

ASSEMBLY, No. 1397

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Requires health benefits coverage for private duty nursing services.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning health benefits coverage for private duty
2 nursing services and supplementing various parts of the statutory
3 law.

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

7
8 1. a. A hospital service corporation contract that provides
9 hospital or medical expense benefits and is delivered, issued,
10 executed or renewed in this State, or approved for issuance or
11 renewal in this State by the Commissioner of Banking and
12 Insurance, on or after the effective date of this act, shall provide
13 coverage for expenses incurred in the provision of private duty
14 nursing services.

15 b. Private duty nursing services shall be subject to the same
16 deductibles, coinsurance, and other cost sharing as apply to similar
17 services under the contract. Nothing in this section is intended to
18 prevent a hospital service corporation from requiring prior
19 authorization for services.

20 c. The provisions of this section shall apply to those hospital
21 service corporation contracts in which the hospital service
22 corporation has reserved the right to change the premium.

23 d. As used in this section, “private duty nursing services”
24 means nursing services for recipients who require more individual
25 and continuous care than is available from a visiting nurse or
26 routinely provided by the nursing staff of the hospital or skilled
27 nursing facility. These services are provided:

- 28 (1) by a registered nurse or a licensed practical nurse;
29 (2) under the direction of the recipient's physician; and
30 (3) to a recipient in that person's own home, a hospital, or a
31 skilled nursing facility.

32
33 2. a. A medical service corporation contract that provides
34 hospital or medical expense benefits and is delivered, issued,
35 executed or renewed in this State, or approved for issuance or
36 renewal in this State by the Commissioner of Banking and
37 Insurance, on or after the effective date of this act, shall provide
38 coverage for expenses incurred in the provision of private duty
39 nursing services.

40 b. Private duty nursing services shall be subject to the same
41 deductibles, coinsurance, and other cost sharing as apply to similar
42 services under the contract. Nothing in this section is intended to
43 prevent a medical service corporation from requiring prior
44 authorization for services.

45 c. The provisions of this section shall apply to those medical
46 service corporation contracts in which the medical service
47 corporation has reserved the right to change the premium.

1 d. As used in this section, “private duty nursing services”
2 means nursing services for recipients who require more individual
3 and continuous care than is available from a visiting nurse or
4 routinely provided by the nursing staff of the hospital or skilled
5 nursing facility. These services are provided:

- 6 (1) by a registered nurse or a licensed practical nurse;
7 (2) under the direction of the recipient's physician; and
8 (3) to a recipient in that person’s own home, a hospital, or a
9 skilled nursing facility.

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 this act, shall provide
16 coverage for expenses incurred in the provision of private duty
17 nursing services.

18 b. Private duty nursing services shall be subject to the same
19 deductibles, coinsurance, and other cost sharing as apply to similar
20 services under the contract. Nothing in this section is intended to
21 prevent a health service corporation from requiring prior
22 authorization for services.

23 c. The provisions of this section shall apply to those health
24 service corporation contracts in which the health service
25 corporation has reserved the right to change the premium.

26 d. As used in this section, “private duty nursing services”
27 means nursing services for recipients who require more individual
28 and continuous care than is available from a visiting nurse or
29 routinely provided by the nursing staff of the hospital or skilled
30 nursing facility. These services are provided:

- 31 (1) by a registered nurse or a licensed practical nurse;
32 (2) under the direction of the recipient's physician; and
33 (3) to a recipient in that person’s own home, a hospital, or a
34 skilled nursing facility.

35
36 4. a. An individual health insurance policy that provides
37 hospital or medical expense benefits and is delivered, issued,
38 executed or renewed in this State, or approved for issuance or
39 renewal in this State by the Commissioner of Banking and
40 Insurance, on or after the effective date of this act, shall provide
41 coverage for expenses incurred in the provision of private duty
42 nursing services.

43 b. Private duty nursing services shall be subject to the same
44 deductibles, coinsurance, and other cost sharing as apply to similar
45 services under the policy. Nothing in this section is intended to
46 prevent an insurer from requiring prior authorization for services.

