified in paragraph (2) of this
42 subsection shall be made available within 12 hours of notification
43 of need. If equipment is not available within 12 hours of
44 notification of need, the health maintenance organization shall
45 reimburse all out-of-pocket rental expenses incurred by an enrollee,
46 including any balance billing amounts, until the enrollee receives
47 breastfeeding equipment.

- 1 c. Coverage of comprehensive lactation counseling ¹and
2 lactation consultation¹ shall include:
- 3 (1) In-person, one-on-one lactation counseling ¹**【with a】** and¹
4 lactation ¹**【provider】** consultation¹, subject to the following
5 conditions:
- 6 (a) Coverage shall include visits that occur inside and outside a
7 hospital or office setting. In-person lactation counseling ¹and
8 lactation consultation¹ shall be covered regardless of location of
9 service provision and shall include home visits.
- 10 (b) Lactation counseling ¹and lactation consultation¹ shall be
11 made available within 24 hours of notification of need.
- 12 (2) Telephonic lactation assistance shall be covered in addition
13 to, and not as a substitute for, in-person, one-on-one lactation
14 counseling ¹or lactation consultation¹, when an enrollee requests
15 one-on-one, in-person lactation counseling ¹or lactation
16 consultation¹. The telephonic lactation assistance shall be provided
17 within 12 hours of notification of need.
- 18 (3) Group lactation counseling shall be covered in addition to,
19 and not as a substitute for, one-on-one, in-person lactation
20 counseling ¹or lactation consultation¹, if an enrollee requests one-
21 on-one, in-person lactation counseling ¹or lactation consultation¹.
22 Group counseling shall include educational classes and support
23 groups.
- 24 (4) A contract shall not require prior authorization, prescription
25 or referral for any lactation counseling ¹or lactation consultation¹,
26 regardless of provider type or setting.
- 27 (5) A health maintenance organization shall not impose medical
28 management techniques not described in this section.
- 29 d. Except as otherwise authorized pursuant to this section, a
30 health maintenance organization shall not impose restrictions on the
31 coverage provided pursuant to this section, including, but not
32 limited to, limitations on reimbursement to allowable amounts or
33 reasonable and customary charges, documentation requests, or
34 delays on the coverage provided.
- 35 e. As used in this section:
- 36 “Cost-sharing” means deductible, co-insurance or co-payments,
37 or similar charges.
- 38 “Breast pump kit” means a collection of tubing, valves, flanges,
39 collection bottles, ¹**【nipple shields,】**¹ or other parts required to
40 extract human milk using a breast pump.
- 41 ¹**【“Lactation provider” means an individual who is a licensed or**
42 **certified provider with specialty training in breastfeeding and**
43 **lactation.】**
- 44 “Lactation consultant” means an individual who is an
45 International Board Certified Lactation Consultant.

1 “Lactation consultation” means the clinical application by a
2 lactation consultant or other licensed health care provider of
3 scientific principles and a multidisciplinary body of evidence for
4 evaluation, problem identification, treatment, education, and
5 consultation to child-bearing families utilizing lactation care and
6 services.

7 Lactation care and services shall include, but not be limited to:

8 (1) lactation assessment through the systematic collection of
9 subjective and objective data;

10 (2) analysis of data and creation of a plan of care;

11 (3) implementation of a lactation care plan with demonstration
12 and instruction to parents and communication to the primary health
13 care provider;

14 (4) evaluation of outcomes;

15 (5) provision of lactation education to parents and health care
16 providers; and

17 (6) the recommendation and use of assistive devices.¹

18 "Lactation counseling" means breastfeeding education and
19 support services provided by a lactation ¹**【provider】** counselor¹,
20 such as:

21 (1) educating women, families, health ¹care¹ professionals, and
22 the community about the impact of breastfeeding and human
23 lactation on health and what to expect in the normal course of
24 breastfeeding;

25 (2) acting as an advocate for breastfeeding as the norm for
26 feeding infants and young children;

27 (3) providing breastfeeding support, encouragement, and care
28 from preconception to weaning in order to help women and their
29 families meet their breastfeeding goals;

30 (4) using principles of adult education when teaching clients,
31 health care providers, and others in the community; and

32 (5) identifying and referring high-risk mothers and babies and
33 those requiring clinical treatment appropriately.

