

ASSEMBLY, No. 1035

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Co-Sponsored by:

**Assemblymen Caputo, McKeon, Assemblywoman Vainieri Huttie and
Assemblyman Giblin**

SYNOPSIS

Requires insurers to provide coverage for medications and dose-intensive chemotherapy/bone marrow transplants and umbilical cord blood transplants for treatment of sickle cell anemia.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning health benefits coverage for certain treatments
2 of sickle cell anemia and supplementing various parts of the
3 statutory law.

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

7
8 1. A hospital service corporation contract that is delivered,
9 issued, executed or renewed in this State pursuant to P.L.1938,
10 c.366 (C.17:48-1 et seq.), or approved for issuance or renewal in
11 this State by the Commissioner of Banking and Insurance, on or
12 after the effective date of this act, shall provide coverage for
13 expenses incurred in the treatment of sickle cell anemia that is
14 determined to be medically necessary by the covered person's
15 physician by:

16 a. dose-intensive chemotherapy/bone marrow transplantation
17 and umbilical cord blood transplantation when performed by an
18 institution approved by the National Heart, Lung, and Blood
19 Institute or pursuant to protocols consistent with the guidelines of
20 any nationally recognized professional medical specialty academy
21 or organization, if the hospital service corporation contract provides
22 hospital and medical expense benefits; and

23 b. any prescription drug treatment of sickle cell anemia, if the
24 hospital service corporation contract provides prescription drug
25 benefits.

26 The benefits shall be provided to the same extent as for any other
27 condition under the contract.

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

31
32 2. A medical service corporation contract that is delivered,
33 issued, executed or renewed in this State pursuant to P.L.1940, c.74
34 (C.17:48A-1 et seq.), 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 this act, shall provide coverage for expenses
37 incurred in the treatment of sickle cell anemia that is determined to
38 be medically necessary by the covered person's physician by:

39 a. dose-intensive chemotherapy/bone marrow transplantation
40 and umbilical cord blood transplantation when performed by an
41 institution approved by the National Heart, Lung, and Blood
42 Institute or pursuant to protocols consistent with the guidelines of
43 any nationally recognized professional medical specialty academy
44 or organization, if the medical service corporation contract provides
45 hospital and medical expense benefits; and

46 b. any prescription drug treatment of sickle cell anemia, if the
47 medical service corporation contract provides prescription drug
48 benefits.

1 The benefits shall be provided to the same extent as for any other
2 condition under the contract.

3 This section shall apply to those medical service corporation
4 contracts in which the medical service corporation has reserved the
5 right to change the premium.

6
7 3. A health service corporation contract that is delivered,
8 issued, executed or renewed in this State pursuant to P.L.1985,
9 c.236 (C.17:48E-1 et seq.), or approved for issuance or renewal in
10 this State by the Commissioner of Banking and Insurance, on or
11 after the effective date of this act, shall provide coverage for
12 expenses incurred in the treatment of sickle cell anemia that is
13 determined to be medically necessary by the covered person's
14 physician by:

15 a. dose-intensive chemotherapy/bone marrow transplantation
16 and umbilical cord blood transplantation when performed by an
17 institution approved by the National Heart, Lung, and Blood
18 Institute or pursuant to protocols consistent with the guidelines of
19 any nationally recognized professional medical specialty academy
20 or organization, if the health service corporation contract provides
21 hospital and medical expense benefits; and

22 b. any prescription drug treatment of sickle cell anemia, if the
23 health service corporation contract provides prescription drug
24 benefits.

25 The benefits shall be provided to the same extent as for any other
26 condition under the contract.

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

30
31 4. A prepaid prescription service organization contract for
32 prescription drug benefits that is delivered, issued, executed or
33 renewed in this State pursuant to P.L.1997, c.380 (C.17:48F-1 et
34 seq.), or approved for issuance or renewal in this State by the
35 Commissioner of Banking and Insurance, on or after the effective
36 date of this act, shall provide coverage for any prescription drug
37 expenses incurred in the treatment of sickle cell anemia that is
38 determined to be medically necessary by the enrollee's physician.

39 The benefits shall be provided to the same extent as for any other
40 prescription drug under the contract.

41 This section shall apply to those prepaid prescription contracts in
42 which the prepaid prescription service organization has reserved the
43 right to change the premium.

44
45 5. An individual health insurance policy that is delivered,
46 issued, executed or renewed in this State pursuant to chapter 26 of
47 Title 17B of the New Jersey Statutes, or approved for issuance or
48 renewal in this State by the Commissioner of Banking and

1 Insurance, on or after the effective date of this act, shall provide
2 coverage for expenses incurred in the treatment of sickle cell
3 anemia that is determined to be medically necessary by the
4 insured's physician by:

5 a. dose-intensive chemotherapy/bone marrow transplantation
6 and umbilical cord blood transplantation when performed by an
7 institution approved by the National Heart, Lung, and Blood
8 Institute or pursuant to protocols consistent with the guidelines of
9 any nationally recognized professional medical specialty academy
10 or organization, if the policy provides hospital and medical expense
11 benefits; and

12 b. any prescription drug treatment of sickle cell anemia, if the
13 policy provides prescription drug benefits.

