

SENATE, No. 1386

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Senator JOSEPH PENNACCHIO
District 26 (Essex, Morris and Passaic)

SYNOPSIS

Requires health insurers to provide coverage for the treatment of tick-borne diseases.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning health insurance coverage of tick-borne
2 diseases 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. 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 coverage for expenses incurred in the treatment of a tick-borne
13 disease determined to be medically necessary by the covered
14 person's physician, including, but not limited to, long-term
15 antibiotic therapy and ongoing testing.

16 As used in this section:

17 “Long-term antibiotic therapy” means the administration of oral,
18 intramuscular, or intravenous antibiotics singly or in combination
19 for periods of time in excess of four weeks.

20 “Tick-borne disease” means a disease caused when an infected
21 tick bites a person and the tick’s saliva transmits an infectious
22 agent, including bacteria, viruses, or parasites, that can cause
23 illness. “Tick-borne disease” includes:

24 (1) a severe infection with *borrelia burgdorferi*;

25 (2) a late stage, persistent, or chronic infection, or complications
26 related to an infection;

27 (3) an infection with other strains of *borrelia* or a tick-borne
28 disease that is recognized by the United States Centers for Disease
29 Control and Prevention; and

30 (4) the presence of signs or symptoms compatible with acute
31 infection of *borrelia* or other tick-borne diseases recognized by the
32 United States Centers for Disease Control and Prevention.

33 b. Treatment otherwise eligible for benefits pursuant to this
34 section may not be denied solely because the treatment may be
35 characterized as experimental or investigational in nature or the
36 treatment involves the use of a prescription drug for a treatment that
37 has not been approved by the Food and Drug Administration, if the
38 drug:

39 (1) is recognized as being medically appropriate for the specific
40 type of treatment for which the drug has been prescribed in any
41 official compendium widely accepted by the medical profession; or

42 (2) is recommended by a clinical study or review article in a
43 major peer-reviewed professional journal.

44 c. This section shall apply to all contracts in which the hospital
45 service corporation has reserved the right to change the premium.

46
47 2. a. A medical service corporation contract that provides
48 hospital or medical expense benefits and is delivered, issued,

1 executed or renewed in this State, or approved for issuance or
2 renewal in this State by the Commissioner of Banking and
3 Insurance on or after the effective date of this act, shall provide
4 coverage for expenses incurred in the treatment of a tick-borne
5 disease determined to be medically necessary by the covered
6 person's physician, including, but not limited to, long-term
7 antibiotic therapy and ongoing testing.

8 As used in this section:

9 "Long-term antibiotic therapy" means the administration of oral,
10 intramuscular, or intravenous antibiotics singly or in combination
11 for periods of time in excess of four weeks.

12 "Tick-borne disease" means a disease caused when an infected
13 tick bites a person and the tick's saliva transmits an infectious
14 agent, including bacteria, viruses, or parasites, that can cause
15 illness. "Tick-borne disease" includes:

16 (1) a severe infection with borrelia burgdorferi;

17 (2) a late stage, persistent, or chronic infection, or complications
18 related to an infection;

19 (3) an infection with other strains of borrelia or a tick-borne
20 disease that is recognized by the United States Centers for Disease
21 Control and Prevention; and

22 (4) the presence of signs or symptoms compatible with acute
23 infection of borrelia or other tick-borne diseases recognized by the
24 United States Centers for Disease Control and Prevention.

25 b. Treatment otherwise eligible for benefits pursuant to this
26 section may not be denied solely because the treatment may be
27 characterized as experimental or investigational in nature or the
28 treatment involves the use of a prescription drug for a treatment that
29 has not been approved by the Food and Drug Administration, if the
30 drug:

31 (1) is recognized as being medically appropriate for the specific
32 type of treatment for which the drug has been prescribed in any
33 official compendium widely accepted by the medical profession; or

34 (2) is recommended by a clinical study or review article in a
35 major peer-reviewed professional journal.

36 c. This section shall apply to all contracts in which the medical
37 service corporation has reserved the right to change the premium.

