

# ASSEMBLY, No. 2535

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MAY 5, 2008

**Sponsored by:**

**Assemblyman REED GUSCIORA**

**District 15 (Mercer)**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**SYNOPSIS**

Requires dental benefits coverage for dental composite restorations.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/6/2008)**

1 AN ACT concerning coverage for certain dental services 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. Every dental service corporation contract that is delivered,  
8 issued, executed or renewed in this State, or approved for issuance  
9 or renewal in this State by the Commissioner of Banking and  
10 Insurance pursuant to P.L.1968, c.305 (C.17:48C-1 et seq.), on or  
11 after the effective date of this act, shall provide coverage to any  
12 covered person for dental composite restorations at the basic service  
13 percentage level of the usual, customary and reasonable fee.

14

15 2. Every certificate of authority to establish and operate a  
16 dental plan organization pursuant to P.L.1979, c.473 (C.17:48D-1 et  
17 seq.), issued or continued by the Commissioner of Banking and  
18 Insurance on or after the effective date of this act, shall provide  
19 coverage to any covered person for dental composite restorations at  
20 the basic service percentage level of the usual, customary and  
21 reasonable fee.

22

23 3. Every health service corporation contract providing dental  
24 expense benefits that is delivered, issued, executed or renewed in  
25 this State, or approved for issuance or renewal in this State by the  
26 Commissioner of Banking and Insurance pursuant to P.L.1985,  
27 c.236 (C.17:48E-1 et seq.), on or after the effective date of this act,  
28 shall provide coverage to any covered person for dental composite  
29 restorations at the basic service percentage level of the usual,  
30 customary and reasonable fee.

31

32 4. Every individual health insurance policy providing dental  
33 expense benefits that is delivered, issued, executed or renewed in  
34 this State pursuant to chapter 26 of Title 17B of the New Jersey  
35 Statutes, or approved for issuance or renewal in this State by the  
36 Commissioner of Banking and Insurance, on or after the effective  
37 date of this act, shall provide coverage to any covered person for  
38 dental composite restorations at the basic service percentage level  
39 of the usual, customary and reasonable fee.

40

41 5. Every group health insurance policy providing dental  
42 expense benefits that is delivered, issued, executed or renewed in  
43 this State pursuant to chapter 27 of Title 17B of the New Jersey  
44 Statutes, or approved for issuance or renewal in this State by the  
45 Commissioner of Banking and Insurance, on or after the effective  
46 date of this act, shall provide coverage to any covered person for  
47 dental composite restorations at the basic service percentage level  
48 of the usual, customary and reasonable fee.

1       6. Every certificate of authority to establish and operate a  
2 health maintenance organization in this State pursuant to P.L.1973,  
3 c.337 (C.26:2J-1 et seq.), issued or continued by the Commissioner  
4 of Banking and Insurance on or after the effective date of this act,  
5 which provides coverage to any covered person for dental expense  
6 benefits shall provide coverage for dental composite restorations at  
7 the basic service percentage level of the usual, customary and  
8 reasonable fee.

9  
10       7. The Commissioner of Human Services shall ensure that  
11 every contract for health care services under the Medicaid program  
12 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and the NJ  
13 FamilyCare Program pursuant to P.L.2005, c.156 (C.30:4J-8 et  
14 seq.), entered into on or after the effective date of this act, and that  
15 the fee-for-service Medicaid program on or after the effective date  
16 of this act, provide benefits to any recipient or other covered person  
17 for dental composite restorations at the basic service percentage  
18 level of the usual, customary and reasonable fee.

19  
20       8. a. Every policy of private passenger automobile insurance  
21 delivered, issued, executed or renewed in this State, or approved for  
22 issuance or renewal in this State by the Commissioner of Banking  
23 and Insurance, on or after the effective date of this act, which  
24 includes medical expense benefits as part of personal injury  
25 protection coverage pursuant to section 4 of P.L.1972, c.70  
26 (C.39:6A-4) or section 4 of P.L.1998, c. 21 (C. 39:6A-3.1), shall  
27 provide coverage to any covered person for dental composite  
28 restorations at the basic service percentage level of the usual,  
29 customary and reasonable fee.

30       b. In establishing by regulation the basic medical expense  
31 benefits which shall be included in a policy of private passenger  
32 automobile insurance pursuant to section 4 of P.L.1972, c.70  
33 (C.39:6A-4) or section 4 of P.L.1998, c.21 (C.39:6A-3.1), the  
34 commissioner shall include coverage for any covered person for  
35 dental composite restorations at the basic service percentage level  
36 of the usual, customary and reasonable fee.

37  
38       9. The State Health Benefits Commission shall ensure that  
39 every contract purchased or renewed by the commission, on or after  
40 the effective date of this act that provides benefits to any covered  
41 person for dental services, shall provide coverage for dental  
42 composite restorations at the basic service percentage level of the  
43 usual, customary and reasonable fee.

44  
45       10. This act shall take effect on the 180th day next following  
46 enactment.

STATEMENT

1

2

3       This bill requires coverage for dental composite restorations at  
4 the basic service percentage level of the usual, customary and  
5 reasonable fee under dental service corporation and dental plan  
6 organization contracts approved for issuance or renewal in this  
7 State by the Commissioner of Banking and Insurance. The same  
8 coverage would be required under all health benefits plans  
9 providing dental expense benefits issued by health insurance  
10 carriers, such as health service corporations, individual and group  
11 health insurers, health maintenance organizations and the State  
12 Health Benefits Plan. It would also require the same coverage  
13 under the medical expense benefits portion of basic and standard  
14 private passenger automobile insurance policies, and, finally, under  
15 contracts for health care services under the Medicaid and NJ  
16 FamilyCare Programs and the fee-for-service Medicaid program.

17       While dental amalgam is a safe and effective dental restorative  
18 material that has been used for more than 150 years, the reduction  
19 of products that contain mercury, including dental amalgam, is  
20 beneficial to the environment. Certain dental composite restorative  
21 materials exist in the marketplace today which do not contain  
22 mercury; however, the costs are greater than those of dental  
23 amalgam. Because of this, in most instances, dental plans and  
24 health insurance carriers have chosen not to cover the additional  
25 costs associated with dental composite restorative materials, which  
26 in turn promotes the continued use of dental amalgam. In order to  
27 ensure greater use of dental composite restorative materials among  
28 the citizens of the State, this bill requires dental and health benefits  
29 plan coverage of dental restorative materials whenever dental  
30 expense benefits are provided.