

- §1 - C.17:48-6ss
- §2 - C.17:48A-7pp
- §3 - C.17:48E-35.43
- §4 - C.17B:26-2.1ll
- §5 - C.17B:27-46.1ss
- §6 - C.17B:27A-7.25
- §7 - C.17B:27A-19.29
- §8 - C.26:2J-4.44
- §9 - C.52:14-17.29cc
- §10 - C.52:14-17.46.6n
- §11 - C.30:4D-6o
- §12 - Note

P.L. 2019, CHAPTER 343, *approved January 13, 2020*
 Assembly Committee Substitute (*First Reprint*) for
 Assembly, No. 5509

1 AN ACT concerning health benefits coverage for breastfeeding
 2 support 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. a. A hospital service corporation contract that provides
 8 hospital or medical expense benefits and is delivered, issued,
 9 executed or renewed in this State, or approved for issuance or
 10 renewal in this State by the Commissioner of Banking and
 11 Insurance, on or after the effective date of P.L. ,

12 c. (C.)(pending before the Legislature as this bill), shall
 13 provide coverage for comprehensive lactation support ¹**[and]** ¹
 14 counseling ¹**[by a trained provider]** , and consultation¹, and the
 15 costs for renting or purchasing breastfeeding equipment, in
 16 conjunction with each birth, for the duration of breastfeeding for
 17 health plan enrollees, with no cost-sharing.

18 b. Coverage of breastfeeding equipment shall include:

19 (1) Purchase of a single-user breast pump, subject to the
 20 following conditions:

21 (a) A contract shall cover the purchase of a double electric
 22 breast pump. If an enrollee requests a manual pump in lieu of the
 23 double electric breast pump, the health plan shall cover the
 24 purchase of a manual pump.

25 (b) A double electric breast pump provided pursuant to this
 26 paragraph shall be of sufficient power and durability to establish
 27 and maintain milk supply for the duration of breastfeeding.

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:

¹ Senate SCM committee amendments adopted November 14, 2019.

1 (c) A contract shall not require documentation of medical
2 necessity, prior authorization, or a prescription for a breast pump
3 provided pursuant to this paragraph.

4 (d) Coverage shall be available at any time during pregnancy
5 and the postpartum period, and shall continue for the duration of
6 breastfeeding as defined by the plan enrollee.

7 (e) Coverage for breast pumps shall include repair or
8 replacement if necessary.

9 (2) Rental or purchase of a multi-user breast pump, on the
10 recommendation of a licensed health care provider, subject to the
11 following conditions:

12 (a) When recommended by a licensed health care provider, a
13 contract shall provide coverage for a multi-user breast pump.

14 (b) A hospital service corporation may determine whether a
15 rental or purchase is covered.

16 (c) Coverage for a multi-user breast pump shall be covered
17 without regard to coverage or acquisition of a single-user breast
18 pump.

19 (d) A hospital service corporation may require a letter of
20 medical necessity from a lactation ¹~~provider~~ consultant¹ or other
21 health care provider for coverage of a multi-user pump. The letter
22 shall not interfere with the timely acquisition of a multi-user pump.

23 (3) Coverage of breastfeeding equipment pursuant to this
24 section shall include two breast pump kits per birth event, as well as
25 appropriate size breast pump flanges, ¹~~nipple shields, breast~~
26 ~~shells,~~¹ or other lactation accessories recommended by a health
27 care¹ provider.

28 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
29 of this subsection shall be furnished: within 48 hours of notification
30 of need, if requested after the birth of the child; or by the later of
31 two weeks before the enrollee's expected due date or 72 hours after
32 notification, if requested prior to the birth of the child. If the
33 hospital service corporation cannot ensure an enrollee receives
34 breastfeeding equipment within 48 hours, an enrollee may purchase
35 the equipment and the health plan shall reimburse all out-of-pocket
36 expenses incurred by the enrollee, including any balance billing
37 amounts.

38 (5) Breastfeeding equipment specified in paragraph (2) of this
39 subsection shall be made available within 12 hours of notification
40 of need. If equipment is not available within 12 hours of
41 notification of need, the hospital service corporation shall reimburse
42 all out-of-pocket rental expenses incurred by an enrollee, including
43 any balance billing amounts, until the enrollee receives
44 breastfeeding equipment.

45 c. Coverage of comprehensive lactation counseling ¹and
46 lactation consultation¹ shall include:

- 1 (1) In-person, one-on-one lactation counseling ¹【with a】 and¹
2 lactation ¹【provider】 consultation¹, subject to the following
3 conditions:
- 4 (a) Coverage shall include visits that occur inside and outside a
5 hospital or office setting. In-person lactation counseling ¹and
6 lactation consultation¹ shall be covered regardless of location of
7 service provision and shall include home visits.
- 8 (b) Lactation counseling ¹and lactation consultation¹ shall be
9 made available within 24 hours of notification of need.
- 10 (2) Telephonic lactation assistance shall be covered in addition
11 to, and not as a substitute for, in-person, one-on-one lactation
12 counseling ¹or lactation consultation¹, when an enrollee requests
13 one-on-one, in-person lactation counseling ¹or lactation
14 consultation¹. The telephonic lactation assistance shall be provided
15 within 12 hours of notification of need.
- 16 (3) Group lactation counseling shall be covered in addition to,
17 and not as a substitute for, one-on-one, in-person lactation
18 counseling ¹or lactation consultation¹, if an enrollee requests one-
19 on-one, in-person lactation counseling ¹or lactation consultation¹.
20 Group counseling shall include educational classes and support
21 groups.
- 22 (4) A contract shall not require prior authorization, prescription
23 or referral for any lactation counseling ¹or lactation consultation¹,
24 regardless of provider type or setting.
- 25 (5) A hospital service corporation shall not impose medical
26 management techniques not described in this section.
- 27 d. Except as otherwise authorized pursuant to this section, a
28 hospital service corporation shall not impose restrictions on the
29 coverage provided pursuant to this section, including, but not
30 limited to, limitations on reimbursement to allowable amounts or
31 reasonable and customary charges, documentation requests, or
32 delays on the coverage provided.
- 33 e. As used in this section:
- 34 “Cost-sharing” means deductible, co-insurance or co-payments,
35 or similar charges.
- 36 “Breast pump kit” means a collection of tubing, valves, flanges,
37 collection bottles, ¹【nipple shields,】¹ or other parts required to
38 extract human milk using a breast pump.
- 39 ¹【“Lactation provider” means an individual who is a licensed or
40 certified provider with specialty training in breastfeeding and
41 lactation.】
- 42 “Lactation consultant” means an individual who is an
43 International Board Certified Lactation Consultant.
- 44 “Lactation consultation” means the clinical application by a
45 lactation consultant or other licensed health care provider of
46 scientific principles and a multidisciplinary body of evidence for

1 evaluation, problem identification, treatment, education, and
2 consultation to child-bearing families utilizing lactation care and
3 services.

4 Lactation care and services shall include, but not be limited to:

5 (1) lactation assessment through the systematic collection of
6 subjective and objective data;

7 (2) analysis of data and creation of a plan of care;

8 (3) implementation of a lactation care plan with demonstration
9 and instruction to parents and communication to the primary health
10 care provider;

11 (4) evaluation of outcomes;

12 (5) provision of lactation education to parents and health care
13 providers; and

14 (6) the recommendation and use of assistive devices.¹

15 "Lactation counseling" means breastfeeding education and
16 support services provided by a lactation ¹**[provider]** counselor¹,
17 such as:

18 (1) educating women, families, health ¹care¹ professionals, and
19 the community about the impact of breastfeeding and human
20 lactation on health and what to expect in the normal course of
21 breastfeeding;

22 (2) acting as an advocate for breastfeeding as the norm for
23 feeding infants and young children;

24 (3) providing breastfeeding support, encouragement, and care
25 from preconception to weaning in order to help women and their
26 families meet their breastfeeding goals;

27 (4) using principles of adult education when teaching clients,
28 health care providers, and others in the community; and

29 (5) identifying and referring high-risk mothers and babies and
30 those requiring clinical treatment appropriately.

31 ¹"Lactation counselor" means an individual, other than an
32 International Board Certified Lactation Consultant or a licensed
33 health care provider, who is:

34 (1) licensed or certified to practice lactation counseling under
35 any law, or who is an accredited member belonging to another
36 profession or occupation, who provides breastfeeding education and
37 support services for which that person is licensed, regulated,
38 accredited, or certified; or

39 (2) a community-based lactation supporter who has received at
40 least 40 hours of specialty education in breastfeeding and lactation,
41 and who works within a lactation counselor's scope of practice.¹

42 "Telephonic lactation assistance" means lactation counseling ¹or
43 consultation¹ with a lactation ¹**[provider]** counselor or lactation
44 consultant¹ conducted remotely through live voice communication.

