

52:14-17.29b
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 1997 **CHAPTER:** 94
NJSA: 52:14-17.29b (Mastectomies – health insurance)
BILL NO: S1705
SPONSOR(S) Inverso
DATE INTRODUCED: November 25, 1996
COMMITTEE: **ASSEMBLY:** ---
 SENATE: Health
AMENDED DURING PASSAGE: No
DATE OF PASSAGE: **ASSEMBLY:** February 27, 1997
 SENATE: January 27, 1997
DATE OF APPROVAL: May 8, 1997
FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Assembly substitute for S1705/A2651 enacted)

S1705

SPONSOR'S STATEMENT: Yes
COMMITTEE STATEMENT: **ASSEMBLY:** No
 SENATE: Yes
FLOOR AMENDMENT STATEMENT: No
LEGISLATIVE FISCAL ESTIMATE: Yes

A2651

SPONSOR'S STATEMENT: Yes
COMMITTEE STATEMENT: **ASSEMBLY:** Yes
 SENATE: No
FLOOR AMENDMENT STATEMENT: No
LEGISLATIVE FISCAL ESTIMATE: ~~No~~ Yes
FINAL TEXT OF BILL (1st reprint) Yes

(continued)

52:14-17.29b
 Mastectomies – health insurance
 S1705
 Inverso
 November 25, 1996

 Health
 No
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 Assembly substitute for S1705/A2651 enacted
 S1705
 Yes
 No
 Yes
 No
 Yes
 A2651
 Yes
 Yes
 No
 No
 Yes
 Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW

ASSEMBLY SUBSTITUTE FOR
SENATE, No. 1705 and ASSEMBLY, No. 2651

STATE OF NEW JERSEY

ADOPTED FEBRUARY 20, 1997

Sponsored by Senators INVERSO, MATHEUSSEN
Assemblyman AZZOLINA, Senators McGreevey, Sinagra, Rice,
Bubba, LaRossa, Bark and Sacco

1 AN ACT concerning benefits related to mastectomies in the State
2 Health Benefits Program and supplementing P.L.1961, c.49
3 (C.52:14-17.25).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. The State Health Benefits Commission shall ensure that every
9 contract purchased by the commission on or after the effective date of
10 this act that provides hospital or medical expense benefits, shall
11 provide coverage for a minimum of 72 hours of inpatient care
12 following a modified radical mastectomy and a minimum of 48 hours
13 of inpatient care following a simple mastectomy. The contract shall
14 also provide that a carrier shall not require a health care provider to
15 obtain authorization from the carrier for prescribing 72 or 48 hours,
16 as appropriate, of inpatient care as provided for in this section.

17 The provisions of this section shall not be construed: to require a
18 patient to receive inpatient care for 72 or 48 hours, as appropriate, if
19 the patient in consultation with the patient's physician determines that
20 a shorter length of stay is medically appropriate; or to relieve a patient
21 or a patient's physician, if appropriate, of any notification requirements
22 to the carrier under the contract.
23

24 2. This act shall take effect immediately.
25

26 STATEMENT
27

28 This Assembly substitute requires the State Health Benefits
29 Program to provide coverage for a minimum of 72 hours of inpatient
30 care following a modified radical mastectomy and a minimum of 48
31 hours of inpatient care following a simple mastectomy. The substitute
32 also provides that a carrier under the program shall not require a
33 health care provider to obtain authorization from the carrier for
34 prescribing 72 or 48 hours, as appropriate, of inpatient care.

1 The substitute also provides that the provisions of the substitute
2 shall not be construed to: require a patient to receive inpatient care for
3 72 or 48 hours, as appropriate, if the patient in consultation with the
4 patient's physician determines that a shorter length of stay is medically
5 appropriate; or relieve a patient or physician from any insurer
6 notification requirements.

7

8

9

10

11 _____
12 Requires State Health Benefits Program to provide minimum inpatient
care for certain breast surgeries.