34 ¹“Lactation counselor” means an individual, other than an
35 International Board Certified Lactation Consultant or a licensed
36 health care provider, who is:

37 (1) licensed or certified to practice lactation counseling under
38 any law, or who is an accredited member belonging to another
39 profession or occupation, who provides breastfeeding education and
40 support services for which that person is licensed, regulated,
41 accredited, or certified; or

42 (2) a community-based lactation supporter who has received at
43 least 40 hours of specialty education in breastfeeding and lactation,
44 and who works within a lactation counselor’s scope of practice.¹

45 "Telephonic lactation assistance" means lactation counseling ¹or
46 consultation¹ with a lactation ¹**【provider】** counselor or lactation
47 consultant¹ conducted remotely through live voice communication.

1 f. The provisions of this section shall apply to those contracts
2 for health care services by health maintenance organizations under
3 which the right to change the schedule of charges for enrollee
4 coverage is reserved.

5
6 9. a. The State Health Benefits Commission shall ensure that
7 every contract purchased by the commission on or after the
8 effective date of this act that provides hospital or medical expense
9 benefits shall provide coverage for comprehensive lactation support
10 ¹and ¹counseling ¹by a trained provider ¹, and consultation¹,
11 and the costs for renting or purchasing breastfeeding equipment, in
12 conjunction with each birth, for the duration of breastfeeding for
13 contract enrollees, with no cost-sharing.

14 b. Coverage of breastfeeding equipment shall include:

15 (1) Purchase of a single-user breast pump, subject to the
16 following conditions:

17 (a) A contract shall cover the purchase of a double electric
18 breast pump. If an enrollee requests a manual pump in lieu of the
19 double electric breast pump, the contract shall cover the purchase of
20 a manual pump.

21 (b) A double electric breast pump provided pursuant to this
22 paragraph shall be of sufficient power and durability to establish
23 and maintain milk supply for the duration of breastfeeding.

24 (c) A contract shall not require documentation of medical
25 necessity, prior authorization, or a prescription for a breast pump
26 provided pursuant to this paragraph.

27 (d) Coverage shall be available at any time during pregnancy
28 and the postpartum period, and shall continue for the duration of
29 breastfeeding as defined by the contract enrollee.

30 (e) Coverage for breast pumps shall include repair or
31 replacement if necessary.

32 (2) Rental or purchase of a multi-user breast pump, on the
33 recommendation of a licensed health care provider, subject to the
34 following conditions:

35 (a) When recommended by a licensed health care provider, a
36 contract shall provide coverage for a multi-user breast pump.

37 (b) A contract may provide for a determination as to whether a
38 rental or purchase is covered.

39 (c) Coverage for a multi-user breast pump shall be covered
40 without regard to coverage or acquisition of a single-user breast
41 pump.

42 (d) A contract may provide for requirement of a letter of
43 medical necessity from a lactation ¹provider consultant¹ or other
44 health care provider for coverage of a multi-user pump. The letter
45 shall not interfere with the timely acquisition of a multi-user pump.

46 (3) Coverage of breastfeeding equipment pursuant to this
47 section shall include two breast pump kits per birth event, as well as
48 appropriate size breast pump flanges, ¹nipple shields, breast

1 shells,]¹ or other lactation accessories recommended by a health
2 care¹ provider.

3 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
4 of this subsection shall be furnished: within 48 hours of notification
5 of need, if requested after the birth of the child; or by the later of
6 two weeks before the enrollee's expected due date or 72 hours after
7 notification, if requested prior to the birth of the child. If the
8 enrollee does not receive breastfeeding equipment within 48 hours,
9 the enrollee may purchase the equipment and the contract shall
10 provide for reimbursement of all out-of-pocket expenses incurred
11 by the enrollee, including any balance billing amounts.

