

[First Reprint]

SENATE, No. 1439

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator ANTHONY M. BUCCO

District 25 (Morris and Passaic)

Assemblyman WILLIAM B. SAMPSON, IV

District 31 (Hudson)

Assemblyman ANTWAN L. MCCLELLAN

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman CODY D. MILLER

District 4 (Atlantic, Camden and Gloucester)

Co-Sponsored by:

Senators Diegnan, Steinhardt, Burgess, Ruiz, McKnight, Pou,

Assemblywoman McCann Stamato, Assemblyman Atkins,

Assemblywomen Ramirez, Drulis, Assemblymen Simonsen, Bergen,

Assemblywoman Flynn, Assemblyman Scharfenberger, Assemblywomen

Bagolie, Reynolds-Jackson, Haider, Assemblymen Hutchison and Freiman

SYNOPSIS

Requires health benefits coverage for additional orthotic and prosthetic appliances under certain circumstances; requires coverage for orthotic and prosthetic appliances obtained through podiatrists.

CURRENT VERSION OF TEXT

As reported by the Senate Commerce Committee on May 13, 2024, with amendments.

(Sponsorship Updated As Of: 5/22/2025)

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 read
8 as follows:

9 1. a. Every hospital service corporation contract that provides
10 hospital or medical expense benefits and is delivered, issued, executed
11 or renewed in this State pursuant to P.L.1938, c.366 (C.17:48-1 et
12 seq.), or approved for issuance or renewal in this State by the
13 Commissioner of Banking and Insurance on or after the effective date
14 of ¹**["this act"] P.L.2007, c.345 (C.17:48-6ff et al.)¹**, shall provide
15 benefits to any person covered thereunder for expenses incurred in
16 obtaining:

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

21 (2) an additional orthotic or prosthetic appliance from any licensed
22 orthotist or prosthetist, ¹licensed podiatrist,¹ or any certified
23 pedorthist, if the covered person's physician determines that the
24 additional appliance is necessary to enable the covered person to
25 engage in physical and recreational activities, including running,
26 bicycling, swimming, climbing, skiing, snowboarding, and team and
27 individual sports.

28 As used in this section, "orthotic appliance," "prosthetic
29 appliance," "licensed orthotist" and "licensed prosthetist" have the
30 meaning assigned to them in section 3 of P.L.1991, c.512 (C.45:12B-
31 3)¹, "licensed podiatrist" has the meaning assigned to it in R.S.45:5-
32 1 et seq.,¹ and "certified pedorthist" has the meaning assigned to it in
33 subsection j. of section 18 of P.L.1991, c.512 (C.45:12B-18).

34 b. On and after the effective date of ¹**["this act"] P.L.2007, c.345**
35 **(C.17:48-6ff et al.)¹**, a hospital service corporation contract shall
36 reimburse for orthotic and prosthetic appliances at the same rate as
37 reimbursement for such appliances under the federal Medicare
38 reimbursement schedule.

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

41 d. The provisions of this section shall apply to all hospital service
42 corporation contracts in which the hospital service corporation has
43 reserved the right to change the premium.

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

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

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCM committee amendments adopted May 13, 2024.

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

3 2. a. Every medical service corporation contract that provides
4 hospital or medical expense benefits and is delivered, issued, executed
5 or renewed in this State pursuant to P.L.1940, c.74 (C.17:48A-1 et
6 seq.), or approved for issuance or renewal in this State by the
7 Commissioner of Banking and Insurance on or after the effective date
8 of ¹**["this act"]** P.L.2007, c.345 (C.17:48-6ff et al.)¹, shall provide
9 benefits to any person covered thereunder for expenses incurred in
10 obtaining:

11 (1) an orthotic or prosthetic appliance from any licensed orthotist
12 or prosthetist, ¹licensed podiatrist¹ or any certified pedorthist, as
13 determined medically necessary by the covered person's physician;
14 and

15 (2) an additional orthotic or prosthetic appliance from any licensed
16 orthotist or prosthetist, ¹licensed podiatrist¹ or any certified
17 pedorthist, if the covered person's physician determines that the
18 additional appliance is necessary to enable the covered person to
19 engage in physical and recreational activities, including running,
20 bicycling, swimming, climbing, skiing, snowboarding, and team and
21 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 (C.45:12B-
25 3)¹, "licensed podiatrist" has the meaning assigned to it in R.S.45:5-
26 1 et seq.¹ and "certified pedorthist" has the meaning assigned to it in
27 subsection j. of section 18 of P.L.1991, c.512 (C.45:12B-18).

