

ASSEMBLY, No. 1669

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblywoman Timberlake

SYNOPSIS

Requires health insurers to limit copayments for insulin.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 1/27/2020)

1 **AN ACT** concerning copayments for insulin, amending P.L.1995,
2 c.331, 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. Section 1 of P.L.1995, c.331 (C.17:48-6n) is amended to
8 read as follows:

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

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

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

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

Matter underlined thus is new matter.

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

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

7 f. The Commissioner of Banking and Insurance may, in
8 consultation with the Commissioner of Health, pursuant to the
9 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
10 1 et seq.), promulgate and periodically update a list of additional
11 diabetes equipment and related supplies that are medically
12 necessary for the treatment of diabetes and for which benefits shall
13 be provided according to the provisions of this section.
14 (cf: P.L.1995, c.331, s.1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29

30 4. Section 4 of P.L.1995, c.331 (C.17B:26-2.1l) is amended to
31 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44

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

47 6. a. Every contract for health care services that is delivered,
48 issued, executed or renewed in this State pursuant to P.L.1973,

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

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

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

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

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

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

1 necessary for the treatment of diabetes and for which benefits shall
2 be provided according to the provisions of this section.

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

4
5 7. (New section) An individual health benefits plan that
6 provides hospital and medical expense benefits and is delivered,
7 issued, executed or renewed in this State pursuant to P.L.1992,
8 c.161 (C.17B:27A-2 et al.), on or after the effective date of P.L. ,
9 c. (C.) (pending before the Legislature as this bill), shall
10 provide coverage to any enrollee or other person covered thereunder
11 for insulin for the treatment of diabetes, if recommended or
12 prescribed by a participating physician or participating nurse
13 practitioner/clinical nurse specialist. No copayment for the
14 purchase of insulin shall exceed \$100 per 30 day supply.

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

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

19
20 8. (New section) A small employer health benefits plan that
21 provides hospital and medical expense benefits and is delivered,
22 issued, executed or renewed in this State pursuant to P.L.1992,
23 c.162 (C.17B:27A-17 et seq.), on or after the effective date of P.L.
24 , c. (C.) (pending before the Legislature as this bill), shall
25 provide coverage to any enrollee or other person covered thereunder
26 for insulin for the treatment of diabetes, if recommended or
27 prescribed by a participating physician or participating nurse
28 practitioner/clinical nurse specialist. No copayment for the
29 purchase of insulin shall exceed \$100 per 30 day supply.

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

44
45 10. (New section) The School Employees' Health Benefits
46 Commission shall ensure that every contract purchased by the
47 commission on or after the effective date of P.L. , c. (C.)
48 (pending before the Legislature as this bill) that provides hospital

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

7
8 11. This act shall take effect on the 90th day next following
9 enactment.

10
11
12 STATEMENT
13

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