12 (5) Breastfeeding equipment specified in paragraph (2) of this
13 subsection shall be made available within 12 hours of notification
14 of need. If equipment is not available within 12 hours of
15 notification of need, the contract shall provide for reimbursement of
16 all out-of-pocket rental expenses incurred by the enrollee, including
17 any balance billing amounts, until the enrollee receives
18 breastfeeding equipment.

19 c. Coverage of comprehensive lactation counseling and
20 lactation consultation¹ shall include:

21 (1) In-person, one-on-one lactation counseling [with a] and
22 [provider] consultation¹, subject to the following
23 conditions:

24 (a) Coverage shall include visits that occur inside and outside a
25 hospital or office setting. In-person lactation counseling and
26 lactation consultation¹ shall be covered regardless of location of
27 service provision and shall include home visits.

28 (b) Lactation counseling and lactation consultation¹ shall be
29 made available within 24 hours of notification of need.

30 (2) Telephonic lactation assistance shall be covered in addition
31 to, and not as a substitute for, in-person, one-on-one lactation
32 counseling or lactation consultation¹, when an enrollee requests
33 one-on-one, in-person lactation counseling or lactation
34 consultation¹. The telephonic lactation assistance shall be provided
35 within 12 hours of notification of need.

36 (3) Group lactation counseling shall be covered in addition to,
37 and not as a substitute for, one-on-one, in-person lactation
38 counseling or lactation consultation¹, if an enrollee requests one-
39 on-one, in-person lactation counseling or lactation consultation¹.
40 Group counseling shall include educational classes and support
41 groups.

42 (4) A contract shall not require prior authorization, prescription
43 or referral for any lactation counseling or lactation consultation¹,
44 regardless of provider type or setting.

45 (5) A contract shall not impose medical management techniques
46 not described in this section.

1 d. Except as otherwise authorized pursuant to this section, a
2 contract shall not impose restrictions on the coverage provided
3 pursuant to this section, including, but not limited to, limitations on
4 reimbursement to allowable amounts or reasonable and customary
5 charges, documentation requests, or delays on the coverage
6 provided.

7 e. As used in this section:

8 "Cost-sharing" means deductible, co-insurance or co-payments,
9 or similar charges.

10 "Breast pump kit" means a collection of tubing, valves, flanges,
11 collection bottles, ¹["nipple shields,"]¹ or other parts required to
12 extract human milk using a breast pump.

13 ¹["Lactation provider" means an individual who is a licensed or
14 certified provider with specialty training in breastfeeding and
15 lactation.]

16 "Lactation consultant" means an individual who is an
17 International Board Certified Lactation Consultant.

18 "Lactation consultation" means the clinical application by a
19 lactation consultant or other licensed health care provider of
20 scientific principles and a multidisciplinary body of evidence for
21 evaluation, problem identification, treatment, education, and
22 consultation to child-bearing families utilizing lactation care and
23 services.

24 Lactation care and services shall include, but not be limited to:

25 (1) lactation assessment through the systematic collection of
26 subjective and objective data;

27 (2) analysis of data and creation of a plan of care;

28 (3) implementation of a lactation care plan with demonstration
29 and instruction to parents and communication to the primary health
30 care provider;

31 (4) evaluation of outcomes;

32 (5) provision of lactation education to parents and health care
33 providers; and

34 (6) the recommendation and use of assistive devices.¹

35 "Lactation counseling" means breastfeeding education and
36 support services provided by a lactation ¹["provider"] counselor¹,
37 such as:

38 (1) educating women, families, health ¹care¹ professionals, and
39 the community about the impact of breastfeeding and human
40 lactation on health and what to expect in the normal course of
41 breastfeeding;

42 (2) acting as an advocate for breastfeeding as the norm for
43 feeding infants and young children;

44 (3) providing breastfeeding support, encouragement, and care
45 from preconception to weaning in order to help women and their
46 families meet their breastfeeding goals;

1 (4) using principles of adult education when teaching clients,
2 health care providers, and others in the community; and

3 (5) identifying and referring high-risk mothers and babies and
4 those requiring clinical treatment appropriately.