- 1 f. This section shall apply to those contracts in which the
2 hospital service corporation has reserved the right to change the
3 premium.
4
- 5 2. a. A medical service corporation contract that provides
6 hospital or medical expense benefits and is delivered, issued,
7 executed or renewed in this State, or approved for issuance or
8 renewal in this State by the Commissioner of Banking and
9 Insurance, on or after the effective date of P.L. , c. (C.
10)(pending before the Legislature as this bill), shall provide coverage
11 for comprehensive lactation support ¹**and** ¹ counseling ¹**by a**
12 **trained provider** ¹, and consultation¹, and the costs for renting or
13 purchasing breastfeeding equipment, in conjunction with each birth,
14 for the duration of breastfeeding for health plan enrollees, with no
15 cost-sharing.
- 16 b. Coverage of breastfeeding equipment shall include:
- 17 (1) Purchase of a single-user breast pump, subject to the
18 following conditions:
- 19 (a) A contract shall cover the purchase of a double electric
20 breast pump. If an enrollee requests a manual pump in lieu of the
21 double electric breast pump, the health plan shall cover the
22 purchase of a manual pump.
- 23 (b) A double electric breast pump provided pursuant to this
24 paragraph shall be of sufficient power and durability to establish
25 and maintain milk supply for the duration of breastfeeding.
- 26 (c) A contract shall not require documentation of medical
27 necessity, prior authorization, or a prescription for a breast pump
28 provided pursuant to this paragraph.
- 29 (d) Coverage shall be available at any time during pregnancy
30 and the postpartum period, and shall continue for the duration of
31 breastfeeding as defined by the plan enrollee.
- 32 (e) Coverage for breast pumps shall include repair or
33 replacement if necessary.
- 34 (2) Rental or purchase of a multi-user breast pump, on the
35 recommendation of a licensed health care provider, subject to the
36 following conditions:
- 37 (a) When recommended by a licensed health care provider, a
38 contract shall provide coverage for a multi-user breast pump.
- 39 (b) A medical service corporation may determine whether a
40 rental or purchase is covered.
- 41 (c) Coverage for a multi-user breast pump shall be covered
42 without regard to coverage or acquisition of a single-user breast
43 pump.
- 44 (d) A medical service corporation may require a letter of
45 medical necessity from a lactation ¹**provider** consultant¹ or other
46 health care provider for coverage of a multi-user pump. The letter
47 shall not interfere with the timely acquisition of a multi-user pump.

1 (3) Coverage of breastfeeding equipment pursuant to this
2 section shall include two breast pump kits per birth event, as well as
3 appropriate size breast pump flanges, ¹["nipple shields, breast
4 shells,]¹ or other lactation accessories recommended by a health
5 care¹ provider.

6 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
7 of this subsection shall be furnished: within 48 hours of notification
8 of need, if requested after the birth of the child; or by the later of
9 two weeks before the enrollee's expected due date or 72 hours after
10 notification, if requested prior to the birth of the child. If the
11 medical service corporation cannot ensure an enrollee receives
12 breastfeeding equipment within 48 hours, an enrollee may purchase
13 the equipment and the health plan shall reimburse all out-of-pocket
14 expenses incurred by the enrollee, including any balance billing
15 amounts.

16 (5) Breastfeeding equipment specified in paragraph (2) of this
17 subsection shall be made available within 12 hours of notification
18 of need. If equipment is not available within 12 hours of
19 notification of need, the medical service corporation shall reimburse
20 all out-of-pocket rental expenses incurred by an enrollee, including
21 any balance billing amounts, until the enrollee receives
22 breastfeeding equipment.

23 c. Coverage of comprehensive lactation counseling ¹and
24 lactation consultation¹ shall include:

25 (1) In-person, one-on-one lactation counseling ¹["with a"] and¹
26 lactation ¹["provider"] consultation¹, subject to the following
27 conditions:

28 (a) Coverage shall include visits that occur inside and outside a
29 hospital or office setting. In-person lactation counseling ¹and
30 lactation consultation¹ shall be covered regardless of location of
31 service provision and shall include home visits.

32 (b) Lactation counseling ¹and lactation consultation¹ shall be
33 made available within 24 hours of notification of need.

34 (2) Telephonic lactation assistance shall be covered in addition
35 to, and not as a substitute for, in-person, one-on-one lactation
36 counseling ¹or lactation consultation¹, when an enrollee requests
37 one-on-one, in-person lactation counseling ¹or lactation
38 consultation¹. The telephonic lactation assistance shall be provided
39 within 12 hours of notification of need.

40 (3) Group lactation counseling shall be covered in addition to,
41 and not as a substitute for, one-on-one, in-person lactation
42 counseling ¹or lactation consultation¹, if an enrollee requests one-
43 on-one, in-person lactation counseling ¹or lactation consultation¹.
44 Group counseling shall include educational classes and support
45 groups.

1 (4) A contract shall not require prior authorization, prescription
2 or referral for any lactation counseling ¹or lactation consultation¹,
3 regardless of provider type or setting.

4 (5) A medical service corporation shall not impose medical
5 management techniques not described in this section.

6 d. Except as otherwise authorized pursuant to this section, a
7 medical service corporation shall not impose restrictions on the
8 coverage provided pursuant to this section, including, but not
9 limited to, limitations on reimbursement to allowable amounts or
10 reasonable and customary charges, documentation requests, or
11 delays on the coverage provided.

12 e. As used in this section:

13 "Cost-sharing" means deductible, co-insurance or co-payments,
14 or similar charges.

15 "Breast pump kit" means a collection of tubing, valves, flanges,
16 collection bottles, ¹[nipple shields,]¹ or other parts required to
17 extract human milk using a breast pump.

18 ¹["Lactation provider" means an individual who is a licensed or
19 certified provider with specialty training in breastfeeding and
20 lactation.]

21 "Lactation consultant" means an individual who is an
22 International Board Certified Lactation Consultant.

23 "Lactation consultation" means the clinical application by a
24 lactation consultant or other licensed health care provider of
25 scientific principles and a multidisciplinary body of evidence for
26 evaluation, problem identification, treatment, education, and
27 consultation to child-bearing families utilizing lactation care and
28 services.

29 Lactation care and services shall include, but not be limited to:

30 (1) lactation assessment through the systematic collection of
31 subjective and objective data;

32 (2) analysis of data and creation of a plan of care;

33 (3) implementation of a lactation care plan with demonstration
34 and instruction to parents and communication to the primary health
35 care provider;

36 (4) evaluation of outcomes;

37 (5) provision of lactation education to parents and health care
38 providers; and

39 (6) the recommendation and use of assistive devices.¹

40 "Lactation counseling" means breastfeeding education and
41 support services provided by a lactation ¹[provider] counselor¹,
42 such as:

43 (1) educating women, families, health ¹care¹ professionals, and
44 the community about the impact of breastfeeding and human
45 lactation on health and what to expect in the normal course of
46 breastfeeding;

- 1 (2) acting as an advocate for breastfeeding as the norm for
- 2 feeding infants and young children;
- 3 (3) providing breastfeeding support, encouragement, and care
- 4 from preconception to weaning in order to help women and their
- 5 families meet their breastfeeding goals;
- 6 (4) using principles of adult education when teaching clients,
- 7 health care providers, and others in the community; and
- 8 (5) identifying and referring high-risk mothers and babies and
- 9 those requiring clinical treatment appropriately.

10 ¹“Lactation counselor” means an individual, other than an

11 International Board Certified Lactation Consultant or a licensed

12 health care provider, who is:

13 (1) licensed or certified to practice lactation counseling under

14 any law, or who is an accredited member belonging to another

15 profession or occupation, who provides breastfeeding education and

16 support services for which that person is licensed, regulated,

17 accredited, or certified; or

18 (2) a community-based lactation supporter who has received at

19 least 40 hours of specialty education in breastfeeding and lactation,

20 and who works within a lactation counselor’s scope of practice.¹

21 "Telephonic lactation assistance" means lactation counseling ¹or

22 consultation¹ with a lactation ¹**[provider]** counselor or lactation

23 consultant¹ conducted remotely through live voice communication.

24 f. This section shall apply to those contracts in which the

25 medical service corporation has reserved the right to change the

26 premium.