28 b. On and after the effective date of ¹**["this act"]** P.L.2007, c.345
29 (C.17:48-6ff et al.)¹, a medical service corporation contract shall
30 reimburse for orthotic and prosthetic appliances at the same rate as
31 reimbursement for such appliances under the federal Medicare
32 reimbursement schedule.

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

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

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

39
40 3. Section 3 of P.L.2007, c.345 (C.17:48E-35.30) is amended to
41 read as follows:

42 3. a. Every health service corporation contract that provides
43 hospital or medical expense benefits and is delivered, issued, executed
44 or renewed in this State pursuant to P.L.1985, c.236 (C.17:48E-1 et
45 seq.), or approved for issuance or renewal in this State by the
46 Commissioner of Banking and Insurance on or after the effective date
47 of ¹**["this act"]** P.L.2007, c.345 (C.17:48-6ff et al.)¹, shall provide

benefits to any person covered thereunder for expenses incurred in obtaining:

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

(2) an additional orthotic or prosthetic appliance from any licensed orthotist or prosthetist, ¹licensed podiatrist,¹ or any certified pedorthist, if the covered person's physician determines that the additional appliance is necessary to enable the covered person to engage in physical and recreational activities, including running, bicycling, swimming, climbing, skiing, snowboarding, and team and individual sports.

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

b. On and after the effective date of ¹**【this act】** P.L.2007, c.345 (C.17:48-6ff et al.)¹, a health service corporation contract shall reimburse for orthotic and prosthetic appliances at the same rate as reimbursement for such appliances under the federal Medicare reimbursement schedule.

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

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

(cf: P.L.2007, c.345, s.3)

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

4. a. Every individual health insurance policy that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to N.J.S.17B:26-1 et seq., or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance on or after the effective date of ¹**【this act】** P.L.2007, c.345 (C.17:48-6ff et al.)¹, shall provide benefits to any person covered thereunder for expenses incurred in obtaining:

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

(2) an additional orthotic or prosthetic appliance from any licensed orthotist or prosthetist, ¹licensed podiatrist,¹ or any certified pedorthist, if the covered person's physician determines that the

1 additional appliance is necessary to enable the covered person to
2 engage in physical and recreational activities, including running,
3 bicycling, swimming, climbing, skiing, snowboarding, and team and
4 individual sports.

5 As used in this section, "orthotic appliance," "prosthetic
6 appliance," "licensed orthotist" and "licensed prosthetist" have the
7 meaning assigned to them in section 3 of P.L.1991, c.512 (C.45:12B-
8 3)¹, "licensed podiatrist" has the meaning assigned to it in R.S.45:5-
9 1 et seq.,¹ and "certified pedorthist" has the meaning assigned to it in
10 subsection j. of section 18 of P.L.1991, c.512 (C.45:12B-18).

11 b. On and after the effective date of ¹**[this act]** P.L.2007, c.345
12 (C.17:48-6ff et al.)¹, an individual health insurance policy shall
13 reimburse for orthotic and prosthetic appliances at the same rate as
14 reimbursement for such appliances under the federal Medicare
15 reimbursement schedule.

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

18 d. The provisions of this section shall apply to all individual
19 health insurance policies in which the insurer has reserved the right to
20 change the premium.