38
39 3. a. A health service corporation contract that provides
40 hospital or medical expense benefits and is delivered, issued,
41 executed or renewed in this State, or approved for issuance or
42 renewal in this State by the Commissioner of Banking and
43 Insurance on or after the effective date of this act, shall provide
44 coverage for expenses incurred in the treatment of a tick-borne
45 disease determined to be medically necessary by the covered
46 person's physician, including, but not limited to, long-term
47 antibiotic therapy and ongoing testing.

48 As used in this section:

1 “Long-term antibiotic therapy” means the administration of oral,
2 intramuscular, or intravenous antibiotics singly or in combination
3 for periods of time in excess of four weeks.

4 “Tick-borne disease” means a disease caused when an infected
5 tick bites a person and the tick’s saliva transmits an infectious
6 agent, including bacteria, viruses, or parasites, that can cause
7 illness. “Tick-borne disease” includes:

8 (1) a severe infection with *borrelia burgdorferi*;

9 (2) a late stage, persistent, or chronic infection, or complications
10 related to an infection;

11 (3) an infection with other strains of *borrelia* or a tick-borne
12 disease that is recognized by the United States Centers for Disease
13 Control and Prevention; and

14 (4) the presence of signs or symptoms compatible with acute
15 infection of *borrelia* or other tick-borne diseases recognized by the
16 United States Centers for Disease Control and Prevention.

17 b. Treatment otherwise eligible for benefits pursuant to this
18 section may not be denied solely because the treatment may be
19 characterized as experimental or investigational in nature or the
20 treatment involves the use of a prescription drug for a treatment that
21 has not been approved by the Food and Drug Administration, if the
22 drug:

23 (1) is recognized as being medically appropriate for the specific
24 type of treatment for which the drug has been prescribed in any
25 official compendium widely accepted by the medical profession; or

26 (2) is recommended by a clinical study or review article in a
27 major peer-reviewed professional journal.

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

30

31 4. a. An individual health insurance policy that provides
32 hospital or medical expense benefits and is delivered, issued,
33 executed or renewed in this State, or approved for issuance or
34 renewal in this State by the Commissioner of Banking and
35 Insurance on or after the effective date of this act, shall provide
36 coverage for expenses incurred in the treatment of a tick-borne
37 disease determined to be medically necessary by the covered
38 person's physician, including, but not limited to, long-term
39 antibiotic therapy and ongoing testing.

40 As used in this section:

41 “Long-term antibiotic therapy” means the administration of oral,
42 intramuscular, or intravenous antibiotics singly or in combination
43 for periods of time in excess of four weeks.

44 “Tick-borne disease” means a disease caused when an infected
45 tick bites a person and the tick’s saliva transmits an infectious
46 agent, including bacteria, viruses, or parasites, that can cause
47 illness. “Tick-borne disease” includes:

48 (1) a severe infection with *borrelia burgdorferi*;

1 (2) a late stage, persistent, or chronic infection, or complications
2 related to an infection;

3 (3) an infection with other strains of borrelia or a tick-borne
4 disease that is recognized by the United States Centers for Disease
5 Control and Prevention; and

6 (4) the presence of signs or symptoms compatible with acute
7 infection of borrelia or other tick-borne diseases recognized by the
8 United States Centers for Disease Control and Prevention.

9 b. Treatment otherwise eligible for benefits pursuant to this
10 section may not be denied solely because the treatment may be
11 characterized as experimental or investigational in nature or the
12 treatment involves the use of a prescription drug for a treatment that
13 has not been approved by the Food and Drug Administration, if the
14 drug:

15 (1) is recognized as being medically appropriate for the specific
16 type of treatment for which the drug has been prescribed in any
17 official compendium widely accepted by the medical profession; or

18 (2) is recommended by a clinical study or review article in a
19 major peer-reviewed professional journal.

20 c. This section shall apply to those individual health insurance
21 policies in which the insurer has reserved the right to change the
22 premium.