27

28 3. a. A health service corporation contract that provides

29 hospital or medical expense benefits and is delivered, issued,

30 executed or renewed in this State, or approved for issuance or

31 renewal in this State by the Commissioner of Banking and

32 Insurance, on or after the effective date of P.L. ,

33 c. (C.)(pending before the Legislature as this bill), shall

34 provide coverage for comprehensive lactation support ¹**[and]** ¹

35 counseling ¹**[by a trained provider]** , and consultation¹, and the

36 costs for renting or purchasing breastfeeding equipment, in

37 conjunction with each birth, for the duration of breastfeeding for

38 health plan enrollees, with no cost-sharing.

39 b. Coverage of breastfeeding equipment shall include:

40 (1) Purchase of a single-user breast pump, subject to the

41 following conditions:

42 (a) A contract shall cover the purchase of a double electric

43 breast pump. If an enrollee requests a manual pump in lieu of the

44 double electric breast pump, the health plan shall cover the

45 purchase of a manual pump.

- 1 (b) A double electric breast pump provided pursuant to this
2 paragraph shall be of sufficient power and durability to establish
3 and maintain milk supply for the duration of breastfeeding.
- 4 (c) A contract shall not require documentation of medical
5 necessity, prior authorization, or a prescription for a breast pump
6 provided pursuant to this paragraph.
- 7 (d) Coverage shall be available at any time during pregnancy
8 and the postpartum period, and shall continue for the duration of
9 breastfeeding as defined by the plan enrollee.
- 10 (e) Coverage for breast pumps shall include repair or
11 replacement if necessary.
- 12 (2) Rental or purchase of a multi-user breast pump, on the
13 recommendation of a licensed health care provider, subject to the
14 following conditions:
- 15 (a) When recommended by a licensed health care provider, a
16 contract shall provide coverage for a multi-user breast pump.
- 17 (b) A health service corporation may determine whether a rental
18 or purchase is covered.
- 19 (c) Coverage for a multi-user breast pump shall be covered
20 without regard to coverage or acquisition of a single-user breast
21 pump.
- 22 (d) A health service corporation may require a letter of medical
23 necessity from a lactation ¹**[provider] consultant¹** or other health
24 care provider for coverage of a multi-user pump. The letter shall
25 not interfere with the timely acquisition of a multi-user pump.
- 26 (3) Coverage of breastfeeding equipment pursuant to this
27 section shall include two breast pump kits per birth event, as well as
28 appropriate size breast pump flanges, ¹**[nipple shields, breast
29 shells,]¹** or other lactation accessories recommended by a health
30 ¹**care¹** provider.
- 31 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
32 of this subsection shall be furnished: within 48 hours of notification
33 of need, if requested after the birth of the child; or by the later of
34 two weeks before the enrollee's expected due date or 72 hours after
35 notification, if requested prior to the birth of the child. If the health
36 service corporation cannot ensure an enrollee receives breastfeeding
37 equipment within 48 hours, an enrollee may purchase the equipment
38 and the health plan shall reimburse all out-of-pocket expenses
39 incurred by the enrollee, including any balance billing amounts.
- 40 (5) Breastfeeding equipment specified in paragraph (2) of this
41 subsection shall be made available within 12 hours of notification
42 of need. If equipment is not available within 12 hours of
43 notification of need, the health service corporation shall reimburse
44 all out-of-pocket rental expenses incurred by an enrollee, including
45 any balance billing amounts, until the enrollee receives
46 breastfeeding equipment.

1 c. Coverage of comprehensive lactation counseling ¹and
2 lactation consultation¹ shall include:

3 (1) In-person, one-on-one lactation counseling ¹**【with a】 and**¹
4 lactation ¹**【provider】** consultation¹, subject to the following
5 conditions:

6 (a) Coverage shall include visits that occur inside and outside a
7 hospital or office setting. In-person lactation counseling ¹and
8 lactation consultation¹ shall be covered regardless of location of
9 service provision and shall include home visits.

10 (b) Lactation counseling ¹and lactation consultation¹ shall be
11 made available within 24 hours of notification of need.

12 (2) Telephonic lactation assistance shall be covered in addition
13 to, and not as a substitute for, in-person, one-on-one lactation
14 counseling ¹or lactation consultation¹, when an enrollee requests
15 one-on-one, in-person lactation counseling ¹or lactation
16 consultation¹. The telephonic lactation assistance shall be provided
17 within 12 hours of notification of need.

18 (3) Group lactation counseling shall be covered in addition to,
19 and not as a substitute for, one-on-one, in-person lactation
20 counseling ¹or lactation consultation¹, if an enrollee requests one-
21 on-one, in-person lactation counseling ¹or lactation consultation¹.
22 Group counseling shall include educational classes and support
23 groups.

24 (4) A contract shall not require prior authorization, prescription
25 or referral for any lactation counseling ¹or lactation consultation¹,
26 regardless of provider type or setting.

27 (5) A health service corporation shall not impose medical
28 management techniques not described in this section.

29 d. Except as otherwise authorized pursuant to this section, a
30 health service corporation shall not impose restrictions on the
31 coverage provided pursuant to this section, including, but not
32 limited to, limitations on reimbursement to allowable amounts or
33 reasonable and customary charges, documentation requests, or
34 delays on the coverage provided.

35 e. As used in this section:

36 “Cost-sharing” means deductible, co-insurance or co-payments,
37 or similar charges.

38 “Breast pump kit” means a collection of tubing, valves, flanges,
39 collection bottles, ¹**【nipple shields,】**¹ or other parts required to
40 extract human milk using a breast pump.

41 ¹**【“Lactation provider” means an individual who is a licensed or**
42 **certified provider with specialty training in breastfeeding and**
43 **lactation.】**

44 “Lactation consultant” means an individual who is an
45 International Board Certified Lactation Consultant.

1 “Lactation consultation” means the clinical application by a
2 lactation consultant or other licensed health care provider of
3 scientific principles and a multidisciplinary body of evidence for
4 evaluation, problem identification, treatment, education, and
5 consultation to child-bearing families utilizing lactation care and
6 services.

7 Lactation care and services shall include, but not be limited to:

8 (1) lactation assessment through the systematic collection of
9 subjective and objective data;

10 (2) analysis of data and creation of a plan of care;

11 (3) implementation of a lactation care plan with demonstration
12 and instruction to parents and communication to the primary health
13 care provider;

14 (4) evaluation of outcomes;

15 (5) provision of lactation education to parents and health care
16 providers; and

17 (6) the recommendation and use of assistive devices.¹

18 "Lactation counseling" means breastfeeding education and
19 support services provided by a lactation ¹provider counselor¹,
20 such as:

21 (1) educating women, families, health ¹care¹ professionals, and
22 the community about the impact of breastfeeding and human
23 lactation on health and what to expect in the normal course of
24 breastfeeding;

25 (2) acting as an advocate for breastfeeding as the norm for
26 feeding infants and young children;

27 (3) providing breastfeeding support, encouragement, and care
28 from preconception to weaning in order to help women and their
29 families meet their breastfeeding goals;

30 (4) using principles of adult education when teaching clients,
31 health care providers, and others in the community; and

32 (5) identifying and referring high-risk mothers and babies and
33 those requiring clinical treatment appropriately.

34 ¹“Lactation counselor” means an individual, other than an
35 International Board Certified Lactation Consultant or a licensed
36 health care provider, who is:

37 (1) licensed or certified to practice lactation counseling under
38 any law, or who is an accredited member belonging to another
39 profession or occupation, who provides breastfeeding education and
40 support services for which that person is licensed, regulated,
41 accredited, or certified; or

42 (2) a community-based lactation supporter who has received at
43 least 40 hours of specialty education in breastfeeding and lactation,
44 and who works within a lactation counselor’s scope of practice.¹

1 "Telephonic lactation assistance" means lactation counseling ¹or
2 consultation¹ with a lactation ¹**[provider]** counselor or lactation
3 consultant¹ conducted remotely through live voice communication.

4 f. This section shall apply to those contracts in which the
5 health service corporation has reserved the right to change the
6 premium.

7
8 4. a. An individual health insurer policy that provides hospital
9 or medical expense benefits and is delivered, issued, executed or
10 renewed in this State, or approved for issuance or renewal in this
11 State by the Commissioner of Banking and Insurance, on or after
12 the effective date of P.L. , c. (C.)(pending before the
13 Legislature as this bill), shall provide coverage for comprehensive
14 lactation support ¹**[and]** ¹counseling ¹**[by a trained provider]** ,
15 and consultation¹, and the costs for renting or purchasing
16 breastfeeding equipment, in conjunction with each birth, for the
17 duration of breastfeeding for health plan enrollees, with no cost-
18 sharing.