47 c. The provisions of this section shall apply to those policies in
48 which the insurer has reserved the right to change the premium.

1 d. As used in this section, “private duty nursing services”
2 means nursing services for recipients who require more individual
3 and continuous care than is available from a visiting nurse or
4 routinely provided by the nursing staff of the hospital or skilled
5 nursing facility. These services are provided:

- 6 (1) by a registered nurse or a licensed practical nurse;
7 (2) under the direction of the recipient's physician; and
8 (3) to a recipient in that person’s own home, a hospital, or a
9 skilled nursing facility.

10
11 5. a. A group health insurance policy that provides hospital or
12 medical expense benefits and is delivered, issued, executed or
13 renewed in this State, or approved for issuance or renewal in this
14 State by the Commissioner of Banking and Insurance, on or after
15 the effective date of this act, shall provide coverage for expenses
16 incurred in the provision of private duty nursing services.

17 b. Private duty nursing services shall be subject to the same
18 deductibles, coinsurance, and other cost sharing as apply to similar
19 services under the policy. Nothing in this section is intended to
20 prevent an insurer from requiring prior authorization for services.

21 c. The provisions of this section shall apply to those policies in
22 which the insurer has reserved the right to change the premium.

23 d. As used in this section, “private duty nursing services”
24 means nursing services for recipients who require more individual
25 and continuous care than is available from a visiting nurse or
26 routinely provided by the nursing staff of the hospital or skilled
27 nursing facility. These services are provided:

- 28 (1) by a registered nurse or a licensed practical nurse;
29 (2) under the direction of the recipient's physician; and
30 (3) to a recipient in that person’s own home, a hospital, or a
31 skilled nursing facility.

32
33 6. a. An individual health benefits plan that provides hospital
34 or medical expense benefits and is delivered, issued, executed or
35 renewed in this State, or approved for issuance or renewal in this
36 State by the Commissioner of Banking and Insurance, on or after
37 the effective date of this act, shall provide coverage for expenses
38 incurred in the provision of private duty nursing services.

39 b. Private duty nursing services shall be subject to the same
40 deductibles, coinsurance, and other cost sharing as apply to similar
41 services under the plan. Nothing in this section is intended to
42 prevent a carrier from requiring prior authorization for services.

43 c. The provisions of this section shall apply to those individual
44 health benefits plans in which the carrier has reserved the right to
45 change the premium.

46 d. As used in this section, “private duty nursing services”
47 means nursing services for recipients who require more individual
48 and continuous care than is available from a visiting nurse or

1 routinely provided by the nursing staff of the hospital or skilled
2 nursing facility. These services are provided:

- 3 (1) by a registered nurse or a licensed practical nurse;
- 4 (2) under the direction of the recipient's physician; and
- 5 (3) to a recipient in that person's own home, a hospital, or a
6 skilled nursing facility.

7
8 7. a. A small employer health benefits plan that provides
9 hospital or medical expense benefits and is delivered, issued,
10 executed or renewed in this State, or approved for issuance or
11 renewal in this State by the Commissioner of Banking and
12 Insurance, on or after the effective date of this act, shall provide
13 coverage for expenses incurred in the provision of private duty
14 nursing services.

15 b. Private duty nursing services shall be subject to the same
16 deductibles, coinsurance, and other cost sharing as apply to similar
17 services under the plan. Nothing in this section is intended to
18 prevent a carrier from requiring prior authorization for services.

19 c. The provisions of this section shall apply to those small
20 employer health benefits plans in which the carrier has reserved the
21 right to change the premium.

22 d. As used in this section, "private duty nursing services"
23 means nursing services for recipients who require more individual
24 and continuous care than is available from a visiting nurse or
25 routinely provided by the nursing staff of the hospital or skilled
26 nursing facility. These services are provided:

- 27 (1) by a registered nurse or a licensed practical nurse;
- 28 (2) under the direction of the recipient's physician; and
- 29 (3) to a recipient in that person's own home, a hospital, or a
30 skilled nursing facility.

