

17:48A-1

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 17:48A-1 et al

(Bone marrow
transplants-Wilm's
tumor--require
insurers to pay)

LAWS OF: 1990

CHAPTER: 71

Bill No: A3101

Sponsor(s): Adubato and Pascrell

Date Introduced: February 26, 1990

Committee: Assembly: Insurance

Senate: -----

Amended during passage: No

Date of Passage: Assembly: March 22, 1990

Senate: June 18, 1990

Date of Approval: July 17, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: No

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

§1-C.17:48-6f
§2-C.17:48A-7e
§3-C.17:48E-35.3
§4-C.17B:26-2.1d
§5-C.17B:27-46.1e
§6-C.26:2J-4.1
§7-Note to
§§1-6

P.L.1990, CHAPTER 71, approved July 17, 1990

1990 Assembly No. 3101

1 AN ACT requiring health insurance benefits for certain
2 treatments for Wilm's tumor and supplementing P.L.1938,
3 c.366 (C.17:48-1 et seq.), P.L.1940, c.74 (C.17:48A-1 et seq.),
4 P.L.1985, c.236 (C.17:48E-1 et seq.), chapter 26 of Title 17B of
5 the New Jersey Statutes, chapter 27 of Title 17B of the New
6 Jersey Statutes, and P.L.1973, c.337 (C.26:2J-1 et seq.).

7
8 BE IT ENACTED by the Senate and General Assembly of the
9 State of New Jersey:

10 1. Every group or individual hospital service corporation
11 contract providing hospital or medical expense benefits shall
12 provide benefits to any subscriber or other person covered
13 thereunder for expenses incurred in the treatment of Wilm's
14 tumor, including autologous bone marrow transplants when
15 standard chemotherapy treatment is unsuccessful,
16 notwithstanding that any such treatment may be deemed
17 experimental or investigational. These benefits shall be provided
18 to the same extent as for any other sickness under the contract.

19 2. Every group or individual medical service corporation
20 contract providing hospital or medical expense benefits shall
21 provide benefits to any subscriber or other person covered
22 thereunder for expenses incurred in the treatment of Wilm's
23 tumor, including autologous bone marrow transplants when
24 standard chemotherapy treatment is unsuccessful,
25 notwithstanding that any such treatment may be deemed
26 experimental or investigational. These benefits shall be provided
27 to the same extent as for any other sickness under the contract.

28 3. Every group or individual health service corporation
29 contract providing hospital or medical expense benefits shall
30 provide benefits to any subscriber or other person covered
31 thereunder for expenses incurred in the treatment of Wilm's
32 tumor, including autologous bone marrow transplants when
33 standard chemotherapy treatment is unsuccessful,
34 notwithstanding that any such treatment may be deemed
35 experimental or investigational. These benefits shall be provided
36 to the same extent as for any other sickness under the contract.

37 4. Every individual health insurance policy providing hospital
38 or medical expense benefits shall provide benefits to any named
39 insured or other person covered thereunder for expenses incurred
40 in the treatment of Wilm's tumor, including autologous bone
41 marrow transplants when standard chemotherapy treatment is

1 unsuccessful, notwithstanding that any such treatment may be
2 deemed experimental or investigational. These benefits shall be
3 provided to the same extent as for any other sickness under the
4 policy.

5 5. Every group health insurance policy providing hospital or
6 medical expense benefits shall provides benefits to any named
7 insured or other person covered thereunder for expenses incurred
8 in the treatment of Wilm's tumor, including autologous bone
9 marrow transplants when standard chemotherapy treatment is
10 unsuccessful, notwithstanding that any such treatment may be
11 deemed experimental or investigational. These benefits shall be
12 provided to the same extent as for any other sickness under the
13 policy.

14 6. Notwithstanding any provision of law to the contrary, every
15 health maintenance organization for which a certificate of
16 authority to establish and operate a health maintenance
17 organization in this State has been issued or continued shall
18 provide health care services to any enrollee for the treatment of
19 Wilm's tumor, including autologous bone marrow transplants
20 when standard chemotherapy treatment is unsuccessful,
21 notwithstanding that any such treatment may be deemed
22 experimental or investigational. These health care services shall
23 be provided to the same extent as for any other sickness.

24 7. This act shall take effect immediately and shall apply to
25 service corporation contracts and health insurance policies in
26 effect in this State on or after January 1, 1990 in which the
27 service corporation, or insurer, as the case may be, has reserved
28 the right to change the premium, and to health maintenance
29 organizations operating in this State pursuant to a certificate of
30 authority in effect on or after January 1, 1990 in which the
31 health maintenance organization has reserved the right to change
32 the schedule of charges for enrollee coverage.

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35 STATEMENT

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37 This bill requires hospital service corporations (Blue Cross),
38 medical service corporations (Blue Shield), health service
39 corporations (Blue Cross/Blue Shield), commercial insurers and
40 health maintenance organizations to provide benefits for the
41 treatment of Wilm's tumor, including autologous bone marrow
42 transplants when standard chemotherapy treatment is
43 unsuccessful, notwithstanding that any such treatment may be
44 deemed experimental or investigational.