SENATE, No. 1705

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 25, 1996

By Senator INVERSO

1 AN ACT concerning benefits related to mastectomies in the State
2 Health Benefits Program and supplementing P.L.1961, c.49
3 (C.52:14-17.25).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. The State Health Benefits Commission shall ensure that every
9 contract purchased by the commission on or after the effective date of
10 this act that provides hospital or medical expense benefits, shall
11 provide coverage for a minimum of 72 hours of inpatient care
12 following surgery for a mastectomy. The contract shall also provide
13 that a carrier shall not require a health care provider to obtain
14 authorization from the carrier for prescribing 72 hours of inpatient
15 care as provided for in this section.
16

17 2. This act shall take effect immediately.
18
19

20 STATEMENT
21

22 This bill requires the State Health Benefits Program to provide
23 coverage for a minimum of 72 hours of inpatient care following
24 surgery for a mastectomy. The bill also provides that a carrier under
25 the program shall not require a health care provider to obtain
26 authorization from the carrier for prescribing 72 hours of inpatient
27 care.
28
29

30
31
32 Requires State Health Benefits Program to provide inpatient coverage
33 for a minimum of 72 hours following a mastectomy.

SENATE HEALTH COMMITTEE

STATEMENT TO

SENATE, No. 1705

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 16, 1996

The Senate Health Committee reports favorably Senate Bill No. 1705 with committee amendments.

As amended by committee, this bill requires the State Health Benefits Program to provide coverage for a minimum of 72 hours of inpatient care following a modified radical mastectomy and a minimum of 48 hours inpatient care following a simple mastectomy with a lymph node dissection. The bill also provides that a carrier under the program shall not require a health care provider to obtain authorization from the carrier for prescribing 72 or 48 hours, as appropriate, of inpatient care.

The committee amended the bill to add minimum coverage requirements for a simple mastectomy with a lymph node dissection; to clarify that a patient may be discharged sooner than the mandated minimum coverage when medically appropriate; and to clarify that the provisions of the bill do not relieve a patient or physician from any insurer notification requirements. Amendments also specify the types of mastectomies covered under the provisions of the bill.

LEGISLATIVE FISCAL ESTIMATE TO

[First Reprint]

SENATE, No. 1705

STATE OF NEW JERSEY

DATED: JANUARY 28, 1997

Senate Bill No. 1705 (1R) of 1996 requires the State Health Benefits Commission to provide coverage for a minimum of 72 hours of inpatient care following a modified radical mastectomy and a minimum of 48 hours of inpatient care following a simple mastectomy with a lymph node dissection. The bill also provides that a carrier under the program shall not require a health care provider to obtain authorization from the carrier for prescribing 72 or 48 hours, as appropriate, of inpatient care.

The Office of Legislative Services notes that it has no information available to estimate the impact of this legislation. There are currently no minimum standards for inpatient care following a medical procedure, except in the case of childbirth, and inpatient care is at the discretion of each individual attending physician.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 2651

STATE OF NEW JERSEY

INTRODUCED JANUARY 9, 1997

By Assemblyman AZZOLINA

1 AN ACT concerning benefits related to mastectomies in the State
2 Health Benefits Program and supplementing P.L.1961, c.49
3 (C.52:14-17.25).
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. The State Health Benefits Commission shall ensure that every
9 contract purchased by the commission on or after the effective date of
10 this act that provides hospital or medical expense benefits, shall
11 provide coverage for a minimum of 72 hours of inpatient care
12 following a modified radical mastectomy and a minimum of 48 hours
13 of inpatient care following a simple mastectomy with a lymph node
14 dissection. The contract shall also provide that a carrier shall not
15 require a health care provider to obtain authorization from the carrier
16 for prescribing 72 or 48 hours, as appropriate, of inpatient care as
17 provided for in this section.

