

SENATE, No. 3422

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 10, 2024

Sponsored by:

Senator RENEE C. BURGESS

District 28 (Essex and Union)

Senator BRITNEE N. TIMBERLAKE

District 34 (Essex)

Co-Sponsored by:

Senator Gopal

SYNOPSIS

“Cancer Patient Care and Compassion Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/20/2024)

1 AN ACT concerning certain protections for cancer patients and
2 amending 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. (New section) Sections 1 through 6 of this act shall be known
8 and may be cited as the “Cancer Patient Care and Compassion Act.”

9

10 2. (New section) a. A contract that provides hospital or medical
11 expense benefits and is delivered, issued, executed, or renewed in
12 this State by a carrier, the State Health Benefits Commission, or the
13 School Employees’ Health Benefits Commission, or is approved for
14 issuance or renewal in this State by the Commissioner of Banking
15 and Insurance, on or after the effective date of P.L. , c. (C.)
16 (pending before the Legislature as this bill), shall provide coverage
17 for individuals diagnosed with cancer and with a prognosis that is
18 deemed Stage III, Stage IV, or terminal:

19 (1) parenteral treatment of the cancer;

20 (2) survivorship care plan, including follow-up appointments;
21 and

22 (3) any other service or item, as determined by the Commissioner
23 of Banking and Insurance.

24 b. A contract subject to this section shall not impose a
25 coinsurance, copayment, or any other cost-sharing requirement on
26 the coverage required under this section.

27 c. The provisions of this section shall apply to all contracts in
28 which the carrier has reserved the right to change the premium.

29 d. As used in this section:

30 “Parenteral treatment” means the intravenous, intra-arterial,
31 intraperitoneal, or intrathecal administration of nutrition or
32 medication bypassing the gastrointestinal system.

33 “Survivorship care plan” means a plan for an individual with
34 cancer from diagnosis through the end of life that focuses on the
35 health and well-being of the individual. This includes, but is not
36 limited to, side effects from treatment, cancer recurrence, and quality
37 of life.

38

39 3. (New section) a. Notwithstanding any State law or regulation
40 to the contrary, the Department of Human Services shall ensure that
41 expenses incurred for the following services shall be provided with
42 no cost-sharing to persons served under the Medicaid program,
43 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) for
44 individuals diagnosed with cancer and with a prognosis that is
45 deemed Stage III, Stage IV, or terminal:

46 (1) parenteral treatment of the cancer;

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 (2) survivorship care plan, including follow-up appointments;
2 and

3 (3) any other service or item, as determined by the department.

4 b. Any copayment or coinsurance that may be required pursuant
5 to the contract for services covered pursuant to subsection a. of this
6 section shall not apply.

7 c. The department may take any administrative action necessary
8 to effectuate the provisions of this section.

9 d. As used in this section:

10 "Carrier" means an insurance company, health service
11 corporation, hospital service corporation, medical service
12 corporation, or health maintenance organization authorized to issue
13 health benefits plans in this State.

14 "Parenteral treatment" means the intravenous, intra-arterial,
15 intraperitoneal, or intrathecal administration of nutrition or
16 medication bypassing the gastrointestinal system.

17 "Survivorship care plan" means a plan for an individual with
18 cancer from diagnosis through the end of life that focuses on the
19 health and well-being of the individual. This includes, but is not
20 limited to, side effects from treatment, cancer recurrence, and quality
21 of life.

22
23 4. (New section) a. Before a residential mortgage lender
24 provides a notice of intention to a residential mortgage debtor
25 pursuant to section 4 of P.L.1995, c.244 (C.2A:50-56), and before the
26 residential mortgage lender accelerates the maturity of a residential
27 mortgage obligation and commences a foreclosure action to take
28 possession of the residential property that is the subject of the
29 mortgage, the residential mortgage lender shall ensure that a
30 residential mortgage debtor is not undergoing treatment for Stage III,
31 Stage IV, or terminal cancer. If a residential mortgage debtor is
32 undergoing treatment for Stage III, Stage IV, or terminal cancer, the
33 residential mortgage lender shall not provide a notice of intention to
34 the residential mortgage debtor until the residential mortgage lender
35 receives notice from the physician treating the residential mortgage
36 debtor that the debtor is no longer undergoing treatment.