21 (cf: P.L.2007, c.345, s.4)

22

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

25 5. a. Every group health insurance policy that provides hospital
26 or medical expense benefits and is delivered, issued, executed or
27 renewed in this State pursuant to N.J.S.17B:27-26 et seq., or approved
28 for issuance or renewal in this State by the Commissioner of Banking
29 and Insurance on or after the effective date of ¹**[this act]** P.L.2007,
30 c.345 (C.17:48-6ff et al.)¹, shall provide benefits to any person
31 covered thereunder for expenses incurred in obtaining:

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

36 (2) an additional orthotic or prosthetic appliance from any licensed
37 orthotist or prosthetist, ¹licensed podiatrist,¹ or any certified
38 pedorthist, if the covered person's physician determines that the
39 additional appliance is necessary to enable the covered person to
40 engage in physical and recreational activities, including running,
41 bicycling, swimming, climbing, skiing, snowboarding, and team and
42 individual sports.

43 As used in this section, "orthotic appliance," "prosthetic
44 appliance," "licensed orthotist" and "licensed prosthetist" have the
45 meaning assigned to them in section 3 of P.L.1991, c.512 (C.45:12B-
46 3)¹, "licensed podiatrist" has the meaning assigned to it in R.S.45:5-

1 1 et seq.¹ and "certified pedorthist" has the meaning assigned to it in
2 subsection j. of section 18 of P.L.1991, c.512 (C.45:12B-18).

3 b. On and after the effective date of ¹**["this act"]** P.L.2007, c.345
4 (C.17:48-6ff et al.)¹, a group health insurance policy shall reimburse
5 for orthotic and prosthetic appliances at the same rate as
6 reimbursement for such appliances under the federal Medicare
7 reimbursement schedule.

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

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

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

14
15 6. Section 6 of P.L.2007, c.345 (C.17B:27A-7.13) is amended to
16 read as follows:

17 6. a. Every individual health benefits plan that provides hospital
18 or medical expense benefits and is delivered, issued, executed or
19 renewed in this State pursuant to P.L.1992, c.161 (C.17B:27A-2 et
20 seq.), or approved for issuance or renewal in this State by the
21 Commissioner of Banking and Insurance on or after the effective date
22 of ¹**["this act"]** P.L.2007, c.345 (C.17:48-6ff et al.)¹, shall provide
23 benefits to any person covered thereunder for expenses incurred in
24 obtaining:

25 (1) an orthotic or prosthetic appliance from any licensed orthotist
26 or prosthetist, ¹licensed podiatrist¹ or any certified pedorthist, as
27 determined medically necessary by the covered person's physician;
28 and

29 (2) an additional orthotic or prosthetic appliance from any licensed
30 orthotist or prosthetist, ¹licensed podiatrist¹ or any certified
31 pedorthist, if the covered person's physician determines that the
32 additional appliance is necessary to enable the covered person to
33 engage in physical and recreational activities, including running,
34 bicycling, swimming, climbing, skiing, snowboarding, and team and
35 individual sports.

36 As used in this section, "orthotic appliance," "prosthetic
37 appliance," "licensed orthotist" and "licensed prosthetist" have the
38 meaning assigned to them in section 3 of P.L.1991, c.512 (C.45:12B-
39 3)¹, "licensed podiatrist" has the meaning assigned to it in R.S.45:5-
40 1 et seq.¹ and "certified pedorthist" has the meaning assigned to it in
41 subsection j. of section 18 of P.L.1991, c.512 (C.45:12B-18).

42 b. On and after the effective date of ¹**["this act"]** P.L.2007, c.345
43 (C.17:48-6ff et al.)¹, an individual health benefits plan shall reimburse
44 for orthotic and prosthetic appliances at the same rate as
45 reimbursement for such appliances under the federal Medicare
46 reimbursement schedule.

