

SENATE, No. 3919

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 5, 2023

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

Co-Sponsored by:

Senators Diegnan and Bramnick

SYNOPSIS

Requires health benefits coverage for additional prosthetic appliance under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/8/2024)

1 AN ACT concerning health benefits coverage and prosthetic
2 appliances and amending P.L.2007, c.345.

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.2007, c.345 (C.17:48-6ff) is amended to
8 read as follows:

9 1. a. Every hospital service corporation contract that provides
10 hospital or medical expense benefits and is delivered, issued,
11 executed or renewed in this State pursuant to P.L.1938, c.366
12 (C.17:48-1 et seq.), or approved for issuance or renewal in this State
13 by the Commissioner of Banking and Insurance on or after the
14 effective date of this act, shall provide benefits to any person
15 covered thereunder for expenses incurred in obtaining:

16 (1) an orthotic or prosthetic appliance from any licensed
17 orthotist or prosthetist, or any certified pedorthist, as determined
18 medically necessary by the covered person's physician; and

19 (2) an additional orthotic or prosthetic appliance from any
20 licensed orthotist or prosthetist, or any certified pedorthist, if the
21 covered person's physician determines that the additional appliance
22 is necessary to enable the covered person to engage in physical and
23 recreational activities, including running, bicycling, swimming,
24 climbing, skiing, snowboarding, and team and individual sports.

25 As used in this section, "orthotic appliance," "prosthetic
26 appliance," "licensed orthotist" and "licensed prosthetist" have the
27 meaning assigned to them in section 3 of P.L.1991, c.512
28 (C.45:12B-3) and "certified pedorthist" has the meaning assigned to
29 it in subsection j. of section 18 of P.L.1991, c.512 (C.45:12B-18).

30 b. On and after the effective date of this act, a hospital service
31 corporation contract shall reimburse for orthotic and prosthetic
32 appliances at the same rate as reimbursement for such appliances
33 under the federal Medicare reimbursement schedule.

34 c. The benefits shall be provided to the same extent as for any
35 other medical condition under the contract.

36 d. The provisions of this section shall apply to all hospital
37 service corporation contracts in which the hospital service
38 corporation has reserved the right to change the premium.

39 (cf: P.L.2007, c.345, s.1)

40

41 2. Section 2 of P.L.2007, c.345 (C.17:48A-7cc) is amended to
42 read as follows:

43 2. a. Every medical service corporation contract that provides
44 hospital or medical expense benefits and is delivered, issued,
45 executed or renewed in this State pursuant to P.L.1940, c.74

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 (C.17:48A-1 et seq.), or approved for issuance or renewal in this
2 State by the Commissioner of Banking and Insurance on or after the
3 effective date of this act, shall provide benefits to any person
4 covered thereunder for expenses incurred in obtaining:

5 (1) an orthotic or prosthetic appliance from any licensed
6 orthotist or prosthetist, or any certified pedorthist, as determined
7 medically necessary by the covered person's physician; and

8 (2) an additional orthotic or prosthetic appliance from any
9 licensed orthotist or prosthetist, or any certified pedorthist, if the
10 covered person's physician determines that the additional appliance
11 is necessary to enable the covered person to engage in physical and
12 recreational activities, including running, bicycling, swimming,
13 climbing, skiing, snowboarding, and team and individual sports.

14 As used in this section, "orthotic appliance," "prosthetic
15 appliance," "licensed orthotist" and "licensed prosthetist" have the
16 meaning assigned to them in section 3 of P.L.1991, c.512
17 (C.45:12B-3) and "certified pedorthist" has the meaning assigned to
18 it in subsection j. of section 18 of P.L.1991, c.512 (C.45:12B-18).

19 b. On and after the effective date of this act, a medical service
20 corporation contract shall reimburse for orthotic and prosthetic
21 appliances at the same rate as reimbursement for such appliances
22 under the federal Medicare reimbursement schedule.

23 c. The benefits shall be provided to the same extent as for any
24 other medical condition under the contract.

25 d. The provisions of this section shall apply to all medical
26 service corporation contracts in which the medical service
27 corporation has reserved the right to change the premium.