18 The provisions of this section shall not be construed: to require a
19 patient to receive inpatient care for 72 or 48 hours, as appropriate, if
20 the patient in consultation with the patient's physician determines that
21 a shorter length of stay is medically appropriate; or to relieve a patient
22 or a patient's physician, if appropriate, of any notification requirements
23 to the carrier under the contract.
24

25 2. This act shall take effect immediately.
26
27

28 STATEMENT
29

30 This bill requires the State Health Benefits Program to provide
31 coverage for a minimum of 72 hours of inpatient care following a
32 modified radical mastectomy and a minimum of 48 hours inpatient care
33 following a simple mastectomy with a lymph node dissection. The bill
34 also provides that a carrier under the program shall not require a
35 health care provider to obtain authorization from the carrier for
36 prescribing 72 or 48 hours, as appropriate, of inpatient care.

- 1 _____
- 2
- 3 Requires State Health Benefits Program to provide minimum inpatient
- 4 care for certain breast surgeries.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2651

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 23, 1997

The Assembly State Government Committee reports favorably and with committee amendments Assembly Bill No. 2651.

This bill requires the State Health Benefits Program to provide coverage for a minimum of 72 hours of inpatient care following a mastectomy and a minimum of 48 hours inpatient care following a lymph node dissection for the treatment of breast cancer. The bill also provides that a carrier under the program shall not require a health care provider to obtain authorization from the carrier for prescribing 72 or 48 hours, as appropriate, of inpatient care.

COMMITTEE AMENDMENTS

The committee adopted amendments to this bill to conform the description of the benefits mandated under the legislation to the description of those benefits contained in a comparable measure (Assembly committee substitute for Assembly, Nos. 10, 2551, 2524 and 2575, now on 2nd reading in the General Assembly) applicable to health benefits contracts issued by State-licensed health insurance providers (hospital service corporations, medical service corporations and health service corporations) or under any of various State-regulated health plans and policies.

LEGISLATIVE FISCAL ESTIMATE TO

[First Reprint]

ASSEMBLY, No. 2651

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 1997

Assembly Bill No. 2651 (1R) of 1997 requires the State Health Benefits Commission to provide coverage for a minimum of 72 hours of inpatient care following a modified radical mastectomy and a minimum of 48 hours of inpatient care following a simple mastectomy with a lymph node dissection. The bill also provides that a carrier under the program shall not require a health care provider to obtain authorization from the carrier for prescribing 72 or 48 hours, as appropriate, of inpatient care.

The Office of Legislative Services notes that it has no information available to estimate the impact of this legislation. There are currently no minimum standards for inpatient care following a medical procedure, except in the case of childbirth, and inpatient care is at the discretion of each individual attending physician.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

[First Reprint]
ASSEMBLY, No. 2651

STATE OF NEW JERSEY

INTRODUCED JANUARY 9, 1997

By Assemblyman AZZOLINA

1 AN ACT concerning benefits related to mastectomies in the State
2 Health Benefits Program and supplementing P.L.1961, c.49
3 (C.52:14-17.25).
4

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

7
8 1. The State Health Benefits Commission shall ensure that every
9 contract purchased by the commission on or after the effective date of
10 this act that provides hospital or medical expense benefits, shall
11 provide coverage for a minimum of 72 hours of inpatient care
12 following a ¹**[modified radical]**¹ mastectomy and a minimum of 48
13 hours of inpatient care following a ¹**[simple mastectomy with a]**¹
14 lymph node dissection ¹for the treatment of breast cancer¹. The
15 contract shall ¹**[also provide that a carrier shall]**¹ not require a health
16 care provider to obtain authorization from the carrier for prescribing
17 72 or 48 hours, as appropriate, of inpatient care as provided for in this
18 section.

19 The provisions of this section shall not be construed ¹**[:]**¹ to require
20 a patient to receive inpatient care for 72 or 48 hours, as appropriate,
21 if the patient in consultation with the patient's physician determines
22 that a shorter length of stay is medically appropriate ¹**[;**¹ or to relieve
23 a patient or a patient's physician, if appropriate, of any notification
24 requirements to the carrier under the contract¹.
25

26 2. This act shall take effect immediately.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASG committee amendments adopted January 23, 1997.

1



2

3 Requires State Health Benefits Program to provide minimum inpatient

4 care for certain breast surgeries.