5 ¹“Lactation counselor” means an individual, other than an
6 International Board Certified Lactation Consultant or a licensed
7 health care provider, who is:

8 (1) licensed or certified to practice lactation counseling under
9 any law, or who is an accredited member belonging to another
10 profession or occupation, who provides breastfeeding education and
11 support services for which that person is licensed, regulated,
12 accredited, or certified; or

13 (2) a community-based lactation supporter who has received at
14 least 40 hours of specialty education in breastfeeding and lactation,
15 and who works within a lactation counselor’s scope of practice.¹

16 "Telephonic lactation assistance" means lactation counseling ¹or
17 consultation¹ with a lactation ¹【provider】 counselor or lactation
18 consultant¹ conducted remotely through live voice communication.

19

20 10. a. The School Employees' Health Benefits Commission
21 shall ensure that every contract purchased by the commission on or
22 after the effective date of this act that provides hospital or medical
23 expense benefits shall provide coverage for comprehensive lactation
24 support ¹【and】 ,¹ counseling ¹【by a trained provider】 , and
25 consultation¹, and the costs for renting or purchasing breastfeeding
26 equipment, in conjunction with each birth, for the duration of
27 breastfeeding for contract enrollees, with no cost-sharing.

28 b. Coverage of breastfeeding equipment shall include:

29 (1) Purchase of a single-user breast pump, subject to the
30 following conditions:

31 (a) A contract shall cover the purchase of a double electric
32 breast pump. If an enrollee requests a manual pump in lieu of the
33 double electric breast pump, the contract shall cover the purchase of
34 a manual pump.

35 (b) A double electric breast pump provided pursuant to this
36 paragraph shall be of sufficient power and durability to establish
37 and maintain milk supply for the duration of breastfeeding.

38 (c) A contract shall not require documentation of medical
39 necessity, prior authorization, or a prescription for a breast pump
40 provided pursuant to this paragraph.

41 (d) Coverage shall be available at any time during pregnancy
42 and the postpartum period, and shall continue for the duration of
43 breastfeeding as defined by the contract enrollee.

44 (e) Coverage for breast pumps shall include repair or
45 replacement if necessary.

1 (2) Rental or purchase of a multi-user breast pump, on the
2 recommendation of a licensed health care provider, subject to the
3 following conditions:

4 (a) When recommended by a licensed health care provider, a
5 contract shall provide coverage for a multi-user breast pump.

6 (b) A contract may provide for a determination as to whether a
7 rental or purchase is covered.

8 (c) Coverage for a multi-user breast pump shall be covered
9 without regard to coverage or acquisition of a single-user breast
10 pump.

11 (d) A contract may provide for requirement of a letter of
12 medical necessity from a lactation ¹provider consultant¹ or other
13 health care provider for coverage of a multi-user pump. The letter
14 shall not interfere with the timely acquisition of a multi-user pump.

15 (3) Coverage of breastfeeding equipment pursuant to this
16 section shall include two breast pump kits per birth event, as well as
17 appropriate size breast pump flanges, ¹nipple shields, breast
18 shells,¹ or other lactation accessories recommended by a health
19 ¹care¹ provider.

20 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
21 of this subsection shall be furnished: within 48 hours of notification
22 of need, if requested after the birth of the child; or by the later of
23 two weeks before the enrollee's expected due date or 72 hours after
24 notification, if requested prior to the birth of the child. If the
25 enrollee does not receive breastfeeding equipment within 48 hours,
26 the enrollee may purchase the equipment and the contract shall
27 provide for reimbursement of all out-of-pocket expenses incurred
28 by the enrollee, including any balance billing amounts.

29 (5) Breastfeeding equipment specified in paragraph (2) of this
30 subsection shall be made available within 12 hours of notification
31 of need. If equipment is not available within 12 hours of
32 notification of need, the contract shall provide for reimbursement of
33 all out-of-pocket rental expenses incurred by the enrollee, including
34 any balance billing amounts, until the enrollee receives
35 breastfeeding equipment.