28 (cf: P.L.2007, c.345, s.2)

29

30 3. Section 3 of P.L.2007, c.345 (C.17:48E-35.30) is amended
31 to read as follows:

32 3. a. Every health service corporation contract that provides
33 hospital or medical expense benefits and is delivered, issued,
34 executed or renewed in this State pursuant to P.L.1985, c.236
35 (C.17:48E-1 et seq.), or approved for issuance or renewal in this
36 State by the Commissioner of Banking and Insurance on or after the
37 effective date of this act, shall provide benefits to any person
38 covered thereunder for expenses incurred in obtaining:

39 (1) an orthotic or prosthetic appliance from any licensed
40 orthotist or prosthetist, or any certified pedorthist, as determined
41 medically necessary by the covered person's physician; and

42 (2) an additional orthotic or prosthetic appliance from any
43 licensed orthotist or prosthetist, or any certified pedorthist, if the
44 covered person's physician determines that the additional appliance
45 is necessary to enable the covered person to engage in physical and
46 recreational activities, including running, bicycling, swimming,
47 climbing, skiing, snowboarding, and team and individual sports.

1 As used in this section, "orthotic appliance," "prosthetic
2 appliance," "licensed orthotist" and "licensed prosthetist" have the
3 meaning assigned to them in section 3 of P.L.1991, c.512
4 (C.45:12B-3) and "certified pedorthist" has the meaning assigned to
5 it in subsection j. of section 18 of P.L.1991, c.512 (C.45:12B-18).

6 b. On and after the effective date of this act, a health service
7 corporation contract shall reimburse for orthotic and prosthetic
8 appliances at the same rate as reimbursement for such appliances
9 under the federal Medicare reimbursement schedule.

10 c. The benefits shall be provided to the same extent as for any
11 other medical condition under the contract.

12 d. The provisions of this section shall apply to all health
13 service corporation contracts in which the health service
14 corporation has reserved the right to change the premium.
15 (cf: P.L.2007, c.345, s.3)

16
17 4. Section 4 of P.L.2007, c.345 (C.17B:26-2.1z) is amended to
18 read as follows:

19 4. a. Every individual health insurance policy that provides
20 hospital or medical expense benefits and is delivered, issued,
21 executed or renewed in this State pursuant to N.J.S.17B:26-1 et
22 seq., or approved for issuance or renewal in this State by the
23 Commissioner of Banking and Insurance on or after the effective
24 date of this act, shall provide benefits to any person covered
25 thereunder for expenses incurred in obtaining:

26 (1) an orthotic or prosthetic appliance from any licensed
27 orthotist or prosthetist, or any certified pedorthist, as determined
28 medically necessary by the covered person's physician; and

29 (2) an additional orthotic or prosthetic appliance from any
30 licensed orthotist or prosthetist, or any certified pedorthist, if the
31 covered person's physician determines that the additional appliance
32 is necessary to enable the covered person to engage in physical and
33 recreational activities, including running, bicycling, swimming,
34 climbing, skiing, snowboarding, and team and individual sports.

35 As used in this section, "orthotic appliance," "prosthetic
36 appliance," "licensed orthotist" and "licensed prosthetist" have the
37 meaning assigned to them in section 3 of P.L.1991, c.512
38 (C.45:12B-3) and "certified pedorthist" has the meaning assigned to
39 it in subsection j. of section 18 of P.L.1991, c.512 (C.45:12B-18).

40 b. On and after the effective date of this act, an individual
41 health insurance policy shall reimburse for orthotic and prosthetic
42 appliances at the same rate as reimbursement for such appliances
43 under the federal Medicare reimbursement schedule.

44 c. The benefits shall be provided to the same extent as for any
45 other medical condition under the policy.

46 d. The provisions of this section shall apply to all individual
47 health insurance policies in which the insurer has reserved the right

1 to change the premium.
2 (cf: P.L.2007, c.345, s.4)

3
4 5. Section 5 of P.L.2007, c.345 (C.17B:27-46.1ff) is amended
5 to read as follows:

6 5. a. Every group health insurance policy that provides
7 hospital or medical expense benefits and is delivered, issued,
8 executed or renewed in this State pursuant to N.J.S.17B:27-26 et
9 seq., or approved for issuance or renewal in this State by the
10 Commissioner of Banking and Insurance on or after the effective
11 date of this act, shall provide benefits to any person covered
12 thereunder for expenses incurred in obtaining:

13 (1) an orthotic or prosthetic appliance from any licensed
14 orthotist or prosthetist, or any certified pedorthist, as determined
15 medically necessary by the covered person's physician; and

16 (2) an additional orthotic or prosthetic appliance from any
17 licensed orthotist or prosthetist, or any certified pedorthist, if the
18 covered person's physician determines that the additional appliance
19 is necessary to enable the covered person to engage in physical and
20 recreational activities, including running, bicycling, swimming,
21 climbing, skiing, snowboarding, and team and individual sports.

22 As used in this section, "orthotic appliance," "prosthetic
23 appliance," "licensed orthotist" and "licensed prosthetist" have the
24 meaning assigned to them in section 3 of P.L.1991, c.512
25 (C.45:12B-3) and "certified pedorthist" has the meaning assigned to
26 it in subsection j. of section 18 of P.L.1991, c.512 (C.45:12B-18).