23

24 5. a. A group health insurance policy that provides hospital or
25 medical expense benefits and is delivered, issued, executed or
26 renewed in this State, or approved for issuance or renewal in this
27 State by the Commissioner of Banking and Insurance on or after the
28 effective date of this act, shall provide coverage for expenses
29 incurred in the treatment of a tick-borne disease determined to be
30 medically necessary by the covered person's physician, including,
31 but not limited to, long-term antibiotic therapy and ongoing testing.

32 As used in this section:

33 "Long-term antibiotic therapy" means the administration of oral,
34 intramuscular, or intravenous antibiotics singly or in combination
35 for periods of time in excess of four weeks.

36 "Tick-borne disease" means a disease caused when an infected
37 tick bites a person and the tick's saliva transmits an infectious
38 agent, including bacteria, viruses, or parasites, that can cause
39 illness. "Tick-borne disease" includes:

40 (1) a severe infection with borrelia burgdorferi;

41 (2) a late stage, persistent, or chronic infection, or complications
42 related to an infection;

43 (3) an infection with other strains of borrelia or a tick-borne
44 disease that is recognized by the United States Centers for Disease
45 Control and Prevention; and

46 (4) the presence of signs or symptoms compatible with acute
47 infection of borrelia or other tick-borne diseases recognized by the
48 United States Centers for Disease Control and Prevention.

1 b. Treatment otherwise eligible for benefits pursuant to this
2 section may not be denied solely because the treatment may be
3 characterized as experimental or investigational in nature or the
4 treatment involves the use of a prescription drug for a treatment that
5 has not been approved by the Food and Drug Administration, if the
6 drug:

7 (1) is recognized as being medically appropriate for the specific
8 type of treatment for which the drug has been prescribed in any
9 official compendium widely accepted by the medical profession; or

10 (2) is recommended by a clinical study or review article in a
11 major peer-reviewed professional journal.

12 c. This section shall apply to all group health insurance
13 policies in which the insurer has reserved the right to change the
14 premium.

15
16 6. a. A individual health benefits plan that provides hospital
17 and medical expense benefits and is delivered, issued, executed, or
18 renewed in this State, or approved for issuance or renewal in this
19 State by the Commissioner of Banking and Insurance on or after the
20 effective date of this act, shall provide benefits for expenses
21 incurred in the treatment of a tick-borne disease determined to be
22 medically necessary by the covered person's physician, including,
23 but not limited to, long-term antibiotic therapy and ongoing testing.

24 As used in this section:

25 “Long-term antibiotic therapy” means the administration of oral,
26 intramuscular, or intravenous antibiotics singly or in combination
27 for periods of time in excess of four weeks.

28 “Tick-borne disease” means a disease caused when an infected
29 tick bites a person and the tick’s saliva transmits an infectious
30 agent, including bacteria, viruses, or parasites, that can cause
31 illness. “Tick-borne disease” includes:

32 (1) a severe infection with borrelia burgdorferi;

33 (2) a late stage, persistent, or chronic infection, or complications
34 related to an infection;

35 (3) an infection with other strains of borrelia or a tick-borne
36 disease that is recognized by the United States Centers for Disease
37 Control and Prevention; and

38 (4) the presence of signs or symptoms compatible with acute
39 infection of borrelia or other tick-borne diseases recognized by the
40 United States Centers for Disease Control and Prevention.

41 b. Treatment otherwise eligible for benefits pursuant to this
42 section may not be denied solely because the treatment may be
43 characterized as experimental or investigational in nature or the
44 treatment involves the use of a prescription drug for a treatment that
45 has not been approved by the Food and Drug Administration, if the
46 drug:

1 (1) is recognized as being medically appropriate for the specific
2 type of treatment for which the drug has been prescribed in any
3 official compendium widely accepted by the medical profession; or

4 (2) is recommended by a clinical study or review article in a
5 major peer-reviewed professional journal.

6 c. This section shall apply to those individual health benefits
7 plans in which the carrier has reserved the right to change the
8 premium.

9
10 7. a. A small employer health benefits plan that provides
11 hospital and medical expense benefits and is delivered, issued,
12 executed, or renewed in this State, 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 for expenses incurred in the treatment of a tick-borne
16 disease determined to be medically necessary by the covered
17 person's physician, including, but not limited to, long-term
18 antibiotic therapy and ongoing testing.