36 c. Coverage of comprehensive lactation counseling ¹and
37 lactation consultation¹ shall include:

38 (1) In-person, one-on-one lactation counseling ¹[with a] and¹
39 lactation ¹[provider] consultation¹, subject to the following
40 conditions:

41 (a) Coverage shall include visits that occur inside and outside a
42 hospital or office setting. In-person lactation counseling ¹and
43 lactation consultation¹ shall be covered regardless of location of
44 service provision and shall include home visits.

45 (b) Lactation counseling ¹and lactation consultation¹ shall be
46 made available within 24 hours of notification of need.

1 (2) Telephonic lactation assistance shall be covered in addition
2 to, and not as a substitute for, in-person, one-on-one lactation
3 counseling ¹or lactation consultation¹, when an enrollee requests
4 one-on-one, in-person lactation counseling ¹or lactation
5 consultation¹. The telephonic lactation assistance shall be provided
6 within 12 hours of notification of need.

7 (3) Group lactation counseling shall be covered in addition to,
8 and not as a substitute for, one-on-one, in-person lactation
9 counseling ¹or lactation consultation¹, if an enrollee requests one-
10 on-one, in-person lactation counseling ¹or lactation consultation¹.
11 Group counseling shall include educational classes and support
12 groups.

13 (4) A contract shall not require prior authorization, prescription
14 or referral for any lactation counseling ¹or lactation consultation¹,
15 regardless of provider type or setting.

16 (5) A contract shall not impose medical management techniques
17 not described in this section.

18 d. Except as otherwise authorized pursuant to this section, a
19 contract shall not impose restrictions on the coverage provided
20 pursuant to this section, including, but not limited to, limitations on
21 reimbursement to allowable amounts or reasonable and customary
22 charges, documentation requests, or delays on the coverage
23 provided.

24 e. As used in this section:

25 "Cost-sharing" means deductible, co-insurance or co-payments,
26 or similar charges.

27 "Breast pump kit" means a collection of tubing, valves, flanges,
28 collection bottles, ¹**[nipple shields,]**¹ or other parts required to
29 extract human milk using a breast pump.

30 ¹**["Lactation provider" means an individual who is a licensed or**
31 **certified provider with specialty training in breastfeeding and**
32 **lactation.]**

33 "Lactation consultant" means an individual who is an
34 International Board Certified Lactation Consultant.

35 "Lactation consultation" means the clinical application by a
36 lactation consultant or other licensed health care provider of
37 scientific principles and a multidisciplinary body of evidence for
38 evaluation, problem identification, treatment, education, and
39 consultation to child-bearing families utilizing lactation care and
40 services.

41 Lactation care and services shall include, but not be limited to:

42 (1) lactation assessment through the systematic collection of
43 subjective and objective data;

44 (2) analysis of data and creation of a plan of care;

45 (3) implementation of a lactation care plan with demonstration
46 and instruction to parents and communication to the primary health
47 care provider;

- 1 (4) evaluation of outcomes;
2 (5) provision of lactation education to parents and health care
3 providers; and
4 (6) the recommendation and use of assistive devices.¹

5 "Lactation counseling" means breastfeeding education and
6 support services provided by a lactation ¹**【provider】** counselor¹,
7 such as:

8 (1) educating women, families, health ¹care¹ professionals, and
9 the community about the impact of breastfeeding and human
10 lactation on health and what to expect in the normal course of
11 breastfeeding;

12 (2) acting as an advocate for breastfeeding as the norm for
13 feeding infants and young children;

14 (3) providing breastfeeding support, encouragement, and care
15 from preconception to weaning in order to help women and their
16 families meet their breastfeeding goals;

17 (4) using principles of adult education when teaching clients,
18 health care providers, and others in the community; and

19 (5) identifying and referring high-risk mothers and babies and
20 those requiring clinical treatment appropriately.