27 b. On and after the effective date of this act, a group health
28 insurance policy shall reimburse for orthotic and prosthetic
29 appliances at the same rate as reimbursement for such appliances
30 under the federal Medicare reimbursement schedule.

31 c. The benefits shall be provided to the same extent as for any
32 other medical condition under the policy.

33 d. The provisions of this section shall apply to all group health
34 insurance policies in which the insurer has reserved the right to
35 change the premium.

36 (cf: P.L.2007, c.345, s.5)

37
38 6. Section 6 of P.L.2007, c.345 (C.17B:27A-7.13) is amended
39 to read as follows:

40 6. a. Every individual health benefits plan that provides
41 hospital or medical expense benefits and is delivered, issued,
42 executed or renewed in this State pursuant to P.L.1992, c.161
43 (C.17B:27A-2 et seq.), 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 in obtaining:

1 (1) an orthotic or prosthetic appliance from any licensed
2 orthotist or prosthetist, or any certified pedorthist, as determined
3 medically necessary by the covered person's physician; and

4 (2) an additional orthotic or prosthetic appliance from any
5 licensed orthotist or prosthetist, or any certified pedorthist, if the
6 covered person's physician determines that the additional appliance
7 is necessary to enable the covered person to engage in physical and
8 recreational activities, including running, bicycling, swimming,
9 climbing, skiing, snowboarding, and team and individual sports.

10 As used in this section, "orthotic appliance," "prosthetic
11 appliance," "licensed orthotist" and "licensed prosthetist" have the
12 meaning assigned to them in section 3 of P.L.1991, c.512
13 (C.45:12B-3) and "certified pedorthist" has the meaning assigned to
14 it in subsection j. of section 18 of P.L.1991, c.512 (C.45:12B-18).

15 b. On and after the effective date of this act, an individual
16 health benefits plan shall reimburse for orthotic and prosthetic
17 appliances at the same rate as reimbursement for such appliances
18 under the federal Medicare reimbursement schedule.

19 c. The benefits shall be provided to the same extent as for any
20 other medical condition under the health benefits plan.

21 d. The provisions of this section shall apply to all individual
22 health benefits plans in which the carrier has reserved the right to
23 change the premium.

24 (cf: P.L.2007, c.345, s.6)

25
26 7. Section 7 of P.L.2007, c.345 (C.17B:27A-19.17) is amended
27 to read as follows:

28 7. a. Every small employer health benefits plan that provides
29 hospital or medical expense benefits and is delivered, issued,
30 executed or renewed in this State pursuant to P.L.1992, c.162
31 (C.17B:27A-17 et seq.), or approved for issuance or renewal in this
32 State by the Commissioner of Banking and Insurance on or after the
33 effective date of this act, shall provide benefits to any person
34 covered thereunder for expenses incurred in obtaining:

35 (1) an orthotic or prosthetic appliance from any licensed
36 orthotist or prosthetist, or any certified pedorthist, as determined
37 medically necessary by the covered person's physician; and

38 (2) an additional orthotic or prosthetic appliance from any
39 licensed orthotist or prosthetist, or any certified pedorthist, if the
40 covered person's physician determines that the additional appliance
41 is necessary to enable the covered person to engage in physical and
42 recreational activities, including running, bicycling, swimming,
43 climbing, skiing, snowboarding, and team and individual sports.

44 As used in this section, "orthotic appliance," "prosthetic
45 appliance," "licensed orthotist" and "licensed prosthetist" have the
46 meaning assigned to them in section 3 of P.L.1991, c.512
47 (C.45:12B-3) and "certified pedorthist" has the meaning assigned to
48 it in subsection j. of section 18 of P.L.1991, c.512 (C.45:12B-18).

1 b. On and after the effective date of this act, a small employer
2 health benefits plan shall reimburse for orthotic and prosthetic
3 appliances at the same rate as reimbursement for such appliances
4 under the federal Medicare reimbursement schedule.

5 c. The benefits shall be provided to the same extent as for any
6 other medical condition under the health benefits plan.

7 d. The provisions of this section shall apply to all small
8 employer health benefits plans in which the carrier has reserved the
9 right to change the premium.