19 b. Coverage of breastfeeding equipment shall include:

20 (1) Purchase of a single-user breast pump, subject to the
21 following conditions:

22 (a) A policy shall cover the purchase of a double electric breast
23 pump. If an enrollee requests a manual pump in lieu of the double
24 electric breast pump, the health plan shall cover the purchase of a
25 manual pump.

26 (b) A double electric breast pump provided pursuant to this
27 paragraph shall be of sufficient power and durability to establish
28 and maintain milk supply for the duration of breastfeeding.

29 (c) A policy shall not require documentation of medical
30 necessity, prior authorization, or a prescription for a breast pump
31 provided pursuant to this paragraph.

32 (d) Coverage shall be available at any time during pregnancy
33 and the postpartum period, and shall continue for the duration of
34 breastfeeding as defined by the plan enrollee.

35 (e) Coverage for breast pumps shall include repair or
36 replacement if necessary.

37 (2) Rental or purchase of a multi-user breast pump, on the
38 recommendation of a licensed health care provider, subject to the
39 following conditions:

40 (a) When recommended by a licensed health care provider, a
41 policy shall provide coverage for a multi-user breast pump.

42 (b) An individual health insurer may determine whether a rental
43 or purchase is covered.

44 (c) Coverage for a multi-user breast pump shall be covered
45 without regard to coverage or acquisition of a single-user breast
46 pump.

1 (d) An individual health insurer may require a letter of medical
2 necessity from a lactation ¹**[provider] consultant¹** or other health
3 care provider for coverage of a multi-user pump. The letter shall
4 not interfere with the timely acquisition of a multi-user pump.

5 (3) Coverage of breastfeeding equipment pursuant to this
6 section shall include two breast pump kits per birth event, as well as
7 appropriate size breast pump flanges, ¹**[nipple shields, breast
8 shells,]¹** or other lactation accessories recommended by a health
9 ¹**care¹** provider.

10 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
11 of this subsection shall be furnished: within 48 hours of notification
12 of need, if requested after the birth of the child; or by the later of
13 two weeks before the enrollee's expected due date or 72 hours after
14 notification, if requested prior to the birth of the child. If the
15 individual health insurer cannot ensure an enrollee receives
16 breastfeeding equipment within 48 hours, an enrollee may purchase
17 the equipment and the health plan shall reimburse all out-of-pocket
18 expenses incurred by the enrollee, including any balance billing
19 amounts.

20 (5) Breastfeeding equipment specified in paragraph (2) of this
21 subsection shall be made available within 12 hours of notification
22 of need. If equipment is not available within 12 hours of
23 notification of need, the individual health insurer shall reimburse all
24 out-of-pocket rental expenses incurred by an enrollee, including any
25 balance billing amounts, until the enrollee receives breastfeeding
26 equipment.

27 c. Coverage of comprehensive lactation counseling ¹**and**
28 **lactation consultation¹** shall include:

29 (1) In-person, one-on-one lactation counseling ¹**[with a] and¹**
30 lactation ¹**[provider] consultation¹**, subject to the following
31 conditions:

32 (a) Coverage shall include visits that occur inside and outside a
33 hospital or office setting. In-person lactation counseling ¹**and**
34 **lactation consultation¹** shall be covered regardless of location of
35 service provision and shall include home visits.

36 (b) Lactation counseling ¹**and lactation consultation¹** shall be
37 made available within 24 hours of notification of need.

38 (2) Telephonic lactation assistance shall be covered in addition
39 to, and not as a substitute for, in-person, one-on-one lactation
40 counseling ¹**or lactation consultation¹**, when an enrollee requests
41 one-on-one, in-person lactation counseling ¹**or lactation**
42 **consultation¹**. The telephonic lactation assistance shall be provided
43 within 12 hours of notification of need.

44 (3) Group lactation counseling shall be covered in addition to,
45 and not as a substitute for, one-on-one, in-person lactation
46 counseling ¹**or lactation consultation¹**, if an enrollee requests one-

1 on-one, in-person lactation counseling ¹or lactation consultation¹.
2 Group counseling shall include educational classes and support
3 groups.

4 (4) A policy shall not require prior authorization, prescription or
5 referral for any lactation counseling ¹or lactation consultation¹,
6 regardless of provider type or setting.

7 (5) An individual health insurer shall not impose medical
8 management techniques not described in this section.

9 d. Except as otherwise authorized pursuant to this section, an
10 individual health insurer shall not impose restrictions on the
11 coverage provided pursuant to this section, including, but not
12 limited to, limitations on reimbursement to allowable amounts or
13 reasonable and customary charges, documentation requests, or
14 delays on the coverage provided.

15 e. As used in this section:

16 "Cost-sharing" means deductible, co-insurance or co-payments,
17 or similar charges.

18 "Breast pump kit" means a collection of tubing, valves, flanges,
19 collection bottles, ¹**["nipple shields,"]**¹ or other parts required to
20 extract human milk using a breast pump.

21 ¹**["Lactation provider" means an individual who is a licensed or
22 certified provider with specialty training in breastfeeding and
23 lactation.]**

24 "Lactation consultant" means an individual who is an
25 International Board Certified Lactation Consultant.

26 "Lactation consultation" means the clinical application by a
27 lactation consultant or other licensed health care provider of
28 scientific principles and a multidisciplinary body of evidence for
29 evaluation, problem identification, treatment, education, and
30 consultation to child-bearing families utilizing lactation care and
31 services.

32 Lactation care and services shall include, but not be limited to:

33 (1) lactation assessment through the systematic collection of
34 subjective and objective data;

35 (2) analysis of data and creation of a plan of care;

36 (3) implementation of a lactation care plan with demonstration
37 and instruction to parents and communication to the primary health
38 care provider;

39 (4) evaluation of outcomes;

40 (5) provision of lactation education to parents and health care
41 providers; and

42 (6) the recommendation and use of assistive devices.¹

43 "Lactation counseling" means breastfeeding education and
44 support services provided by a lactation ¹**["provider"]** counselor¹,
45 such as:

- 1 (1) educating women, families, health ¹care¹ professionals, and
2 the community about the impact of breastfeeding and human
3 lactation on health and what to expect in the normal course of
4 breastfeeding;
- 5 (2) acting as an advocate for breastfeeding as the norm for
6 feeding infants and young children;
- 7 (3) providing breastfeeding support, encouragement, and care
8 from preconception to weaning in order to help women and their
9 families meet their breastfeeding goals;
- 10 (4) using principles of adult education when teaching clients,
11 health care providers, and others in the community; and
- 12 (5) identifying and referring high-risk mothers and babies and
13 those requiring clinical treatment appropriately.

14 ¹“Lactation counselor” means an individual, other than an
15 International Board Certified Lactation Consultant or a licensed
16 health care provider, who is:

17 (1) licensed or certified to practice lactation counseling under
18 any law, or who is an accredited member belonging to another
19 profession or occupation, who provides breastfeeding education and
20 support services for which that person is licensed, regulated,
21 accredited, or certified; or

22 (2) a community-based lactation supporter who has received at
23 least 40 hours of specialty education in breastfeeding and lactation,
24 and who works within a lactation counselor’s scope of practice.¹

25 "Telephonic lactation assistance" means lactation counseling ¹or
26 consultation¹ with a lactation ¹**[provider]** counselor or lactation
27 consultant¹ conducted remotely through live voice communication.

28 f. This section shall apply to those policies in which the
29 individual health insurer has reserved the right to change the
30 premium.

31

32 5. a. A group health insurer policy that provides hospital or
33 medical expense benefits and is delivered, issued, executed or
34 renewed in this State, or approved for issuance or renewal in this
35 State by the Commissioner of Banking and Insurance, on or after
36 the effective date of P.L. , c. (C.)(pending before the
37 Legislature as this bill), shall provide coverage for comprehensive
38 lactation support ¹**[and]** ¹ counseling ¹**[by a trained provider]** ,
39 and consultation¹, and the costs for renting or purchasing
40 breastfeeding equipment, in conjunction with each birth, for the
41 duration of breastfeeding for health plan enrollees, with no cost-
42 sharing.

