

ASSEMBLY, No. 3861

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 27, 2024

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Co-Sponsored by:

Assemblyman Sampson, Assemblywomen Quijano, McCoy, Donlon and Speight

SYNOPSIS

“Louisa Carman Medical Debt Relief Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/27/2024)

1 AN ACT concerning the report and collection of medical debt and
2 supplementing Title 56 of the Revised Statutes.

3

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

6

7 1. P.L. , c. (C.) (pending before the Legislature as this
8 bill) shall be known and may be cited as the “Louisa Carman
9 Medical Debt Relief Act.”

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11 2. As used in P.L. , c. (C.) (pending before the
12 Legislature as this bill):

13 “Collection action” means any of the following:

14 (1) selling an individual's debt to another party;

15 (2) reporting adverse information about the patient to a
16 consumer reporting agency; or

17 (3) actions related to the collection of an individual’s debt to
18 another party that require a legal or judicial process, including but
19 not limited to placing a lien on an individual's property, attaching or
20 seizing an individual's bank account or any other personal property,
21 commencing a civil action against an individual, or garnishing an
22 individual's wages.

23 “Consumer reporting agency” means any person which, for
24 monetary fees, dues, or on a cooperative nonprofit basis, regularly
25 engages, in whole or in part, in the practice of assembling or
26 evaluating consumer credit information or other information on
27 consumers for the purpose of furnishing consumer reports to third
28 parties, and which uses any means or facility for the purpose of
29 preparing or furnishing consumer reports.

30 “Health care service” means the preadmission, outpatient,
31 inpatient, and post discharge care provided in or by a health care
32 facility, and such other items or services as are necessary for such
33 care, including but not limited to medical devices, which are
34 provided for the purpose of health maintenance, diagnosis, or
35 treatment of human disease, pain, injury, disability, deformity, or
36 physical condition, including, but not limited to, nursing service,
37 home care nursing, and other paramedical service, ambulance
38 service, dental and vision services, service provided by an intern,
39 resident in training or physician whose compensation is provided
40 through agreement with a health care facility, laboratory service,
41 medical social service, drugs, biologicals, supplies, appliances,
42 equipment, bed and board, including services provided by a health
43 care professional in private practice.

44 “Medical creditor” means any entity that provides health care
45 services and to whom a patient owes money for health care services,
46 or the entity that provided health care services and to whom the
47 patient previously owed money if the medical debt has been
48 purchased by one or more debt buyers.

1 “Medical debt” means a debt arising from the receipt of health
2 care services. “Medical debt” does not include debt charged to a
3 credit card unless the credit card is issued under an open-end or
4 closed-end credit plan offered specifically for the payment of health
5 care services or goods.

6 “Medical debt buyer” means a person or entity that is engaged in
7 the business of purchasing medical debts for collection purposes,
8 whether it collects the debt itself or hires a third party for collection
9 or an attorney-at-law for litigation in order to collect such debt.

10 “Medical debt collector” means any person that regularly collects
11 or attempts to collect, directly or indirectly, medical debts originally
12 owed or due or asserted to be owed or due to another. A medical
13 debt buyer is considered to be a medical debt collector for all
14 purposes.

15 “Patient” means the person who received health care services,
16 and for the purposes of P.L. , c. (C.) (pending before the
17 Legislature as this bill) includes a parent or legal guardian if the
18 patient is a minor, or a legal guardian if the patient is an adult under
19 guardianship.

20

21 3. No consumer reporting agency may make any consumer
22 report containing a patient’s paid medical debt or a medical debt of
23 less than \$500 regardless of the date it was incurred. A medical
24 creditor or medical debt collector shall not report a patient’s
25 medical debt to any consumer reporting agency for health care
26 services performed on and after the effective date of
27 P.L. , c. (C.) (pending before the Legislature as this bill).

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29 4. a. Notwithstanding any provision of law or regulation to the
30 contrary, except as otherwise provided in subsection c. of this
31 section, a medical creditor or medical debt collector shall not
32 engage in any permissible collection actions until 180 days after the
33 first bill for a medical debt has been sent.

34 b. At least 30 days before taking any collection actions, a
35 medical creditor or medical debt collector shall provide to the
36 patient at least one additional bill and a notice containing the
37 following:

38 (1) identifying the collection actions that will be initiated in
39 order to obtain payment; and

40 (2) providing a deadline after which such collection actions will
41 be initiated, which date is no earlier than 30 days after the date of
42 the notice.

43 c. A medical debtor may sell an individual’s debt to another
44 party unless, prior to the sale, the medical creditor has entered into
45 a legally binding written agreement with the medical debt buyer of
46 the debt pursuant to which the medical debt buyer or collector is
47 prohibited from engaging in any actions in paragraphs (2) and (3) of
48 the definition of “collection action” in section 2 of

1 P.L. , c. (C.) (pending before the Legislature as this bill) and
2 from otherwise seeking to obtain payment for the health care
3 service.

4

5 5. a. A medical creditor or medical debt collector that knows
6 or reasonably should know that an internal review, external review,
7 or other appeal of a health insurance decision which provides the
8 basis for a medical debt is pending now or was pending within the
9 previous 60 days shall not:

10 (1) communicate with the patient regarding the unpaid charges
11 for health care services for the purpose of seeking to collect the
12 charges; or

13 (2) initiate a lawsuit or arbitration proceeding against the patient
14 relative to unpaid charges for health care services.

15 b. If a medical debt has already been reported to a consumer
16 reporting agency and the medical creditor or medical debt collector
17 who reported the information learns of an internal review, external
18 review, or other appeal of a health insurance decision which
19 provides the basis for a medical debt is pending now or was pending
20 within the previous 60 days, or learns that the medical debt has
21 been paid, the medical creditor or medical debt collector shall
22 instruct the consumer reporting agency to delete the information
23 about the debt.

24 c. A medical creditor that knows or reasonably should know
25 about an internal review, external review, or other appeal of a
26 health insurance decision that is pending now or was pending within
27 the previous 60 days shall not refer, place, or send the unpaid
28 charges for health care services to a medical debt collector,
29 including by selling the debt to a medical debt buyer.

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31 6. a. Any portion of a medical debt that is furnished to a
32 consumer reporting agency in violation of the provisions of P.L. ,
33 c. (C.) (pending before the Legislature as this bill) shall be void.

34 b. It shall be an unlawful practice and a violation of P.L.1960,
35 c.39 (C.56:8-1 et seq.) for a medical creditor or medical debt
36 collector to undertake a collection action in violation of the
37 provisions of P.L. , c. (C.) (pending before the Legislature as
38 this bill).

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40 7. The provisions of this act shall be severable; and if any
41 phrase, clause, sentence, or provision is deemed unenforceable, the
42 remaining provisions of this act shall be enforceable. The
43 provisions of this act shall be liberally construed to effectuate its
44 purposes.

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46 8. This act shall take effect immediately.

STATEMENT

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3 This bill, titled the “Louisa Carman Medical Debt Relief Act,”
4 prohibits a consumer reporting agency from creating a consumer
5 report containing a patient’s paid medical debt or a medical debt
6 worth less than \$500, regardless of the date the medical debt was
7 incurred. The bill prohibits a medical creditor or medical debt
8 collector from reporting a patient’s medical debt to any consumer
9 reporting agency. The bill provides certain protections to patients
10 with medical debt from collection actions by medical creditors and
11 medical debt collectors.

12 The bill also provides that any portion of a medical debt
13 furnished to a consumer reporting agency in violation of the bill
14 will be void, and that it will be a violation of the “consumer fraud
15 act” for a medical debt collector or creditor to violate the medical
16 debt provisions of the bill.