10 (cf: P.L.2007, c.345, s.7)

11

12 8. Section 8 of P.L.2007, c.345 (C.26:2J-4.31) is amended to
13 read as follows:

14 8. a. A certificate of authority to establish and operate a health
15 maintenance organization in this State pursuant to P.L.1973, c.337
16 (C.26:2J-1 et seq.) shall not be issued or continued by the
17 Commissioner of Health and Senior Services on or after the
18 effective date of this act unless the health maintenance organization
19 provides health care services for any person covered thereunder for
20 expenses incurred in obtaining:

21 (1) an orthotic or prosthetic appliance from any licensed
22 orthotist or prosthetist, or any certified pedorthist, as determined
23 medically necessary by the covered person's physician; and

24 (2) an additional orthotic or prosthetic appliance from any
25 licensed orthotist or prosthetist, or any certified pedorthist, if the
26 covered person's physician determines that the additional appliance
27 is necessary to enable the covered person to engage in physical and
28 recreational activities, including running, bicycling, swimming,
29 climbing, skiing, snowboarding, and team and individual sports.

30 As used in this section, "orthotic appliance," "prosthetic
31 appliance," "licensed orthotist" and "licensed prosthetist" have the
32 meaning assigned to them in section 3 of P.L.1991, c.512
33 (C.45:12B-3) and "certified pedorthist" has the meaning assigned to
34 it in subsection j. of section 18 of P.L.1991, c.512 (C.45:12B-18).

35 b. On and after the effective date of this act, a health
36 maintenance organization shall reimburse for orthotic and prosthetic
37 appliances at the same rate as reimbursement for such appliances
38 under the federal Medicare reimbursement schedule.

39 c. The benefits shall be provided to the same extent as for any
40 other medical condition under the enrollee agreement.

41 d. The provisions of this section shall apply to all enrollee
42 agreements in which the health maintenance organization has
43 reserved the right to change the schedule of charges.

44 (cf: P.L.2012, c.17, s.276)

45

46 9. Section 9 of P.L.2007, c.345 (C.52:14-17.29m) is amended
47 to read as follows:

1 9. a. The State Health Benefits Commission shall ensure that
2 every contract purchased by the commission on or after the
3 effective date of this act that provides hospital or medical expense
4 benefits, shall provide benefits to any person covered thereunder for
5 expenses incurred in obtaining:

6 (1) an orthotic or prosthetic appliance from any licensed
7 orthotist or prosthetist, or any certified pedorthist, as determined
8 medically necessary by the covered person's physician; and

9 (2) an additional orthotic or prosthetic appliance from any
10 licensed orthotist or prosthetist, or any certified pedorthist, if the
11 covered person's physician determines that the additional appliance
12 is necessary to enable the covered person to engage in physical and
13 recreational activities, including running, bicycling, swimming,
14 climbing, skiing, snowboarding, and team and individual sports.

15 As used in this section, "orthotic appliance," "prosthetic
16 appliance," "licensed orthotist" and "licensed prosthetist" have the
17 meaning assigned to them in section 3 of P.L.1991, c.512
18 (C.45:12B-3) and "certified pedorthist" has the meaning assigned to
19 it in subsection j. of section 18 of P.L.1991, c.512 (C.45:12B-18).

20 b. On and after the effective date of this act, a contract
21 purchased by the commission shall reimburse for orthotic and
22 prosthetic appliances at the same rate as reimbursement for such
23 appliances under the federal Medicare reimbursement schedule.

24 c. The benefits shall be provided to the same extent as for any
25 other medical condition under the contract.

26 (cf: P.L.2007, c.345, s.9)

27
28 10. This act shall take effect on the 90th day after enactment,
29 and shall apply to policies or contracts issued or renewed on or after
30 the effective date.

31
32
33 STATEMENT

34
35 This bill requires health benefits coverage for an additional
36 prosthetic appliance under certain circumstances.

37 The bill requires health benefits coverage for an additional
38 orthotic or prosthetic appliance from any licensed orthotist or
39 prosthetist, or any certified pedorthist, if the covered person's
40 physician determines that the additional appliance is necessary to
41 enable the covered person to engage in physical and recreational
42 activities, including running, bicycling, swimming, climbing,
43 skiing, snowboarding, and team and individual sports. The
44 reimbursement for the additional orthotic or prosthetic appliance is
45 at the same rate as reimbursement for the appliances under the
46 federal Medicare reimbursement schedule.

47 Current law requires health benefits coverage for expenses
48 incurred in obtaining an orthotic or prosthetic appliance from any

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1 licensed orthotist or prosthetist, or any certified pedorthist, as
2 determined medically necessary by the covered person's physician,
3 but does not require coverage of an additional appliance for
4 physical or recreational activities.

5 The bill would apply to hospital, medical, and health service
6 corporations; commercial individual, small employer, and larger
7 group insurers; health maintenance organizations; and the State
8 Health Benefits Program and the School Employees' Health
9 Benefits Program.