43 b. Coverage of breastfeeding equipment shall include:

44 (1) Purchase of a single-user breast pump, subject to the
45 following conditions:

- 1 (a) A policy shall cover the purchase of a double electric breast
2 pump. If an enrollee requests a manual pump in lieu of the double
3 electric breast pump, the health plan shall cover the purchase of a
4 manual pump.
- 5 (b) A double electric breast pump provided pursuant to this
6 paragraph shall be of sufficient power and durability to establish
7 and maintain milk supply for the duration of breastfeeding.
- 8 (c) A policy shall not require documentation of medical
9 necessity, prior authorization, or a prescription for a breast pump
10 provided pursuant to this paragraph.
- 11 (d) Coverage shall be available at any time during pregnancy
12 and the postpartum period, and shall continue for the duration of
13 breastfeeding as defined by the plan enrollee.
- 14 (e) Coverage for breast pumps shall include repair or
15 replacement if necessary.
- 16 (2) Rental or purchase of a multi-user breast pump, on the
17 recommendation of a licensed health care provider, subject to the
18 following conditions:
- 19 (a) When recommended by a licensed health care provider, a
20 policy shall provide coverage for a multi-user breast pump.
- 21 (b) A group health insurer may determine whether a rental or
22 purchase is covered.
- 23 (c) Coverage for a multi-user breast pump shall be covered
24 without regard to coverage or acquisition of a single-user breast
25 pump.
- 26 (d) A group health insurer may require a letter of medical
27 necessity from a lactation ¹**[provider] consultant¹** or other health
28 care provider for coverage of a multi-user pump. The letter shall
29 not interfere with the timely acquisition of a multi-user pump.
- 30 (3) Coverage of breastfeeding equipment pursuant to this
31 section shall include two breast pump kits per birth event, as well as
32 appropriate size breast pump flanges, ¹**[nipple shields, breast
33 shells,]¹** or other lactation accessories recommended by a health
34 ¹**care¹** provider.
- 35 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
36 of this subsection shall be furnished: within 48 hours of notification
37 of need, if requested after the birth of the child; or by the later of
38 two weeks before the enrollee's expected due date or 72 hours after
39 notification, if requested prior to the birth of the child. If the group
40 health insurer cannot ensure an enrollee receives breastfeeding
41 equipment within 48 hours, an enrollee may purchase the equipment
42 and the health plan shall reimburse all out-of-pocket expenses
43 incurred by the enrollee, including any balance billing amounts.
- 44 (5) Breastfeeding equipment specified in paragraph (2) of this
45 subsection shall be made available within 12 hours of notification
46 of need. If equipment is not available within 12 hours of
47 notification of need, the group health insurer shall reimburse all

1 out-of-pocket rental expenses incurred by an enrollee, including any
2 balance billing amounts, until the enrollee receives breastfeeding
3 equipment.

4 c. Coverage of comprehensive lactation counseling ¹and
5 lactation consultation¹ shall include:

6 (1) In-person, one-on-one lactation counseling ¹~~["with a"]~~ and¹
7 lactation ¹~~["provider"]~~ consultation¹, subject to the following
8 conditions:

9 (a) Coverage shall include visits that occur inside and outside a
10 hospital or office setting. In-person lactation counseling ¹and
11 lactation consultation¹ shall be covered regardless of location of
12 service provision and shall include home visits.

13 (b) Lactation counseling ¹and lactation consultation¹ shall be
14 made available within 24 hours of notification of need.

15 (2) Telephonic lactation assistance shall be covered in addition
16 to, and not as a substitute for, in-person, one-on-one lactation
17 counseling ¹or lactation consultation¹, when an enrollee requests
18 one-on-one, in-person lactation counseling ¹or lactation
19 consultation¹. The telephonic lactation assistance shall be provided
20 within 12 hours of notification of need.

21 (3) Group lactation counseling shall be covered in addition to,
22 and not as a substitute for, one-on-one, in-person lactation
23 counseling ¹or lactation consultation¹, if an enrollee requests one-
24 on-one, in-person lactation counseling ¹or lactation consultation¹.
25 Group counseling shall include educational classes and support
26 groups.

27 (4) A policy shall not require prior authorization, prescription or
28 referral for any lactation counseling ¹or lactation consultation¹,
29 regardless of provider type or setting.

30 (5) A group health insurer shall not impose medical
31 management techniques not described in this section.

32 d. Except as otherwise authorized pursuant to this section, a
33 group health insurer shall not impose restrictions on the coverage
34 provided pursuant to this section, including, but not limited to,
35 limitations on reimbursement to allowable amounts or reasonable
36 and customary charges, documentation requests, or delays on the
37 coverage provided.

38 e. As used in this section:

39 "Cost-sharing" means deductible, co-insurance or co-payments,
40 or similar charges.

41 "Breast pump kit" means a collection of tubing, valves, flanges,
42 collection bottles, ¹~~["nipple shields,"]~~¹ or other parts required to
43 extract human milk using a breast pump.

1 ¹["Lactation provider" means an individual who is a licensed or
2 certified provider with specialty training in breastfeeding and
3 lactation.]

4 "Lactation consultant" means an individual who is an
5 International Board Certified Lactation Consultant.

6 "Lactation consultation" means the clinical application by a
7 lactation consultant or other licensed health care provider of
8 scientific principles and a multidisciplinary body of evidence for
9 evaluation, problem identification, treatment, education, and
10 consultation to child-bearing families utilizing lactation care and
11 services.

12 Lactation care and services shall include, but not be limited to:

13 (1) lactation assessment through the systematic collection of
14 subjective and objective data;

15 (2) analysis of data and creation of a plan of care;

16 (3) implementation of a lactation care plan with demonstration
17 and instruction to parents and communication to the primary health
18 care provider;

19 (4) evaluation of outcomes;

20 (5) provision of lactation education to parents and health care
21 providers; and

22 (6) the recommendation and use of assistive devices.¹

23 "Lactation counseling" means breastfeeding education and
24 support services provided by a lactation ¹["provider"] counselor¹,
25 such as:

26 (1) educating women, families, health ¹care¹ professionals, and
27 the community about the impact of breastfeeding and human
28 lactation on health and what to expect in the normal course of
29 breastfeeding;

30 (2) acting as an advocate for breastfeeding as the norm for
31 feeding infants and young children;

32 (3) providing breastfeeding support, encouragement, and care
33 from preconception to weaning in order to help women and their
34 families meet their breastfeeding goals;

35 (4) using principles of adult education when teaching clients,
36 health care providers, and others in the community; and

37 (5) identifying and referring high-risk mothers and babies and
38 those requiring clinical treatment appropriately.

39 ¹"Lactation counselor" means an individual, other than an
40 International Board Certified Lactation Consultant or a licensed
41 health care provider, who is:

42 (1) licensed or certified to practice lactation counseling under
43 any law, or who is an accredited member belonging to another
44 profession or occupation, who provides breastfeeding education and
45 support services for which that person is licensed, regulated,
46 accredited, or certified; or

1 (2) a community-based lactation supporter who has received at
2 least 40 hours of specialty education in breastfeeding and lactation,
3 and who works within a lactation counselor's scope of practice.¹

4 "Telephonic lactation assistance" means lactation counseling ¹or
5 consultation¹ with a lactation ¹**[provider]** counselor or lactation
6 consultant¹ conducted remotely through live voice communication.

7 f. This section shall apply to those policies in which the group
8 health insurer has reserved the right to change the premium.

9
10 6. a. An individual health benefits plan that provides hospital
11 or medical expense benefits and is delivered, issued, executed or
12 renewed in this State, or approved for issuance or renewal in this
13 State by the Commissioner of Banking and Insurance, on or after
14 the effective date of P.L. , c. (C.)(pending before the
15 Legislature as this bill), shall provide coverage for comprehensive
16 lactation support ¹**[and]** ¹ counseling ¹**[by a trained provider]** ²
17 and consultation¹, and the costs for renting or purchasing
18 breastfeeding equipment, in conjunction with each birth, for the
19 duration of breastfeeding for health plan enrollees, with no cost-
20 sharing.

21 b. Coverage of breastfeeding equipment shall include:

22 (1) Purchase of a single-user breast pump, subject to the
23 following conditions:

24 (a) A plan shall cover the purchase of a double electric breast
25 pump. If an enrollee requests a manual pump in lieu of the double
26 electric breast pump, the health plan shall cover the purchase of a
27 manual pump.

28 (b) A double electric breast pump provided pursuant to this
29 paragraph shall be of sufficient power and durability to establish
30 and maintain milk supply for the duration of breastfeeding.

31 (c) A plan shall not require documentation of medical necessity,
32 prior authorization, or a prescription for a breast pump provided
33 pursuant to this paragraph.

34 (d) Coverage shall be available at any time during pregnancy
35 and the postpartum period, and shall continue for the duration of
36 breastfeeding as defined by the plan enrollee.