37 b. Any foreclosure action to take possession of a residential
38 property shall be dismissed upon submission by the residential
39 mortgage debtor to the residential mortgage lender of a letter from
40 the physician of the debtor certifying that the debtor is undergoing
41 treatment for Stage III, Stage IV, or terminal cancer.

42
43 5. (New section) a. A creditor shall not initiate a collection
44 proceeding for a default on any debt against an individual who is
45 undergoing treatment for Stage III, Stage IV, or terminal cancer and
46 who submits to the creditor a letter from the individual's physician
47 certifying treatment of the individual for Stage III, Stage IV, or
48 terminal cancer.

1 b. Any collection proceeding against an individual who is
2 undergoing treatment for Stage III, Stage IV, or terminal cancer shall
3 be dismissed upon submission by the individual to the creditor of a
4 letter from the individual's physician certifying treatment of the
5 individual for Stage III, Stage IV, or terminal cancer.

6 c. As used in this section:

7 "Collection proceeding" means actions related to the collection of
8 an individual's debt that require a legal or judicial process, including,
9 but not limited to, placing a lien on an individual's property, attaching
10 or seizing an individual's bank account or any other personal
11 property, commencing a civil action against an individual, or
12 garnishing an individual's wages.

13 "Creditor" means a federal or State chartered bank, savings bank,
14 savings and loan association or credit union, any person required to
15 be licensed under the provisions of the "New Jersey Consumer
16 Finance Licensing Act," P.L.2009, c.53 (C.17:11C-51 et al.) and any
17 entity acting on behalf of the creditor named in the debt obligation
18 including, but not limited to, servicers, and any entity operating as a
19 collection agency or in the business of purchasing debt.

20
21 6. (New section) For an eviction action based on nonpayment
22 or habitual late payment of rent, or failure to pay a rent increase, the
23 Superior Court shall authorize a stay of eviction, for a period of time
24 not to exceed 45 days, if the tenant is an individual undergoing
25 treatment for Stage III, Stage IV, or terminal cancer.

26 a. For a tenant to be entitled to a stay of eviction pursuant to this
27 section, the tenant shall submit a certification from the treating
28 physician, which shall be deemed confidential and submitted under
29 seal.

30 b. During the time of the stay of eviction provided pursuant to
31 this section, the tenant shall be entitled to renew the lease at its term
32 of expiration, subject to reasonable changes proposed to the tenant
33 by the landlord.

34
35 7. Section 24 of P.L.2019, c.37 (C.43:21-55.2) is amended to
36 read as follows:

37 24. a. Any covered individual who took any temporary disability
38 benefits pursuant to P.L.1948, c.110 (C.43:21-25 et al.), or family
39 temporary disability leave benefits pursuant to P.L.2008, c.17
40 (C.43:21-39.1 et al.), shall, upon the expiration of the leave, be
41 entitled to be restored by the employer to the position held by the
42 employee when the leave commenced or to an equivalent position of
43 like seniority, status, employment benefits, pay, and other terms and
44 conditions of employment. If, during that period of leave, the
45 employer has a reduction in force or layoffs and the employee would
46 have lost the employee's position had the employee not been on the
47 leave as a result of the reduction in force or layoff, or pursuant to the
48 good faith operation of a bona fide layoff and recall system including

1 a system under an applicable collective bargaining agreement, the
2 employee shall not be entitled to reinstatement to the former or an
3 equivalent position, if the employer notifies the employee of the
4 employee's right pursuant to paragraph (2) of subsection (c) of
5 R.S.43:21-19 to file a claim for unemployment benefits after the
6 leave period ends. The employee shall retain all rights under any
7 applicable layoff and recall system, including a system under a
8 collective bargaining agreement, as if the employee had not taken the
9 leave.