14 The benefits shall be provided to the same extent as for any other
15 condition under the policy.

16 This section shall apply to those policies in which the insurer has
17 reserved the right to change the premium.

18

19 6. A group health insurance policy that is delivered, issued,
20 executed or renewed in this State pursuant to chapter 27 of Title
21 17B of the New Jersey Statutes, or approved for issuance or renewal
22 in this State by the Commissioner of Banking and Insurance, on or
23 after the effective date of this act, shall provide coverage for
24 expenses incurred in the treatment of sickle cell anemia that is
25 determined to be medically necessary by the insured's physician by:

26 a. dose-intensive chemotherapy/bone marrow transplantation
27 and umbilical cord blood transplantation when performed by an
28 institution approved by the National Heart, Lung, and Blood
29 Institute or pursuant to protocols consistent with the guidelines of
30 any nationally recognized professional medical specialty academy
31 or organization, if the policy provides hospital and medical expense
32 benefits; and

33 b. any prescription drug treatment of sickle cell anemia, if the
34 policy provides prescription drug benefits.

35 The benefits shall be provided to the same extent as for any other
36 condition under the policy.

37 This section shall apply to those policies in which the insurer has
38 reserved the right to change the premium.

39

40 7. An individual health benefits plan that is delivered, issued,
41 executed or renewed in this State pursuant to P.L.1992, c.161
42 (C.17B:27A-2 et seq.), or approved for issuance or renewal in this
43 State by the Commissioner of Banking and Insurance, on or after
44 the effective date of this act, shall provide coverage for expenses
45 incurred in the treatment of sickle cell anemia that is determined to
46 be medically necessary by the covered person's physician by:

47 a. dose-intensive chemotherapy/bone marrow transplantation
48 and umbilical cord blood transplantation when performed by an

1 institution approved by the National Heart, Lung, and Blood
2 Institute or pursuant to protocols consistent with the guidelines of
3 any nationally recognized professional medical specialty academy
4 or organization, if the health benefits plan provides hospital and
5 medical expense benefits; and

6 b. any prescription drug treatment of sickle cell anemia, if the
7 health benefits plan provides prescription drug benefits.

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

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

12
13 8. A small employer health benefits plan that is delivered,
14 issued, executed or renewed in this State pursuant to P.L.1992,
15 c.162 (C.17B:27A-17 et seq.), or approved for issuance or renewal
16 in this State by the Commissioner of Banking and Insurance, on or
17 after the effective date of this act, shall provide coverage for
18 expenses incurred in the treatment of sickle cell anemia that is
19 determined to be medically necessary by the covered person's
20 physician by:

21 a. dose-intensive chemotherapy/bone marrow transplantation
22 and umbilical cord blood transplantation when performed by an
23 institution approved by the National Heart, Lung, and Blood
24 Institute or pursuant to protocols consistent with the guidelines of
25 any nationally recognized professional medical specialty academy
26 or organization, if the health benefits plan provides hospital and
27 medical expense benefits; and

28 b. any prescription drug treatment of sickle cell anemia, if the
29 health benefits plan provides prescription drug benefits.

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

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

34
35 9. A health maintenance organization contract that is delivered,
36 issued, executed or renewed in this State pursuant to P.L.1973,
37 c.337 (C.26:2J-1 et seq.), or approved for issuance or renewal in
38 this State by the Commissioner of Banking and Insurance, on or
39 after the effective date of this act, shall provide coverage for
40 expenses incurred in the treatment of sickle cell anemia that is
41 determined to be medically necessary by the enrollee's physician
42 by:

43 a. dose-intensive chemotherapy/bone marrow transplantation
44 and umbilical cord blood transplantation when performed by an
45 institution approved by the National Heart, Lung, and Blood
46 Institute or pursuant to protocols consistent with the guidelines of
47 any nationally recognized professional medical specialty academy
48 or organization, if the health maintenance organization contract

1 provides health care services; and

2 b. any prescription drug treatment of sickle cell anemia, if the
3 health maintenance organization contract provides health care
4 services for prescription drugs.

5 The health care services shall be provided to the same extent as
6 for any other condition under the contract.

7 This section shall apply to those contracts for health care
8 services under which the right to change the schedule of charges for
9 enrollee coverage is reserved.

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11 10. This act shall take effect on the 90th day after enactment.

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STATEMENT

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16 This bill requires hospital, medical and health service
17 corporations, individual, small employer and large group insurers,
18 health maintenance organizations and prepaid prescription service
19 organizations to cover certain medically necessary treatments for
20 sickle cell anemia.

21 Under the bill, insurers that provide prescription drug benefits
22 must cover any prescription drug expenses incurred in the treatment
23 of sickle cell anemia. In addition, insurers, other than prepaid
24 prescription organizations, must cover any expenses for treatments
25 using dose-intensive chemotherapy/bone marrow transplantation
26 and umbilical cord blood transplantation when those treatments are
27 performed by certain health care facilities or performed pursuant to
28 guidelines approved by certain medical organizations.