37 (e) Coverage for breast pumps shall include repair or
38 replacement if necessary.

39 (2) Rental or purchase of a multi-user breast pump, on the
40 recommendation of a licensed health care provider, subject to the
41 following conditions:

42 (a) When recommended by a licensed health care provider, a
43 plan shall provide coverage for a multi-user breast pump.

44 (b) An individual health benefits plan may determine whether a
45 rental or purchase is covered.

1 (c) Coverage for a multi-user breast pump shall be covered
2 without regard to coverage or acquisition of a single-user breast
3 pump.

4 (d) An individual health benefits plan may require a letter of
5 medical necessity from a lactation ¹provider consultant¹ or other
6 health care provider for coverage of a multi-user pump. The letter
7 shall not interfere with the timely acquisition of a multi-user pump.

8 (3) Coverage of breastfeeding equipment pursuant to this
9 section shall include two breast pump kits per birth event, as well as
10 appropriate size breast pump flanges, ¹nipple shields, breast
11 shells,¹ or other lactation accessories recommended by a health
12 ¹care¹ provider.

13 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
14 of this subsection shall be furnished: within 48 hours of notification
15 of need, if requested after the birth of the child; or by the later of
16 two weeks before the enrollee's expected due date or 72 hours after
17 notification, if requested prior to the birth of the child. If the
18 individual health benefits plan cannot ensure an enrollee receives
19 breastfeeding equipment within 48 hours, an enrollee may purchase
20 the equipment and the health plan shall reimburse all out-of-pocket
21 expenses incurred by the enrollee, including any balance billing
22 amounts.

23 (5) Breastfeeding equipment specified in paragraph (2) of this
24 subsection shall be made available within 12 hours of notification
25 of need. If equipment is not available within 12 hours of
26 notification of need, the individual health benefits plan shall
27 reimburse all out-of-pocket rental expenses incurred by an enrollee,
28 including any balance billing amounts, until the enrollee receives
29 breastfeeding equipment.

30 c. Coverage of comprehensive lactation counseling ¹and
31 lactation consultation¹ shall include:

32 (1) In-person, one-on-one lactation counseling ¹[with a] and¹
33 lactation ¹provider consultation¹, subject to the following
34 conditions:

35 (a) Coverage shall include visits that occur inside and outside a
36 hospital or office setting. In-person lactation counseling ¹and
37 lactation consultation¹ shall be covered regardless of location of
38 service provision and shall include home visits.

39 (b) Lactation counseling ¹and lactation consultation¹ shall be
40 made available within 24 hours of notification of need.

41 (2) Telephonic lactation assistance shall be covered in addition
42 to, and not as a substitute for, in-person, one-on-one lactation
43 counseling ¹or lactation consultation¹, when an enrollee requests
44 one-on-one, in-person lactation counseling ¹or lactation
45 consultation¹. The telephonic lactation assistance shall be provided
46 within 12 hours of notification of need.

1 (3) Group lactation counseling shall be covered in addition to,
2 and not as a substitute for, one-on-one, in-person lactation
3 counseling ¹or lactation consultation¹, if an enrollee requests one-
4 on-one, in-person lactation counseling ¹or lactation consultation¹.
5 Group counseling shall include educational classes and support
6 groups.

7 (4) A plan shall not require prior authorization, prescription or
8 referral for any lactation counseling ¹or lactation consultation¹,
9 regardless of provider type or setting.

10 (5) An individual health benefits plan shall not impose medical
11 management techniques not described in this section.

12 d. Except as otherwise authorized pursuant to this section, an
13 individual health benefits plan shall not impose restrictions on the
14 coverage provided pursuant to this section, including, but not
15 limited to, limitations on reimbursement to allowable amounts or
16 reasonable and customary charges, documentation requests, or
17 delays on the coverage provided.

18 e. As used in this section:

19 "Cost-sharing" means deductible, co-insurance or co-payments,
20 or similar charges.

21 "Breast pump kit" means a collection of tubing, valves, flanges,
22 collection bottles, ¹[nipple shields,]¹ or other parts required to
23 extract human milk using a breast pump.

24 ¹["Lactation provider" means an individual who is a licensed or
25 certified provider with specialty training in breastfeeding and
26 lactation.]

27 "Lactation consultant" means an individual who is an
28 International Board Certified Lactation Consultant.

29 "Lactation consultation" means the clinical application by a
30 lactation consultant or other licensed health care provider of
31 scientific principles and a multidisciplinary body of evidence for
32 evaluation, problem identification, treatment, education, and
33 consultation to child-bearing families utilizing lactation care and
34 services.

35 Lactation care and services shall include, but not be limited to:

36 (1) lactation assessment through the systematic collection of
37 subjective and objective data;

38 (2) analysis of data and creation of a plan of care;

39 (3) implementation of a lactation care plan with demonstration
40 and instruction to parents and communication to the primary health
41 care provider;

42 (4) evaluation of outcomes;

43 (5) provision of lactation education to parents and health care
44 providers; and

45 (6) the recommendation and use of assistive devices.¹

1 "Lactation counseling" means breastfeeding education and
2 support services provided by a lactation ¹**[provider]** counselor¹,
3 such as:

4 (1) educating women, families, health ¹care¹ professionals, and
5 the community about the impact of breastfeeding and human
6 lactation on health and what to expect in the normal course of
7 breastfeeding;

8 (2) acting as an advocate for breastfeeding as the norm for
9 feeding infants and young children;

10 (3) providing breastfeeding support, encouragement, and care
11 from preconception to weaning in order to help women and their
12 families meet their breastfeeding goals;

13 (4) using principles of adult education when teaching clients,
14 health care providers, and others in the community; and

15 (5) identifying and referring high-risk mothers and babies and
16 those requiring clinical treatment appropriately.

17 ¹"Lactation counselor" means an individual, other than an
18 International Board Certified Lactation Consultant or a licensed
19 health care provider, who is:

20 (1) licensed or certified to practice lactation counseling under
21 any law, or who is an accredited member belonging to another
22 profession or occupation, who provides breastfeeding education and
23 support services for which that person is licensed, regulated,
24 accredited, or certified; or

25 (2) a community-based lactation supporter who has received at
26 least 40 hours of specialty education in breastfeeding and lactation,
27 and who works within a lactation counselor's scope of practice.¹

28 "Telephonic lactation assistance" means lactation counseling ¹or
29 consultation¹ with a lactation ¹**[provider]** counselor or lactation
30 consultant¹ conducted remotely through live voice communication.

31 f. This section shall apply to those plans in which the
32 individual health benefits plan has reserved the right to change the
33 premium.

34
35 7. a. A small employer health benefits plan that provides
36 hospital or medical expense benefits and is delivered, issued,
37 executed or renewed in this State, or approved for issuance or
38 renewal in this State by the Commissioner of Banking and
39 Insurance, on or after the effective date of P.L. ,

40 c. (C.)(pending before the Legislature as this bill), shall
41 provide coverage for comprehensive lactation support ¹**[and]** ¹,
42 counseling ¹**[by a trained provider]** , and consultation¹, and the
43 costs for renting or purchasing breastfeeding equipment, in
44 conjunction with each birth, for the duration of breastfeeding for
45 health plan enrollees, with no cost-sharing.

46 b. Coverage of breastfeeding equipment shall include:

- 1 (1) Purchase of a single-user breast pump, subject to the
2 following conditions:
- 3 (a) A plan shall cover the purchase of a double electric breast
4 pump. If an enrollee requests a manual pump in lieu of the double
5 electric breast pump, the health plan shall cover the purchase of a
6 manual pump.
- 7 (b) A double electric breast pump provided pursuant to this
8 paragraph shall be of sufficient power and durability to establish
9 and maintain milk supply for the duration of breastfeeding.
- 10 (c) A plan shall not require documentation of medical necessity,
11 prior authorization, or a prescription for a breast pump provided
12 pursuant to this paragraph.
- 13 (d) Coverage shall be available at any time during pregnancy
14 and the postpartum period, and shall continue for the duration of
15 breastfeeding as defined by the plan enrollee.
- 16 (e) Coverage for breast pumps shall include repair or
17 replacement if necessary.
- 18 (2) Rental or purchase of a multi-user breast pump, on the
19 recommendation of a licensed health care provider, subject to the
20 following conditions:
- 21 (a) When recommended by a licensed health care provider, a
22 plan shall provide coverage for a multi-user breast pump.
- 23 (b) A small employer health benefits plan may determine
24 whether a rental or purchase is covered.
- 25 (c) Coverage for a multi-user breast pump shall be covered
26 without regard to coverage or acquisition of a single-user breast
27 pump.
- 28 (d) A small employer health benefits plan may require a letter of
29 medical necessity from a lactation ¹provider consultant¹ or other
30 health care provider for coverage of a multi-user pump. The letter
31 shall not interfere with the timely acquisition of a multi-user pump.
- 32 (3) Coverage of breastfeeding equipment pursuant to this
33 section shall include two breast pump kits per birth event, as well as
34 appropriate size breast pump flanges, ¹nipple shields, breast
35 shells,¹ or other lactation accessories recommended by a health
36 ¹care¹ provider.
- 37 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
38 of this subsection shall be furnished: within 48 hours of notification
39 of need, if requested after the birth of the child; or by the later of
40 two weeks before the enrollee's expected due date or 72 hours after
41 notification, if requested prior to the birth of the child. If the small
42 employer health benefits plan cannot ensure an enrollee receives
43 breastfeeding equipment within 48 hours, an enrollee may purchase
44 the equipment and the health plan shall reimburse all out-of-pocket
45 expenses incurred by the enrollee, including any balance billing
46 amounts.

