

ASSEMBLY, No. 1673

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 20 (Union)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

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Co-Sponsored by:

Assemblywoman Downey and Assemblyman Houghtaling

SYNOPSIS

Requires health insurance companies to cover lead screenings for children 16 years of age or younger.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning health insurance coverage for lead screenings
 2 for children 16 years of age or , amending P.L.1995, c.316 and
 3 P.L.1995, c.328.

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

7
 8 1. Section 7 of P.L.1995, c.316 (26:2-137.1) is amended to read
 9 as follows:

10 7. The Department of Health shall specify by regulation,
 11 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
 12 (C.52:14B-1 et seq.):

13 a. The lead screening requirements provided for under
 14 P.L.1995, c.316 (C.17:48E-35.10 et al.), including the age of the
 15 child when initial screening should be conducted, the time intervals
 16 between screening, when follow-up testing is required, the methods
 17 that shall be used to conduct the lead screening, and, in accordance
 18 with the latest recommendations of the federal Centers for Disease
 19 Control and Prevention and the provisions of P.L.1995, c.328
 20 (C.26:2-137.2 et seq.), the level of lead in the bloodstream that shall
 21 necessitate the undertaking of responsive action. Any regulations
 22 adopted pursuant to this subsection shall be consistent with the
 23 provisions of P.L.1995, c.328 (26:2-137.2 et seq.); and

24 b. The childhood immunizations recommended by the
 25 Advisory Committee on Immunization Practices of the United
 26 States Public Health Service and the Department of Health.
 27 (cf: P.L.2017, c.7, s.2)

28
 29 2. Section 3 of P.L.1995, c.328 (C.26:2-137.4) is amended to
 30 read as follows:

31 3. a. A physician or registered professional nurse, as
 32 appropriate, shall perform lead screening on each patient **【under**
 33 **six】** 16 years of age or younger to whom the physician or registered
 34 professional nurse provides health care services, unless the
 35 physician or registered professional nurse has knowledge that the
 36 child has already undergone lead screening in accordance with the
 37 requirements of this act. If the physician, registered professional
 38 nurse, or an authorized staff member cannot perform the required
 39 lead screening, the physician or registered professional nurse may
 40 refer the patient, in writing, to another physician, registered
 41 professional nurse, health care facility, or designated agency or
 42 program which is able to perform the lead screening.

43 b. A health care facility that serves children and is licensed
 44 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), and any other
 45 agency or program that serves children and is designated by the
 46 commissioner to perform lead screening, shall perform lead
 47 screening on each child **【under six】** 16 years of age or younger that

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 the facility, agency, or program serves, unless the facility, agency,
2 or program has knowledge that the child has already undergone lead
3 screening in accordance with the requirements of this act. If the
4 health care facility, agency, or program cannot perform the required
5 lead screening, the facility, agency, or program may refer the
6 patient, in writing, to another health care facility, physician,
7 registered professional nurse, or other designated agency or
8 program which is able to perform the lead screening.

9 c. If a physician, registered professional nurse, or health care
10 facility, agency, or program receives laboratory test results
11 indicating that a child has an elevated blood lead level, the
12 physician, registered professional nurse, or health care facility,
13 agency, or program shall notify the parent or guardian of the child,
14 in writing, about the test results, and shall additionally provide the
15 parent or guardian with an explanation, in plain language, of the
16 significance of lead poisoning. The physician, registered
17 professional nurse, or health care facility, agency, or program shall
18 also take appropriate measures to ensure that any of the child's
19 siblings or other members of the household who are **under the age**
20 **of six** 16 years of age or younger either are, or have been, screened
21 for lead exposure.

22 d. A physician, registered professional nurse, or health care
23 facility, agency, or program shall not be required to conduct lead
24 screening under this act if the parent or guardian of the child objects
25 to the testing in writing.

26 e. (1) The department shall specify, by regulation, the
27 parameters for lead screening required under this act, including the
28 age of the child when initial screening shall be conducted, the time
29 intervals between screening, when follow-up testing is required, and
30 the methods that shall be used to conduct the lead screening.

31 (2) (a) The department shall additionally specify, by regulation,
32 in accordance with the most recent recommendations of the federal
33 Centers for Disease Control and Prevention, the elevated blood lead
34 levels that require responsive action under this act, and the types of
35 responsive action, including environmental follow-up, notice to the
36 family, additional screening of family members, the provision of
37 case management services, and the provision of medical treatment
38 such as chelation therapy, that shall be undertaken when a screening
39 test reveals an elevated blood lead level. The levels of responsive
40 action required by the department pursuant to this paragraph may
41 vary, consistent with the latest recommendations of the federal
42 Centers for Disease Control and Prevention, based on the severity
43 of the elevated blood lead level.

44 (b) Within 30 days after the enactment of P.L.2017, c.7, and on
45 a biennial basis thereafter, the department shall review and
46 appropriately revise its rules and regulations pertaining to elevated
47 blood lead levels, in order to ensure that they appropriately reflect,

1 and are consistent with, the latest guidance from the federal Centers
2 for Disease Control and Prevention.

3 f. The department shall develop a mechanism, such as
4 distribution of lead screening record cards or other appropriate
5 means, by which children who have undergone lead screening can
6 be identified by physicians, registered professional nurses, and
7 health care facilities, agencies, and programs that perform lead
8 screening, so as to avoid duplicate lead screening of children.

9 g. The department shall continuously engage in a public
10 information campaign to inform the parents of young children, as
11 well as physicians, registered professional nurses, and other health
12 care providers, of the lead screening requirements of this act. At a
13 minimum, the public information campaign shall: (1) highlight the
14 importance of lead screening, and encourage parents, especially
15 those who have not yet complied with the lead screening provisions
16 of this act, to have their children screened for lead poisoning at
17 regular intervals, in accordance with the age-based timeframes
18 established by department regulation; and (2) provide for the
19 widespread dissemination of information to parents and health care
20 providers on the dangers of lead poisoning, the factors that
21 contribute to lead poisoning, the recommended ages at which
22 children should be tested for lead poisoning, and the elevated blood
23 lead levels that require responsive action under this act. If the
24 department changes the elevated blood lead levels that require
25 responsive action under this act, as may be necessary to conform its
26 regulations to federal guidance, the information disseminated
27 through the public information campaign shall be appropriately
28 revised to reflect the new action levels, and shall be reissued to
29 parents and health care providers, within 30 days after the change is
30 implemented.

31 h. The department, to the greatest extent possible, shall
32 coordinate payment for lead screening required pursuant to this act
33 with the State Medicaid program established pursuant to P.L.1968,
34 c.413 (C.30:4D-1 et seq.) and other federal children's health
35 programs, so as to ensure that the State receives the maximum
36 amount of federal financial participation available for the lead
37 screening services provided pursuant to this act.
38 (cf: P.L.2017, c.7, s.5.)

39

40 3. This act shall take effect on the 90th day after the date of
41 enactment.

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STATEMENT

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46 This bill requires health insurance companies to cover lead
47 screenings for children 16 years of age or younger. Under current
48 law, health insurance companies are only required to cover

1 screenings by blood lead measurement for children under the age of
2 six.

3 This bill will help protect the children of New Jersey from the
4 harms of lead poisoning and elevated blood lead levels. There is no
5 safe level of lead exposure in children, as even low levels of lead in
6 the bloodstream can stunt a child's development. By requiring
7 health insurance companies to cover lead screenings in children
8 who are 16 years of age or younger, the State will be taking a
9 substantial step to detect lead exposure in children before it is too
10 late.