10 b. An employer shall not discharge, harass, threaten, or
11 otherwise discriminate or retaliate against an employee with respect
12 to the compensation, terms, conditions, or privileges of employment
13 on the basis that the employee requested or took any temporary
14 disability benefits pursuant to P.L.1948, c.110 (C.43:21-25 et al.), or
15 family temporary disability leave benefits pursuant to P.L.2008, c.17
16 (C.43:21-39.1 et al.), including retaliation by refusing to **【restore】**
17 reinstatement to equivalent employment the employee following a period
18 of leave **【**, except that, pursuant to section 2 of P.L.1948, c.110
19 (C.43:21-26), nothing in this section or any other section of P.L.1948,
20 c.110 (C.43:21-25 et al.) or P.L.2008, c.17 (C.43:21-39.1 et al.) shall
21 be construed as increasing, reducing or otherwise modifying any
22 entitlement provided to a worker by the provisions of the "Family
23 Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) to be restored to
24 employment by the employer after a period of family temporary
25 disability leave **】** as required by subsection a. of this section .

26 c. During any period that temporary disability benefits are
27 provided pursuant to P.L.1948, c.110 (C.43:21-25 et al.), or family
28 temporary disability leave benefits provided pursuant to P.L.2008,
29 c.17 (C.43:21-39.1 et al.), the employer shall:

30 (1) maintain coverage under any group health insurance policy,
31 group subscriber contract or health care plan at the same level and
32 with the same or equivalent terms, including the employee's cost of
33 coverage, such as premium contributions, co-pays, and deductibles,
34 as would have been provided if the employee's employment had been
35 continuous throughout that period; and

36 (2) provide, in addition to the benefits required by this section,
37 any other employment benefits that would be provided pursuant to
38 the employer's policy for employees on temporary leave from
39 employment.

40 **【b.】** d. Upon a violation of subsection a., b. or c. of this section,
41 including a failure of the employer to restore an employee to the
42 position the employee held prior to leave under subsection b. of this
43 section, an employee or former employee affected by the violation
44 may take one of the following actions:

45 (1) file a written complaint with the Commissioner of Labor and
46 Workforce Development to seek reinstatement to employment. If the
47 employer is found by a preponderance of the evidence to be in
48 violation, the commissioner shall order the reinstatement the

1 employee to the position previously held with no reduction in
2 seniority, status, employment benefits, pay, and other terms and
3 conditions of employment, compensation for any lost wages, benefits
4 and other remuneration, and fine the employer \$2,500 for each
5 violation of subsection a., b. or c. of this section, or

6 (2) institute a civil action in the Superior Court for relief. All
7 remedies available in common law tort actions shall be available to a
8 prevailing plaintiff. The court may also order any or all of the
9 following relief:

10 [(1)] (a) an assessment of a civil fine of not less than \$1,000
11 and not more than \$2,000 for the first violation of any of the
12 provisions of this section and not more than \$5,000 for each
13 subsequent violation;

14 [(2)] (b) an injunction to restrain the continued violation of any
15 of the provisions of this section;

16 [(3)] (c) reinstatement of the employee to the same position or
17 to a position equivalent to that which the employee held prior to
18 unlawful discharge or retaliatory action, or other failure to reinstate
19 the employee in violation of this section;

20 [(4)] (d) reinstatement of full fringe benefits and seniority
21 rights;

22 [(5)] (e) compensation for any lost wages, benefits and other
23 remuneration; and

24 [(6)] (f) payment of reasonable costs and attorney's fees.

25 e. An employee who is eligible for both earned sick leave
26 pursuant to P.L.2018, c.10 (C.34:11D-1 et seq.) and either temporary
27 disability benefits pursuant to P.L.1948, c. 110 (C.43:21-25 et al.), or
28 family temporary disability leave benefits pursuant to P.L.2008, c. 17
29 (C.43:21-39.1 et al.) shall have the option of using either the earned
30 sick leave or whichever is applicable of temporary disability benefits
31 or family temporary disability leave benefits, and may select the
32 order in which the different kinds of leave are taken, but shall not
33 receive more than one kind of paid leave simultaneously during any
34 period of time.

35 (cf: P.L.2019, c.37, s.24)

36
37 8. This act shall take effect on the first day of the fourth month
38 next after enactment and shall apply to all policies, plans, and
39 contracts delivered, issued, executed, or renewed on or after the
40 effective date.