21 ¹"Lactation counselor" means an individual, other than an
22 International Board Certified Lactation Consultant or a licensed
23 health care provider, who is:

24 (1) licensed or certified to practice lactation counseling under
25 any law, or who is an accredited member belonging to another
26 profession or occupation, who provides breastfeeding education and
27 support services for which that person is licensed, regulated,
28 accredited, or certified; or

29 (2) a community-based lactation supporter who has received at
30 least 40 hours of specialty education in breastfeeding and lactation,
31 and who works within a lactation counselor's scope of practice.¹

32 "Telephonic lactation assistance" means lactation counseling ¹or
33 consultation¹ with a lactation ¹**【provider】** counselor or lactation
34 consultant¹ conducted remotely through live voice communication.
35

36 ¹11. a. Notwithstanding any State law or regulation to the
37 contrary, the Department of Human Services shall, contingent on
38 maintaining or receiving necessary federal approvals, ensure that
39 benefits for comprehensive lactation support, counseling, and
40 consultation, and the costs for renting or purchasing breastfeeding
41 equipment, in conjunction with each birth, for the duration of
42 breastfeeding shall be provided with no cost-sharing to eligible
43 persons under the Medicaid program, established pursuant to
44 P.L.1968, c.413 (C.30:4D-1 et seq.).

45 b. Benefits for breastfeeding equipment shall include:

46 (1) Purchase of a single-user breast pump, subject to the
47 following conditions:

- 1 (a) Benefits for the purchase of a double electric breast pump.
2 If an individual requests a manual pump in lieu of the double
3 electric breast pump, benefits shall be provided for the purchase of
4 a manual pump.
- 5 (b) A double electric breast pump provided pursuant to this
6 paragraph shall be of sufficient power and durability to establish
7 and maintain milk supply for the duration of breastfeeding.
- 8 (c) The department shall not require documentation of medical
9 necessity, prior authorization, or a prescription for a breast pump
10 provided pursuant to this paragraph.
- 11 (d) Benefits shall be available at any time during pregnancy and
12 the postpartum period, and shall continue for the duration of
13 breastfeeding as defined by the individual.
- 14 (e) Benefits for breast pumps shall include repair or replacement
15 if necessary.
- 16 (2) Rental or purchase of a multi-user breast pump, on the
17 recommendation of a licensed health care provider, subject to the
18 following conditions:
- 19 (a) When recommended by a licensed health care provider,
20 benefits shall be provided for a multi-user breast pump.
- 21 (b) The department may determine whether a rental or purchase
22 is covered.
- 23 (c) Benefits for a multi-user breast pump shall be provided
24 without regard to the provision or acquisition of a single-user breast
25 pump.
- 26 (d) The department may require a letter of medical necessity
27 from a lactation consultant or other health care provider for benefits
28 of a multi-user pump. The letter shall not interfere with the timely
29 acquisition of a multi-user pump.
- 30 (3) Benefits of breastfeeding equipment pursuant to this section
31 shall include two breast pump kits per birth event, as well as
32 appropriate size breast pump flanges, or other lactation accessories
33 recommended by a health care provider.
- 34 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
35 of this subsection shall be furnished: within 48 hours of notification
36 of need, if requested after the birth of the child; or by the later of
37 two weeks before the enrollee's expected due date or 72 hours after
38 notification, if requested prior to the birth of the child. If the
39 department cannot ensure an individual shall receive breastfeeding
40 equipment within 48 hours, an individual may purchase the
41 equipment and the department shall reimburse all out-of-pocket
42 expenses incurred by the individual, including any balance billing
43 amounts.
- 44 (5) Breastfeeding equipment specified in paragraph (2) of this
45 subsection shall be made available within 12 hours of notification
46 of need. If equipment is not available within 12 hours of
47 notification of need, the department shall reimburse all out-of-
48 pocket rental expenses incurred by an individual, including any

1 balance billing amounts, until the individual receives breastfeeding
2 equipment.

3 c. Benefits for comprehensive lactation counseling and
4 lactation consultation shall include:

5 (1) In-person, one-on-one lactation counseling and lactation
6 consultation, subject to the following conditions:

7 (a) Benefits shall include visits that occur inside and outside a
8 hospital or office setting. In-person lactation counseling and
9 lactation consultation shall be covered regardless of location of
10 service provision and shall include home visits.