31
32 8. a. A health maintenance organization contract that provides
33 hospital or medical expense benefits and is delivered, issued,
34 executed or renewed in this State, or approved for issuance or
35 renewal in this State by the Commissioner of Banking and
36 Insurance, on or after the effective date of this act, shall provide
37 coverage for expenses incurred in the provision of private duty
38 nursing services.

39 b. Private duty nursing services shall be subject to the same
40 deductibles, coinsurance, and other cost sharing as apply to similar
41 services under the contract. Nothing in this section is intended to
42 prevent a health maintenance organization from requiring prior
43 authorization for services.

44 c. The provisions of this section shall apply to those contracts
45 for health care services by health maintenance organizations under
46 which the health maintenance organization has reserved the right to
47 change the schedule of charges.

1 d. As used in this section, “private duty nursing services”
2 means nursing services for recipients who require more individual
3 and continuous care than is available from a visiting nurse or
4 routinely provided by the nursing staff of the hospital or skilled
5 nursing facility. These services are provided:

- 6 (1) by a registered nurse or a licensed practical nurse;
7 (2) under the direction of the recipient's physician; and
8 (3) to a recipient in that person’s own home, a hospital, or a
9 skilled nursing facility.

10
11 9. a. The State Health Benefits Commission shall ensure that
12 every contract purchased by the commission on or after the
13 effective date of this act shall provide coverage for expenses
14 incurred in the provision of private duty nursing services.

15 b. Private duty nursing services shall be subject to the same
16 deductibles, coinsurance, and other cost sharing as apply to similar
17 services under the contract. Nothing in this section is intended to
18 prevent a contract from requiring prior authorization for services.

19 c. As used in this section, “private duty nursing services”
20 means nursing services for recipients who require more individual
21 and continuous care than is available from a visiting nurse or
22 routinely provided by the nursing staff of the hospital or skilled
23 nursing facility. These services are provided:

- 24 (1) by a registered nurse or a licensed practical nurse;
25 (2) under the direction of the recipient's physician; and
26 (3) to a recipient in that person’s own home, a hospital, or a
27 skilled nursing facility.

28
29 10. a. The School Employees’ Health Benefits Commission
30 shall ensure that every contract purchased by the commission on or
31 after the effective date of this act shall provide coverage for
32 expenses incurred in the provision of private duty nursing services.

33 b. Private duty nursing services shall be subject to the same
34 deductibles, coinsurance, and other cost sharing as apply to similar
35 services under the contract. Nothing in this section is intended to
36 prevent a contract from requiring prior authorization for services.

37 c. As used in this section, “private duty nursing services”
38 means nursing services for recipients who require more individual
39 and continuous care than is available from a visiting nurse or
40 routinely provided by the nursing staff of the hospital or skilled
41 nursing facility. These services are provided:

- 42 (1) by a registered nurse or a licensed practical nurse;
43 (2) under the direction of the recipient's physician; and
44 (3) to a recipient in that person’s own home, a hospital, or a
45 skilled nursing facility.

46
47 11. This act shall take effect on January 1 of the year following
48 enactment.

STATEMENT

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3 This bill requires health insurers (health, hospital and medical
4 service corporations, commercial individual and group health
5 insurers, health maintenance organizations, health benefits plans
6 issued pursuant to the New Jersey Individual Health Coverage and
7 Small Employer Health Benefits Programs, the State Health
8 Benefits Program, and the School Employees' Health Benefits
9 Program) to provide health benefits coverage for any expenses
10 incurred in the provision of private duty nursing services.
11 Under the bill, private duty nursing services are subject to the
12 same deductibles, coinsurance, and other cost sharing as apply to
13 similar services under the contract, policy, or plan. Nothing in the
14 bill is intended to prevent a contract, policy, or plan from requiring
15 prior authorization for services.
16 As used in the bill, "private duty nursing services" means
17 nursing services for recipients who require more individual and
18 continuous care than is available from a visiting nurse or routinely
19 provided by the nursing staff of the hospital or skilled nursing
20 facility. These services are provided:
21 (1) by a registered nurse or a licensed practical nurse;
22 (2) under the direction of the recipient's physician; and
23 (3) to a recipient in that person's own home, a hospital, or a
24 skilled nursing facility.