1 (5) Breastfeeding equipment specified in paragraph (2) of this
2 subsection shall be made available within 12 hours of notification
3 of need. If equipment is not available within 12 hours of
4 notification of need, the small employer health benefits plan shall
5 reimburse all out-of-pocket rental expenses incurred by an enrollee,
6 including any balance billing amounts, until the enrollee receives
7 breastfeeding equipment.

8 c. Coverage of comprehensive lactation counseling ¹and
9 lactation consultation¹ shall include:

10 (1) In-person, one-on-one lactation counseling ¹[with a] and¹
11 lactation [provider] consultation¹, subject to the following
12 conditions:

13 (a) Coverage shall include visits that occur inside and outside a
14 hospital or office setting. In-person lactation counseling ¹and
15 lactation consultation¹ shall be covered regardless of location of
16 service provision and shall include home visits.

17 (b) Lactation counseling ¹and lactation consultation¹ shall be
18 made available within 24 hours of notification of need.

19 (2) Telephonic lactation assistance shall be covered in addition
20 to, and not as a substitute for, in-person, one-on-one lactation
21 counseling ¹or lactation consultation¹, when an enrollee requests
22 one-on-one, in-person lactation counseling ¹or lactation
23 consultation¹. The telephonic lactation assistance shall be provided
24 within 12 hours of notification of need.

25 (3) Group lactation counseling shall be covered in addition to,
26 and not as a substitute for, one-on-one, in-person lactation
27 counseling ¹or lactation consultation¹, if an enrollee requests one-
28 on-one, in-person lactation counseling ¹or lactation consultation¹.
29 Group counseling shall include educational classes and support
30 groups.

31 (4) A plan shall not require prior authorization, prescription or
32 referral for any lactation counseling ¹or lactation consultation¹,
33 regardless of provider type or setting.

34 (5) A small employer health benefits plan shall not impose
35 medical management techniques not described in this section.

36 d. Except as otherwise authorized pursuant to this section, a
37 small employer health benefits plan shall not impose restrictions on
38 the coverage provided pursuant to this section, including, but not
39 limited to, limitations on reimbursement to allowable amounts or
40 reasonable and customary charges, documentation requests, or
41 delays on the coverage provided.

42 e. As used in this section:

43 “Cost-sharing” means deductible, co-insurance or co-payments,
44 or similar charges.

1 "Breast pump kit" means a collection of tubing, valves, flanges,
2 collection bottles, ¹[nipple shields,]¹ or other parts required to
3 extract human milk using a breast pump.

4 ¹["Lactation provider" means an individual who is a licensed or
5 certified provider with specialty training in breastfeeding and
6 lactation.]

7 "Lactation consultant" means an individual who is an
8 International Board Certified Lactation Consultant.

9 "Lactation consultation" means the clinical application by a
10 lactation consultant or other licensed health care provider of
11 scientific principles and a multidisciplinary body of evidence for
12 evaluation, problem identification, treatment, education, and
13 consultation to child-bearing families utilizing lactation care and
14 services.

15 Lactation care and services shall include, but not be limited to:

16 (1) lactation assessment through the systematic collection of
17 subjective and objective data;

18 (2) analysis of data and creation of a plan of care;

19 (3) implementation of a lactation care plan with demonstration
20 and instruction to parents and communication to the primary health
21 care provider;

22 (4) evaluation of outcomes;

23 (5) provision of lactation education to parents and health care
24 providers; and

25 (6) the recommendation and use of assistive devices.¹

26 "Lactation counseling" means breastfeeding education and
27 support services provided by a lactation ¹[provider] counselor¹,
28 such as:

29 (1) educating women, families, health ¹care¹ professionals, and
30 the community about the impact of breastfeeding and human
31 lactation on health and what to expect in the normal course of
32 breastfeeding;

33 (2) acting as an advocate for breastfeeding as the norm for
34 feeding infants and young children;

35 (3) providing breastfeeding support, encouragement, and care
36 from preconception to weaning in order to help women and their
37 families meet their breastfeeding goals;

38 (4) using principles of adult education when teaching clients,
39 health care providers, and others in the community; and

40 (5) identifying and referring high-risk mothers and babies and
41 those requiring clinical treatment appropriately.

42 ¹"Lactation counselor" means an individual, other than an
43 International Board Certified Lactation Consultant or a licensed
44 health care provider, who is:

45 (1) licensed or certified to practice lactation counseling under
46 any law, or who is an accredited member belonging to another

1 profession or occupation, who provides breastfeeding education and
2 support services for which that person is licensed, regulated,
3 accredited, or certified; or

4 (2) a community-based lactation supporter who has received at
5 least 40 hours of specialty education in breastfeeding and lactation,
6 and who works within a lactation counselor's scope of practice.¹

7 "Telephonic lactation assistance" means lactation counseling ¹or
8 consultation¹ with a lactation ¹**[provider]** counselor or lactation
9 consultant¹ conducted remotely through live voice communication.

10 f. This section shall apply to those plans in which the small
11 employer health benefits plan has reserved the right to change the
12 premium.

13
14 8. a. A health maintenance organization contract that provides
15 hospital or medical expense benefits and is delivered, issued,
16 executed or renewed in this State, or approved for issuance or
17 renewal in this State by the Commissioner of Banking and
18 Insurance, on or after the effective date of P.L. ,
19 c. (C.)(pending before the Legislature as this bill), shall
20 provide coverage for comprehensive lactation support ¹**[and]** ,¹
21 counseling ¹**[by a trained provider]** , and consultation¹, and the
22 costs for renting or purchasing breastfeeding equipment, in
23 conjunction with each birth, for the duration of breastfeeding for
24 contract enrollees, with no cost-sharing.

25 b. Coverage of breastfeeding equipment shall include:

26 (1) Purchase of a single-user breast pump, subject to the
27 following conditions:

28 (a) A contract shall cover the purchase of a double electric
29 breast pump. If an enrollee requests a manual pump in lieu of the
30 double electric breast pump, the contract shall cover the purchase of
31 a manual pump.

32 (b) A double electric breast pump provided pursuant to this
33 paragraph shall be of sufficient power and durability to establish
34 and maintain milk supply for the duration of breastfeeding.

35 (c) A contract shall not require documentation of medical
36 necessity, prior authorization, or a prescription for a breast pump
37 provided pursuant to this paragraph.

38 (d) Coverage shall be available at any time during pregnancy
39 and the postpartum period, and shall continue for the duration of
40 breastfeeding as defined by the contract enrollee.

41 (e) Coverage for breast pumps shall include repair or
42 replacement if necessary.

43 (2) Rental or purchase of a multi-user breast pump, on the
44 recommendation of a licensed health care provider, subject to the
45 following conditions:

1 (a) When recommended by a licensed health care provider, a
2 contract shall provide coverage for a multi-user breast pump.

3 (b) A health maintenance organization may determine whether a
4 rental or purchase is covered.

5 (c) Coverage for a multi-user breast pump shall be covered
6 without regard to coverage or acquisition of a single-user breast
7 pump.

8 (d) A health maintenance organization may require a letter of
9 medical necessity from a lactation ¹provider consultant¹ or other
10 health care provider for coverage of a multi-user pump. The letter
11 shall not interfere with the timely acquisition of a multi-user pump.

12 (3) Coverage of breastfeeding equipment pursuant to this
13 section shall include two breast pump kits per birth event, as well as
14 appropriate size breast pump flanges, ¹nipple shields, breast
15 shells,¹ or other lactation accessories recommended by a health
16 ¹care¹ provider.