19 As used in this section:

20 "Long-term antibiotic therapy" means the administration of oral,
21 intramuscular, or intravenous antibiotics singly or in combination
22 for periods of time in excess of four weeks.

23 "Tick-borne disease" means a disease caused when an infected
24 tick bites a person and the tick's saliva transmits an infectious
25 agent, including bacteria, viruses, or parasites, that can cause
26 illness. "Tick-borne disease" includes:

27 (1) a severe infection with borrelia burgdorferi;

28 (2) a late stage, persistent, or chronic infection, or complications
29 related to an infection;

30 (3) an infection with other strains of borrelia or a tick-borne
31 disease that is recognized by the United States Centers for Disease
32 Control and Prevention; and

33 (4) the presence of signs or symptoms compatible with acute
34 infection of borrelia or other tick-borne diseases recognized by the
35 United States Centers for Disease Control and Prevention.

36 b. Treatment otherwise eligible for benefits pursuant to this
37 section may not be denied solely because the treatment may be
38 characterized as experimental or investigational in nature or the
39 treatment involves the use of a prescription drug for a treatment that
40 has not been approved by the Food and Drug Administration, if the
41 drug:

42 (1) is recognized as being medically appropriate for the specific
43 type of treatment for which the drug has been prescribed in any
44 official compendium widely accepted by the medical profession; or

45 (2) is recommended by a clinical study or review article in a
46 major peer-reviewed professional journal.

1 c. This section shall apply to those small employer health
2 benefits plans in which the carrier has reserved the right to change
3 the premium.

4
5 8. a. A health maintenance organization contract for health
6 care services that is delivered, issued, executed or renewed in this
7 State, or approved for issuance or renewal in this State by the
8 Commissioner of Banking and Insurance on or after the effective
9 date of this act, shall provide coverage for expenses incurred in the
10 treatment of a tick-borne disease determined to be medically
11 necessary by the covered person's physician, including, but not
12 limited to, long-term antibiotic therapy and ongoing testing.

13 As used in this section:

14 “Long-term antibiotic therapy” means the administration of oral,
15 intramuscular, or intravenous antibiotics singly or in combination
16 for periods of time in excess of four weeks.

17 “Tick-borne disease” means a disease caused when an infected
18 tick bites a person and the tick’s saliva transmits an infectious
19 agent, including bacteria, viruses, or parasites, that can cause
20 illness. “Tick-borne disease” includes:

21 (1) a severe infection with borrelia burgdorferi;

22 (2) a late stage, persistent, or chronic infection, or complications
23 related to an infection;

24 (3) an infection with other strains of borrelia or a tick-borne
25 disease that is recognized by the United States Centers for Disease
26 Control and Prevention; and

27 (4) the presence of signs or symptoms compatible with acute
28 infection of borrelia or other tick-borne diseases recognized by the
29 United States Centers for Disease Control and Prevention.

30 b. Treatment otherwise eligible for benefits pursuant to this
31 section may not be denied solely because the treatment may be
32 characterized as experimental or investigational in nature or the
33 treatment involves the use of a prescription drug for a treatment that
34 has not been approved by the Food and Drug Administration, if the
35 drug:

36 (1) is recognized as being medically appropriate for the specific
37 type of treatment for which the drug has been prescribed in any
38 official compendium widely accepted by the medical profession; or

39 (2) is recommended by a clinical study or review article in a
40 major peer-reviewed professional journal.

41 c. This section shall apply to those contracts for health care
42 services under which the health maintenance organization has
43 reserved the right to change the schedule of charges for enrollee
44 coverage.

45
46 9. a. The State Health Benefits Commission shall ensure that
47 every contract purchased by the commission on or after the
48 effective date of this act that provides hospital or medical expense

1 shall provide coverage for expenses incurred in the treatment of a
2 tick-borne disease determined to be medically necessary by the
3 covered person's physician, including, but not limited to, long-term
4 antibiotic therapy and ongoing testing.