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

TRENTON, NJ 08625

CONTACT: Pete McDonough
(609)777-2600

RELEASE: Thurs, May 8, 1997

Gov. Christie Whitman today signed legislation that requires the State Health Benefits Program to provide adequate medical coverage for women following mastectomies.

S-1705, sponsored by Senators Peter Inverso (R-Mercer/Middlesex) and John Mattheussen (R-Camden/Gloucester) and Assemblyman Joseph Azzolina (R-Middlesex/Monmouth), will require the State Health Benefits Program to provide coverage for a minimum of 72 hours of inpatient care following a modified radical mastectomy and a minimum of 48 hours following a simple mastectomy.

The law states that the health care provider is not required to obtain authorization from the carrier before prescribing the length of stay of 72 or 48 hours, as appropriate. A patient may be discharged sooner than the mandated minimum if medically appropriate.

The Governor also conditionally vetoed legislation that requires hospital, medical and health service corporations and commercial insurers to provide a minimum of 72 hours inpatient care following a modified radical mastectomy and a minimum of 48 hours inpatient care following a mastectomy.

While the Governor supports the intention of the bill, to prevent women from being released from hospitals despite their doctor's opinion that a longer stay is necessary, she recommended that procedures for notification be streamlined to avoid redundancy.

S-1704 was sponsored by Senators Peter Inverso and Jack Sinagra (R-Middlesex) and Assembly Members Joseph Azzolina, Steve Corodemus (R-Monmouth), Rose Heck (R-Bergen),

Charlotte Vandervalk (R-Bergen), Shirley Turner (D-Mercer), Carol Murphy and Kevin O'Toole (R-Essex/Union), Joel Weingarten (R-Essex/Union) and Francis Blee (R-Atlantic).

The Governor signed the following bills:

AJR-44, sponsored by Assembly Members Nicholas Asselta (R-Cape May/Atlantic/Cumberland) and John Gibson (R-Cape May/Atlantic/Cumberland), designates portion of Route 47 in Vineland as the "Nello Melini Memorial Highway." The designation honors the late Nello Melini, a leader of the poultry industry in New Jersey who owned and operated the largest chick hatchery in the state.

A-1139, sponsored Assemblypersons Carol Murphy (R-Essex/Morris/Passaic) and Alex DeCroce (R-Essex/Morris/Passaic), authorizes the Division of Motor Vehicles to issue license plates to benefit the New Jersey State Commission on Cancer Research in its efforts to find new methods of treating and preventing cancer. The bill also provides that funds collected from the license plates be placed into the existing Cancer Research Fund in the Department of Health and Senior Services.

A-1206, sponsored by Assemblymen Kenneth LeFevre (R-Atlantic) and Francis Blee (R-Atlantic), amends current law to modify the definition of prostitution to delete the requirement that an offer for sexual activity must take place in a public place. This bill also mandates that individuals arrested for engaging in prostitution be fingerprinted, and it establishes a new disorderly persons offense criminalizing loitering for the purpose of prostitution.

A-2174, sponsored by Assemblyman David W. Wolfe (R-Monmouth/Ocean) and Assemblyman James W. Holzapfel (R-Monmouth/Ocean) requires architects to complete continuing education requirements as a condition of biennial license renewal. Waivers of these continuing education requirements may be granted by the board on an individual basis due to hardship.

A-2221, sponsored Assemblymen Richard Bagger (R-Middlesex/Morris/ Somerset/Union) and John Wisniewski (D-Middlesex), establishes the "Foreign Country Money-Judgements Recognition Act," which prescribes the uniform procedure for the enforcement of money judgements and embodies rules consistent with those applied by the majority of courts in this country.

S-208, sponsored by Senator Leonard T. Connors, Jr., (R-Atlantic/Burlington/ Ocean), and Senator Joseph A. Palaia (R-Monmouth), establishes a 15-member Council on Undocumented Aliens in the Department of Labor (DOL). The Council would be responsible for studying various aspects of the undocumented alien population in the State, including, but not limited to,