

ASSEMBLY, No. 2459

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Co-Sponsored by:

Assemblywoman Vainieri Huttle

SYNOPSIS

Requires insurance coverage of diapers when medically necessary.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/13/2020)

1 AN ACT concerning insurance coverage of diapers and
2 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 this act, shall provide
12 benefits to any covered person for medical expenses incurred in the
13 purchase of diapers, as determined medically necessary by the
14 covered person's pediatrician or other medical doctor. The benefits
15 shall be provided without the imposition of any prior authorization
16 or other utilization management requirements.

17 b. The provisions of this section shall apply to all hospital
18 service corporation contracts in which the hospital service
19 corporation has reserved the right to change the premium.

20
21 2. a. A medical service corporation contract that provides
22 hospital or medical expense benefits and is delivered, issued,
23 executed or renewed in this State pursuant to P.L.1940, c.74
24 (C.17:48A-1 et seq.), or approved for issuance or renewal in this
25 State by the Commissioner of Banking and Insurance on or after the
26 effective date of this act, shall provide benefits to any covered
27 person for medical expenses incurred in the purchase of diapers, as
28 determined medically necessary by the covered person's
29 pediatrician or other medical doctor. The benefits shall be provided
30 without the imposition of any prior authorization or other utilization
31 management requirements.

32 b. The provisions of this section shall apply to all medical
33 service corporation contracts in which the medical service
34 corporation has reserved the right to change the premium.

35
36 3. a. A health service corporation contract that provides
37 hospital or medical expense benefits and is delivered, issued,
38 executed or renewed in this State pursuant to P.L.1985, c.236
39 (C.17:48E-1 et al.), or approved for issuance or renewal in this State
40 by the Commissioner of Banking and Insurance on or after the
41 effective date of this act, shall provide benefits to any covered
42 person for medical expenses incurred in the purchase of diapers, as
43 determined medically necessary by the covered person's
44 pediatrician or other medical doctor. The benefits shall be provided
45 without the imposition of any prior authorization or other utilization
46 management requirements.

1 b. The provisions of this section shall apply to all health
2 service corporation contracts in which the health service
3 corporation has reserved the right to change the premium.

4
5 4. a. An individual health insurance policy that provides
6 hospital and medical expense benefits and is delivered, issued,
7 executed, or renewed in this State pursuant to chapter 26 of Title
8 17B of the New Jersey Statutes, or approved for issuance or renewal
9 in this State by the Commissioner of Banking and Insurance, on or
10 after the effective date of this act, shall provide benefits to any
11 covered person for medical expenses incurred in the purchase of
12 diapers, as determined medically necessary by the covered person's
13 pediatrician or other medical doctor. The benefits shall be provided
14 without the imposition of any prior authorization or other utilization
15 management requirements.

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

18
19 5. a. A group health insurance policy that provides hospital and
20 medical expense benefits and is delivered, issued, executed, or
21 renewed in this State pursuant to chapter 27 of Title 17B of the New
22 Jersey Statutes, or approved for issuance or renewal in this State by
23 the Commissioner of Banking and Insurance, on or after the
24 effective date of this act, shall provide benefits to any covered
25 person for medical expenses incurred in the purchase of diapers, as
26 determined medically necessary by the covered person's
27 pediatrician or other medical doctor. The benefits shall be provided
28 without the imposition of any prior authorization or other utilization
29 management requirements.

30 b. This section shall apply to those policies in which the insurer
31 has reserved the right to change the premium.

32
33 6. a. An individual health benefits plan that provides hospital
34 and medical expense benefits and is delivered, issued, executed or
35 renewed in this State pursuant to P.L.1992, c.161 (C.17B:27A-2 et
36 seq.), or approved for issuance or renewal in this State by the
37 Commissioner of Banking and Insurance, on or after the effective
38 date of this act, shall provide benefits to any covered person for
39 medical expenses incurred in the purchase of diapers, as determined
40 medically necessary by the covered person's pediatrician or other
41 medical doctor. The benefits shall be provided without the
42 imposition of any prior authorization or other utilization
43 management requirements.

44 b. This section shall apply to those health benefits plans in
45 which the carrier has reserved the right to change the premium.

46
47 7. a. A small employer health benefits plan that provides
48 hospital and medical expense benefits and is delivered, issued,

1 executed or renewed in this State pursuant to P.L.1992, c.162
2 (C.17B:27A-17 et seq.), or approved for issuance or renewal in this
3 State by the Commissioner of Banking and Insurance, on or after
4 the effective date of this act, shall provide benefits to any covered
5 person for medical expenses incurred in the purchase of diapers, as
6 determined medically necessary by the covered person's
7 pediatrician or other medical doctor. The benefits shall be provided
8 without the imposition of any prior authorization or other utilization
9 management requirements.

10 b. This section shall apply to those health benefits plans in
11 which the carrier has reserved the right to change the premium.
12

13 8. a. A health maintenance organization contract for health
14 care services that is delivered, issued, executed, or renewed in this
15 State pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.), or approved
16 for issuance or renewal in this State by the Commissioner of
17 Banking and Insurance, on or after the effective date of this act,
18 shall provide benefits to any covered person for medical expenses
19 incurred in the purchase of diapers, as determined medically
20 necessary by the covered person's pediatrician or other medical
21 doctor. The benefits shall be provided without the imposition of
22 any prior authorization or other utilization management
23 requirements.

24 b. This section shall apply to those contracts for health care
25 services under which the health maintenance organization has
26 reserved the right to change the schedule of charges for enrollee
27 coverage.
28

29 9. The State Health Benefits Commission shall ensure that
30 every contract purchased by the commission on or after the
31 effective date of this act that provides hospital and medical expense
32 benefits shall provide benefits to any covered person for medical
33 expenses incurred in the purchase of diapers, as determined
34 medically necessary by the covered person's pediatrician or other
35 medical doctor. The benefits shall be provided without the
36 imposition of any prior authorization or other utilization
37 management requirements.
38

39 10. The School Employees' Health Benefits Commission shall
40 ensure that every contract purchased by the commission on or after
41 the effective date of this act that provides hospital and medical
42 expense benefits shall provide benefits to any covered person for
43 medical expenses incurred in the purchase of diapers, as determined
44 medically necessary by the covered person's pediatrician or other
45 medical doctor. The benefits shall be provided without the
46 imposition of any prior authorization or other utilization
47 management requirements.

1 11. This act shall take effect on the 90th day next following
2 enactment.

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4

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STATEMENT

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7 This bill requires health benefits coverage for medical expenses
8 incurred in the purchase of diapers that are deemed medically
9 necessary. Whether diapers are a medical necessity shall be
10 determined by the covered person's pediatrician or other medical
11 doctor.

12 Some persons suffer from genetic or other conditions that require
13 the use of diapers beyond early childhood. Under this bill, insurers
14 will be required to provide coverage for diapers for persons for
15 whom the use of diapers is a medical necessity.