5 As used in this section:

6 "Long-term antibiotic therapy" means the administration of oral,
7 intramuscular, or intravenous antibiotics singly or in combination
8 for periods of time in excess of four weeks.

9 "Tick-borne disease" means a disease caused when an infected
10 tick bites a person and the tick's saliva transmits an infectious
11 agent, including bacteria, viruses, or parasites, that can cause
12 illness. "Tick-borne disease" includes:

13 (1) a severe infection with borrelia burgdorferi;

14 (2) a late stage, persistent, or chronic infection, or complications
15 related to an infection;

16 (3) an infection with other strains of borrelia or a tick-borne
17 disease that is recognized by the United States Centers for Disease
18 Control and Prevention; and

19 (4) the presence of signs or symptoms compatible with acute
20 infection of borrelia or other tick-borne diseases recognized by the
21 United States Centers for Disease Control and Prevention.

22 b. Treatment otherwise eligible for benefits pursuant to this
23 section may not be denied solely because the treatment may be
24 characterized as experimental or investigational in nature or the
25 treatment involves the use of a prescription drug for a treatment that
26 has not been approved by the Food and Drug Administration, if the
27 drug:

28 (1) is recognized as being medically appropriate for the specific
29 type of treatment for which the drug has been prescribed in any
30 official compendium widely accepted by the medical profession; or

31 (2) is recommended by a clinical study or review article in a
32 major peer-reviewed professional journal.

33
34 10. a. The School Employees' Health Benefits Commission
35 shall ensure that every contract purchased by the commission on or
36 after the effective date of this act that provides hospital and medical
37 expense benefits shall provide coverage for expenses incurred in the
38 treatment of a tick-borne disease determined to be medically
39 necessary by the covered person's physician, including, but not
40 limited to, long-term antibiotic therapy and ongoing testing.

41 As used in this section:

42 "Long-term antibiotic therapy" means the administration of oral,
43 intramuscular, or intravenous antibiotics singly or in combination
44 for periods of time in excess of four weeks.

45 "Tick-borne disease" means a disease caused when an infected
46 tick bites a person and the tick's saliva transmits an infectious
47 agent, including bacteria, viruses, or parasites, that can cause
48 illness. "Tick-borne disease" includes:

- 1 (1) a severe infection with borrelia burgdorferi;
2 (2) a late stage, persistent, or chronic infection, or complications
3 related to an infection;
4 (3) an infection with other strains of borrelia or a tick-borne
5 disease that is recognized by the United States Centers for Disease
6 Control and Prevention; and
7 (4) the presence of signs or symptoms compatible with acute
8 infection of borrelia or other tick-borne diseases recognized by the
9 United States Centers for Disease Control and Prevention.
- 10 b. Treatment otherwise eligible for benefits pursuant to this
11 section may not be denied solely because the treatment may be
12 characterized as experimental or investigational in nature or the
13 treatment involves the use of a prescription drug for a treatment that
14 has not been approved by the Food and Drug Administration, if the
15 drug:
- 16 (1) is recognized as being medically appropriate for the specific
17 type of treatment for which the drug has been prescribed in any
18 official compendium widely accepted by the medical profession; or
19 (2) is recommended by a clinical study or review article in a
20 major peer-reviewed professional journal.

21
22 11. This act shall take effect on the 90th day after enactment.
23

24
25 STATEMENT
26

27 This bill requires health insurers (health, hospital and medical
28 service corporations, commercial individual and group health
29 insurers, health maintenance organizations, health benefits plans
30 issued pursuant to the New Jersey Individual Health Coverage and
31 Small Employer Health Benefits Programs, the State Health
32 Benefits Program, and the School Employees' Health Benefits
33 Program) to provide coverage for expenses incurred in the treatment
34 of a tick-borne disease. Treatment otherwise eligible for benefits
35 pursuant to this bill may not be denied solely because such
36 treatment may be characterized as experimental or investigational in
37 nature or because the treatment requires the use of a prescription
38 drug in an off-label manner.