45 For this reason, this bill could be entitled the "Tishna Rollo
46 Bill." Tishna Rollo is an eight-year old Glen Ridge girl who is
47 battling Wilm's tumor, a rare form of cancer which affects the
48 kidney and typically strikes young children. Recently, Tishna's

1 case has received much attention because her doctors have
2 concluded that the transplants are the one chance they have to
3 cure her disease, yet her family's health insurer has refused to
4 provide coverage for the treatment because it considers it
5 "experimental." In many cases, chemotherapy is effective in
6 treating Wilm's tumor. In those cases where it isn't successful,
7 the bone marrow transplants are an appropriate therapy which
8 allows doctors to save people who would not otherwise live.
9 Insurers will ordinarily pay for autologous transplants in the
10 treatment of leukemia and Hodgkin's disease, but regard the
11 treatment as "experimental" in the treatment of hard tumors,
12 such as Wilm's tumor. This bill will eliminate the controversy
13 surrounding the treatment and, in effect, absolve health insurers
14 of the responsibility of making any determination in this regard.
15 In so doing, it may spare other families the agony that Tishna
16 Rollo's family has endured.

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19 INSURANCE

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21 Requires health insurers to pay for bone marrow transplants in
22 treatment of Wilm's tumor.

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2 deemed experimental or investigational. These benefits shall be
3 provided to the same extent as for any other sickness under the
4 policy.

5 5. Every group health insurance policy providing hospital or
6 medical expense benefits shall provides benefits to any named
7 insured or other person covered thereunder for expenses incurred
8 in the treatment of Wilm's tumor, including autologous bone
9 marrow transplants when standard chemotherapy treatment is
10 unsuccessful, notwithstanding that any such treatment may be
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19 Wilm's tumor, including autologous bone marrow transplants
20 when standard chemotherapy treatment is unsuccessful,
21 notwithstanding that any such treatment may be deemed
22 experimental or investigational. These health care services shall
23 be provided to the same extent as for any other sickness.

24 7. This act shall take effect immediately and shall apply to
25 service corporation contracts and health insurance policies in
26 effect in this State on or after January 1, 1990 in which the
27 service corporation, or insurer, as the case may be, has reserved
28 the right to change the premium, and to health maintenance
29 organizations operating in this State pursuant to a certificate of
30 authority in effect on or after January 1, 1990 in which the
31 health maintenance organization has reserved the right to change
32 the schedule of charges for enrollee coverage.

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37 This bill requires hospital service corporations (Blue Cross),
38 medical service corporations (Blue Shield), health service
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41 treatment of Wilm's tumor, including autologous bone marrow
42 transplants when standard chemotherapy treatment is
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45 For this reason, this bill could be entitled the "Tishna Rollo
46 Bill." Tishna Rollo is an eight-year old Glen Ridge girl who is
47 battling Wilm's tumor, a rare form of cancer which affects the
48 kidney and typically strikes young children. Recently, Tishna's

1 case has received much attention because her doctors have
2 concluded that the transplants are the one chance they have to
3 cure her disease, yet her family's health insurer has refused to
4 provide coverage for the treatment because it considers it
5 "experimental." In many cases, chemotherapy is effective in
6 treating Wilm's tumor. In those cases where it isn't successful,
7 the bone marrow transplants are an appropriate therapy which
8 allows doctors to save people who would not otherwise live.

9 Insurers will ordinarily pay for autologous transplants in the
10 treatment of leukemia and Hodgkin's disease, but regard the
11 treatment as "experimental" in the treatment of hard tumors,
12 such as Wilm's tumor. This bill will eliminate the controversy
13 surrounding the treatment and, in effect, absolve health insurers
14 of the responsibility of making any determination in this regard.
15 In so doing, it may spare other families the agony that Tishna
16 Rollo's family has endured.

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19 INSURANCE

20

21 Requires health insurers to pay for bone marrow transplants in
22 treatment of Wilm's tumor.

ASSEMBLY INSURANCE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3101

STATE OF NEW JERSEY

DATED: MARCH 12, 1990

The Assembly Insurance Committee favorably reports Assembly Bill No. 3101.

This bill requires health service corporations (Blue Cross/Blue Shield of New Jersey), hospital service corporations (Blue Cross), medical service corporations (Blue Shield), commercial insurers and health maintenance organizations (HMO's) to provide benefits, to the same extent provided for any other sickness, for the treatment of Wilm's tumor, including autologous bone marrow transplants, when standard chemotherapy treatment is unsuccessful, regardless of whether such treatment is deemed experimental or investigational. The bill is applicable to those contracts and policies in effect in this State on or after January 1, 1990 in which the service corporation or insurer has reserved the right to change the premium and to HMO's operating in this State pursuant to a certificate of authority in effect on or after January 1, 1990 in which the HMO has reserved the right to change the schedule of charges for health care services provided to enrollees.

This bill has been referred to as the "Tishna Rollo Bill." Tishna Rollo is an eight-year old Glen Ridge girl who is battling Wilm's tumor, a rare form of cancer which generally affects the kidneys before spreading to other parts of the body. Recently, Tishna's case has received much attention because her doctors have concluded that the transplants are the one chance they have to cure her disease, yet her family's health insurer initially refused to provide coverage for the treatment because it asserted that such treatment was not covered in her health insurance contract as it is considered "experimental" or "investigational." Court action on the issue is pending. This bill will eliminate the controversy surrounding the treatment and, in effect, absolve health insurers, and ultimately the courts, of the responsibility of making any determination regarding this issue.