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

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

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

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

10 7. a. Every small employer health benefits plan that provides
11 hospital or medical expense benefits and is delivered, issued, executed
12 or renewed in this State pursuant to P.L1992, c.162 (C.17B:27A-17 et
13 seq.), or approved for issuance or renewal in this State by the
14 Commissioner of Banking and Insurance on or after the effective date
15 of '[this act] P.L.2007, c.345 (C.17:48-6ff et al.)'¹, shall provide
16 benefits to any person covered thereunder for expenses incurred in
17 obtaining:

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

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

29 As used in this section, "orthotic appliance," "prosthetic
30 appliance," "licensed orthotist" and "licensed prosthetist" have the
31 meaning assigned to them in section 3 of P.L.1991, c.512 (C.45:12B-
32 3)¹, "licensed podiatrist" has the meaning assigned to it in R.S.45:5-
33 1 et seq.,¹ and "certified pedorthist" has the meaning assigned to it in
34 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] P.L.2007, c.345
36 (C.17:48-6ff et al.)'¹, a small employer health benefits plan shall
37 reimburse for orthotic and prosthetic appliances at the same rate as
38 reimbursement for such appliances under the federal Medicare
39 reimbursement schedule.

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

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

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

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

3 8. a. A certificate of authority to establish and operate a health
4 maintenance organization in this State pursuant to P.L.1973, c.337
5 (C.26:2J-1 et seq.) shall not be issued or continued by the
6 Commissioner of Health and Senior Services on or after the effective
7 date of ¹**["this act"] P.L.2007, c.345 (C.17:48-6ff et al.)¹ unless the
8 health maintenance organization provides health care services for any
9 person covered thereunder for expenses incurred in obtaining:**

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

14 (2) an additional orthotic or prosthetic appliance from any licensed
15 orthotist or prosthetist, ¹licensed podiatrist,¹ or any certified
16 pedorthist, if the covered person's physician determines that the
17 additional appliance is necessary to enable the covered person to
18 engage in physical and recreational activities, including running,
19 bicycling, swimming, climbing, skiing, snowboarding, and team and
20 individual sports.

21 As used in this section, "orthotic appliance," "prosthetic
22 appliance," "licensed orthotist" and "licensed prosthetist" have the
23 meaning assigned to them in section 3 of P.L.1991, c.512 (C.45:12B-
24 3)¹, "licensed podiatrist" has the meaning assigned to it in R.S.45:5-
25 1 et seq.,¹ and "certified pedorthist" has the meaning assigned to it in
26 subsection j. of section 18 of P.L.1991, c.512 (C.45:12B-18).

27 b. On and after the effective date of ¹**["this act"] P.L.2007, c.345**
28 **(C.17:48-6ff et al.)**¹, a health maintenance organization shall
29 reimburse for orthotic and prosthetic appliances at the same rate as
30 reimbursement for such appliances under the federal Medicare
31 reimbursement schedule.

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

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

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

38
39 9. Section 9 of P.L.2007, c.345 (C.52:14-17.29m) is amended to
40 read as follows:

41 9. a. The State Health Benefits Commission shall ensure that
42 every contract purchased by the commission on or after the effective
43 date of ¹**["this act"] P.L.2007, c.345 (C.17:48-6ff et al.)**¹ that provides
44 hospital or medical expense benefits, shall provide benefits to any
45 person covered thereunder for expenses incurred in obtaining:

46 (1) an orthotic or prosthetic appliance from any licensed orthotist
47 or prosthetist, ¹licensed podiatrist,¹ or any certified pedorthist, as

1 determined medically necessary by the covered person's physician;
2 and

3 (2) an additional orthotic or prosthetic appliance from any licensed
4 orthotist or prosthetist, ¹licensed podiatrist,¹ or any certified
5 pedorthist, if the covered person's physician determines that the
6 additional appliance is necessary to enable the covered person to
7 engage in physical and recreational activities, including running,
8 bicycling, swimming, climbing, skiing, snowboarding, and team and
9 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 (C.45:12B-
13 3)¹, "licensed podiatrist" has the meaning assigned to it in R.S.45:5-
14 1 et seq.,¹ and "certified pedorthist" has the meaning assigned to it in
15 subsection j. of section 18 of P.L.1991, c.512 (C.45:12B-18).

16 b. On and after the effective date of ¹**[this act]** P.L.2007, c.345
17 (C.17:48-6ff et al.)¹, a contract purchased by the commission shall
18 reimburse for orthotic and prosthetic appliances at the same rate as
19 reimbursement for such appliances under the federal Medicare
20 reimbursement schedule.

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

23 (cf: P.L.2007, c.345, s.9)
24

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