Legislative Update – November 2018

Bill Introduced to Prohibit Pre-Approvals—On October 18, 2018, Bill A4613 was introduced in the New Jersey Assembly to prohibit pre-approval or precertification of medical tests, procedures, and prescription drugs covered under health benefits or prescription drug benefits plans. The purpose of the Bill is to ensure that patients who are ill are not burdened with technical requirements by health benefits providers which employ utilization management review systems that slow down medical care. The Bill's sponsor, Assemblyman Jon M. Bramnick, has been concerned that complaints from people who need medical treatment are on the rise, and feels that it is time to end the "nightmare" of the insurance company bureaucracy that is frustrating patients who need care and medicine. It is the sponsor's goal that insurance companies pay for what the doctor orders. In response, a representative from the New Jersey Association of Health Plans stated that "prior authorization serves an important patient-safety role and can protect patients from things like harmful drug interactions since doctors don't always know what other drugs a patient may be taking. It also protects against diversion, fraud, waste, and abuse."

Department of Health Circulates OON Forms—On October 23, 2018, the New Jersey Department of Health (DOH) circulated a memo with draft out-of-network disclosure forms to be used by health care facilities, such as hospitals and ambulatory surgery centers, in order to fulfill their obligations under the recently enacted Out-Of-Network Consumer Protection, Transparency, Cost Containment, and Accountability Act (the Act). The DOH is required by the Act to promulgate rules and disclosure forms to be distributed to insured patients. The memo and the draft disclosure forms are intended to assist general acute care hospitals, satellite emergency departments, hospital-based ambulatory surgery centers, and freestanding ambulatory surgery centers in understanding and meeting their obligations under the Act until the rules and disclosure forms can be adopted through rulemaking.

Bill Introduced Requiring Licensing of Embryo Storage Facilities—On October 18, 2018, Bill A4605 was introduced in the New Jersey Assembly requiring the New Jersey Department of Health (DOH) to regulate and license embryo storage facilities. An identical bill was introduced in the New Jersey Senate on October 15, 2018. The Bill stipulates that a person cannot conduct, maintain, or operate an embryo storage facility in New Jersey unless licensed by the DOH pursuant to the provisions of the Bill. The DOH would be required to promulgate regulations governing the storage and care of human eggs, pre-embryos, and embryos by an embryo storage facility. The regulations would promote safety and best practices among embryo storage facilities and, at a minimum, prescribe standards governing the operation, maintenance, and administration of embryo storage facilities.

Bill Introduced Requiring End-of-Life Training—On October 29, 2018, Bill A4683 was introduced in the New Jersey Assembly requiring certain medical facilities to undertake end-of-life planning and training as a condition of licensure. An identical bill was introduced in the New Jersey Senate on October 18, 2018. Under the Bill, assisted living facilities, dementia care facilities, hospitals, and long-term care facilities are to: (1) require annual education on advance care planning, end-of-life care, and Practitioner Orders for Life-Sustaining Treatment (POLST) forms for administrative and professional medical staff; (2) provide patients and their families, as appropriate, educational materials on POLST forms, advance directives, and hospice and palliative care; and (3) implement policies to identify and address end-of-life issues upon patients' admission to a facility. The Department of Health may suspend the license of a facility that fails to comply with the Bill's provisions.

Dietitian/Nutritionist Licensing Bill Currently Being Evaluated—Committees within the New Jersey Senate and New Jersey Assembly are currently evaluating Bill S2625/A1582 (the "Dietitian/Nutritionist Licensing Act") which would provide for the licensure of dietitians and nutritionists in New Jersey. Applicants for licensure would need to be registered as "Registered Dietitians" by the Commission on Dietetic Registration and meet certain other educational and training requirements. The Bill would prohibit any person from practicing dietetics/nutrition in New Jersey unless that person holds a valid license, subject to a number of exceptions. Critics of the Bill are concerned that it would hamper the practice of any nutrition professional who is not

a Registered Dietitian.