41
42
43 STATEMENT

44
45 This bill, to be known as the “Cancer Patient Care and Compassion
46 Act,” provides certain protections for Stage III, Stage IV, or terminal
47 cancer patients. The bill:

1 1. Requires health insurance carriers (including health service
2 corporations, hospital service corporations, medical service
3 corporations, commercial individual and group health insurers, and
4 health maintenance organizations), entities contracted to administer
5 health benefits in connection with the State Health Benefits Program
6 and School Employees' Health Benefits Program, and the NJ
7 FamilyCares/Medicaid program to provide coverage for individuals
8 diagnosed with cancer and with a prognosis that is deemed Stage III,
9 Stage IV, or terminal (1) parenteral treatment of the cancer; (2)
10 survivorship care plan, including follow-up appointments; and (3)
11 any other service or item as determined by the regulators of each type
12 of carrier or contract. Under the bill, "parenteral treatment" means
13 the intravenous, intra-arterial, intraperitoneal, or intrathecal
14 administration of nutrition or medication bypassing the
15 gastrointestinal system and "survivorship care plan" means a plan for
16 an individual with cancer from diagnosis through the end of life that
17 focuses on the health and well-being of the individual. This includes,
18 but is not limited to, side effects from treatment, cancer recurrence,
19 and quality of life. Any cost-sharing or copayment or coinsurance
20 that may be required for coverage will not apply.

21 2. Prohibits residential mortgage lenders from providing a notice
22 of intention to a residential mortgage debtor undergoing treatment for
23 Stage III, Stage IV, or terminal cancer. Under the bill, a residential
24 mortgage lender shall ensure, before sending a notice of intention to
25 cure a default on a mortgage debtor's residential mortgage
26 obligation, that the residential mortgage debtor is not undergoing
27 treatment for Stage III, Stage IV, or terminal cancer. If a mortgage
28 debtor is undergoing treatment, the mortgage lender will be
29 prohibited from providing a notice of intention to the mortgage
30 debtor until the mortgage lender receives notice from the physician
31 of the mortgage debtor that the debtor is no longer undergoing
32 treatment. Additionally, the bill provides that any foreclosure action
33 to take possession of a residential property will be dismissed upon
34 submission by the residential mortgage debtor to the residential
35 mortgage lender of a letter from the physician of the debtor certifying
36 that the debtor is undergoing treatment for Stage III, Stage IV, or
37 terminal cancer.

38 3. Prohibits a creditor from initiating a collection proceeding for
39 a default on any debt against an individual who is undergoing
40 treatment for Stage III, Stage IV, or terminal cancer and who submits
41 to the creditor a letter from the individual's physician certifying
42 treatment of the individual for Stage III, Stage IV, or terminal cancer.
43 The bill also provides that any collection proceeding against an
44 individual who is undergoing treatment for Stage III, Stage IV, or
45 terminal cancer is required to be dismissed upon submission by the
46 individual of a letter from the individual's physician certifying
47 treatment of the individual for Stage III, Stage IV, or terminal cancer.

1 4. Requires that for eviction actions based on nonpayment or
2 habitual late payment of rent, or for failure to pay a rent increase, the
3 Superior Court will authorize a stay of eviction for up to 45 days if
4 the tenant is actively undergoing Stage III, Stage IV, or terminal
5 cancer treatment. To qualify for this stay, the tenant must provide a
6 confidential certification from their treating physician, submitted
7 under seal. Additionally, during the stay period, the tenant has the
8 right to renew their lease upon its expiration, subject to reasonable
9 changes proposed by the landlord.

10 The bill also provides the right to reinstatement to equivalent
11 employment after a period of leave applies to all periods in which
12 TDI or FLI benefits are provided, including extending that right to
13 FLI leave takers employed by employers with less than 30
14 employees, as is presently the case for TDI leave takers. Under the
15 bill, an employee who is eligible for both earned sick leave and either
16 TDI or FLI benefits, may use either the earned sick leave or
17 whichever is applicable of the TDI or FLI benefits, and may select
18 the order in which they are taken, but may not receive more than one
19 kind of paid leave benefits during any period of time.