11 (b) Lactation counseling and lactation consultation shall be
12 made available within 24 hours of notification of need.

13 (2) Telephonic lactation assistance shall be covered in addition
14 to, and not as a substitute for, in-person, one-on-one lactation
15 counseling or lactation consultation, when an individual requests
16 one-on-one, in-person lactation counseling or lactation consultation.
17 The telephonic lactation assistance shall be provided within 12
18 hours of notification of need.

19 (3) Group lactation counseling shall be covered in addition to,
20 and not as a substitute for, one-on-one, in-person lactation
21 counseling or lactation consultation, if an individual requests one-
22 on-one, in-person lactation counseling or lactation consultation.
23 Group counseling shall include educational classes and support
24 groups.

25 (4) The department shall not require prior authorization,
26 prescription or referral for any lactation counseling or lactation
27 consultation, regardless of provider type or setting.

28 (5) The department shall not impose medical management
29 techniques not described in this section.

30 d. Except as otherwise authorized pursuant to this section, the
31 department shall not impose restrictions on the benefits provided
32 pursuant to this section, including, but not limited to, limitations on
33 reimbursement to allowable amounts or reasonable and customary
34 charges, documentation requests, or delays on the benefits provided.

35 e. As used in this section:

36 “Cost-sharing” means deductible, co-insurance or co-payments,
37 or similar charges.

38 “Breast pump kit” means a collection of tubing, valves, flanges,
39 collection bottles, or other parts required to extract human milk
40 using a breast pump.

41 “Lactation consultant” means an individual who is an
42 International Board Certified Lactation Consultant.

43 “Lactation consultation” means the clinical application by a
44 lactation consultant or other licensed health care provider of
45 scientific principles and a multidisciplinary body of evidence for
46 evaluation, problem identification, treatment, education, and
47 consultation to child-bearing families utilizing lactation care and
48 services.

1 Lactation care and services shall include, but not be limited to:
2 (1) lactation assessment through the systematic collection of
3 subjective and objective data;
4 (2) analysis of data and creation of a plan of care;
5 (3) implementation of a lactation care plan with demonstration
6 and instruction to parents and communication to the primary health
7 care provider;
8 (4) evaluation of outcomes;
9 (5) provision of lactation education to parents and health care
10 providers; and
11 (6) the recommendation and use of assistive devices.
12 "Lactation counseling" means breastfeeding education and
13 support services provided by a lactation counselor, such as:
14 (1) educating women, families, health care professionals, and
15 the community about the impact of breastfeeding and human
16 lactation on health and what to expect in the normal course of
17 breastfeeding;
18 (2) acting as an advocate for breastfeeding as the norm for
19 feeding infants and young children;
20 (3) providing breastfeeding support, encouragement, and care
21 from preconception to weaning in order to help women and their
22 families meet their breastfeeding goals;
23 (4) using principles of adult education when teaching clients,
24 health care providers, and others in the community; and
25 (5) identifying and referring high-risk mothers and babies and
26 those requiring clinical treatment appropriately.
27 "Lactation counselor" means an individual, other than an
28 International Board Certified Lactation Consultant or a licensed
29 health care provider, who is:
30 (1) licensed or certified to practice lactation counseling under
31 any law, or who is an accredited member belonging to another
32 profession or occupation, who provides breastfeeding education and
33 support services for which that person is licensed, regulated,
34 accredited, or certified; or
35 (2) a community-based lactation supporter who has received at
36 least 40 hours of specialty education in breastfeeding and lactation,
37 and who works within a lactation counselor's scope of practice.
38 "Telephonic lactation assistance" means lactation counseling or
39 consultation with a lactation counselor or lactation consultant
40 conducted remotely through live voice communication.
41 f. The Commissioner of Human Services shall apply for such
42 State plan amendments or waivers as may be necessary to
43 implement the provisions of this section and to secure federal
44 financial participation for State Medicaid expenditures under the
45 federal Medicaid program.¹

46
47 ¹[11.] 12.¹ This act shall take effect on the ¹[90th] 180th¹ day
48 next following enactment.