17 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
18 of this subsection shall be furnished: within 48 hours of notification
19 of need, if requested after the birth of the child; or by the later of
20 two weeks before the enrollee's expected due date or 72 hours after
21 notification, if requested prior to the birth of the child. If the health
22 maintenance organization cannot ensure an enrollee receives
23 breastfeeding equipment within 48 hours, an enrollee may purchase
24 the equipment and the contract shall reimburse all out-of-pocket
25 expenses incurred by the enrollee, including any balance billing
26 amounts.

27 (5) Breastfeeding equipment specified in paragraph (2) of this
28 subsection shall be made available within 12 hours of notification
29 of need. If equipment is not available within 12 hours of
30 notification of need, the health maintenance organization shall
31 reimburse all out-of-pocket rental expenses incurred by an enrollee,
32 including any balance billing amounts, until the enrollee receives
33 breastfeeding equipment.

34 c. Coverage of comprehensive lactation counseling ¹and
35 lactation consultation¹ shall include:

36 (1) In-person, one-on-one lactation counseling ¹[with a] and¹
37 lactation ¹provider consultation¹, subject to the following
38 conditions:

39 (a) Coverage shall include visits that occur inside and outside a
40 hospital or office setting. In-person lactation counseling ¹and
41 lactation consultation¹ shall be covered regardless of location of
42 service provision and shall include home visits.

43 (b) Lactation counseling ¹and lactation consultation¹ shall be
44 made available within 24 hours of notification of need.

45 (2) Telephonic lactation assistance shall be covered in addition
46 to, and not as a substitute for, in-person, one-on-one lactation

1 counseling ¹or lactation consultation¹, when an enrollee requests
2 one-on-one, in-person lactation counseling ¹or lactation
3 consultation¹. The telephonic lactation assistance shall be provided
4 within 12 hours of notification of need.

5 (3) Group lactation counseling shall be covered in addition to,
6 and not as a substitute for, one-on-one, in-person lactation
7 counseling ¹or lactation consultation¹, if an enrollee requests one-
8 on-one, in-person lactation counseling ¹or lactation consultation¹.
9 Group counseling shall include educational classes and support
10 groups.

11 (4) A contract shall not require prior authorization, prescription
12 or referral for any lactation counseling ¹or lactation consultation¹,
13 regardless of provider type or setting.

14 (5) A health maintenance organization shall not impose medical
15 management techniques not described in this section.

16 d. Except as otherwise authorized pursuant to this section, a
17 health maintenance organization shall not impose restrictions on the
18 coverage provided pursuant to this section, including, but not
19 limited to, limitations on reimbursement to allowable amounts or
20 reasonable and customary charges, documentation requests, or
21 delays on the coverage provided.

22 e. As used in this section:

23 “Cost-sharing” means deductible, co-insurance or co-payments,
24 or similar charges.

25 “Breast pump kit” means a collection of tubing, valves, flanges,
26 collection bottles, ¹**[nipple shields,]**¹ or other parts required to
27 extract human milk using a breast pump.

28 ¹**[“Lactation provider” means an individual who is a licensed or**
29 **certified provider with specialty training in breastfeeding and**
30 **lactation.]**

31 “Lactation consultant” means an individual who is an
32 International Board Certified Lactation Consultant.

33 “Lactation consultation” means the clinical application by a
34 lactation consultant or other licensed health care provider of
35 scientific principles and a multidisciplinary body of evidence for
36 evaluation, problem identification, treatment, education, and
37 consultation to child-bearing families utilizing lactation care and
38 services.

39 Lactation care and services shall include, but not be limited to:

40 (1) lactation assessment through the systematic collection of
41 subjective and objective data;

42 (2) analysis of data and creation of a plan of care;

43 (3) implementation of a lactation care plan with demonstration
44 and instruction to parents and communication to the primary health
45 care provider;

46 (4) evaluation of outcomes;

1 (5) provision of lactation education to parents and health care
2 providers; and

3 (6) the recommendation and use of assistive devices.¹

4 "Lactation counseling" means breastfeeding education and
5 support services provided by a lactation ¹**【provider】** counselor¹,
6 such as:

7 (1) educating women, families, health ¹care¹ professionals, and
8 the community about the impact of breastfeeding and human
9 lactation on health and what to expect in the normal course of
10 breastfeeding;

11 (2) acting as an advocate for breastfeeding as the norm for
12 feeding infants and young children;

13 (3) providing breastfeeding support, encouragement, and care
14 from preconception to weaning in order to help women and their
15 families meet their breastfeeding goals;

16 (4) using principles of adult education when teaching clients,
17 health care providers, and others in the community; and

18 (5) identifying and referring high-risk mothers and babies and
19 those requiring clinical treatment appropriately.

20 ¹"Lactation counselor" means an individual, other than an
21 International Board Certified Lactation Consultant or a licensed
22 health care provider, who is:

23 (1) licensed or certified to practice lactation counseling under
24 any law, or who is an accredited member belonging to another
25 profession or occupation, who provides breastfeeding education and
26 support services for which that person is licensed, regulated,
27 accredited, or certified; or

28 (2) a community-based lactation supporter who has received at
29 least 40 hours of specialty education in breastfeeding and lactation,
30 and who works within a lactation counselor's scope of practice.¹

31 "Telephonic lactation assistance" means lactation counseling ¹or
32 consultation¹ with a lactation ¹**【provider】** counselor or lactation
33 consultant¹ conducted remotely through live voice communication.

34 f. The provisions of this section shall apply to those contracts
35 for health care services by health maintenance organizations under
36 which the right to change the schedule of charges for enrollee
37 coverage is reserved.

38
39 9. a. The State Health Benefits Commission shall ensure that
40 every contract purchased by the commission on or after the
41 effective date of this act that provides hospital or medical expense
42 benefits shall provide coverage for comprehensive lactation support
43 ¹**【and】** ¹ counseling ¹**【by a trained provider】** , and consultation¹,
44 and the costs for renting or purchasing breastfeeding equipment, in
45 conjunction with each birth, for the duration of breastfeeding for
46 contract enrollees, with no cost-sharing.

- 1 b. Coverage of breastfeeding equipment shall include:
- 2 (1) Purchase of a single-user breast pump, subject to the
3 following conditions:
- 4 (a) A contract shall cover the purchase of a double electric
5 breast pump. If an enrollee requests a manual pump in lieu of the
6 double electric breast pump, the contract shall cover the purchase of
7 a manual pump.
- 8 (b) A double electric breast pump provided pursuant to this
9 paragraph shall be of sufficient power and durability to establish
10 and maintain milk supply for the duration of breastfeeding.
- 11 (c) A contract shall not require documentation of medical
12 necessity, prior authorization, or a prescription for a breast pump
13 provided pursuant to this paragraph.
- 14 (d) Coverage shall be available at any time during pregnancy
15 and the postpartum period, and shall continue for the duration of
16 breastfeeding as defined by the contract enrollee.
- 17 (e) Coverage for breast pumps shall include repair or
18 replacement if necessary.
- 19 (2) Rental or purchase of a multi-user breast pump, on the
20 recommendation of a licensed health care provider, subject to the
21 following conditions:
- 22 (a) When recommended by a licensed health care provider, a
23 contract shall provide coverage for a multi-user breast pump.
- 24 (b) A contract may provide for a determination as to whether a
25 rental or purchase is covered.
- 26 (c) Coverage for a multi-user breast pump shall be covered
27 without regard to coverage or acquisition of a single-user breast
28 pump.
- 29 (d) A contract may provide for requirement of a letter of
30 medical necessity from a lactation ¹【provider】 consultant¹ or other
31 health care provider for coverage of a multi-user pump. The letter
32 shall not interfere with the timely acquisition of a multi-user pump.
- 33 (3) Coverage of breastfeeding equipment pursuant to this
34 section shall include two breast pump kits per birth event, as well as
35 appropriate size breast pump flanges, ¹【nipple shields, breast
36 shells,】¹ or other lactation accessories recommended by a health
37 ¹care¹ provider.
- 38 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
39 of this subsection shall be furnished: within 48 hours of notification
40 of need, if requested after the birth of the child; or by the later of
41 two weeks before the enrollee's expected due date or 72 hours after
42 notification, if requested prior to the birth of the child. If the
43 enrollee does not receive breastfeeding equipment within 48 hours,
44 the enrollee may purchase the equipment and the contract shall
45 provide for reimbursement of all out-of-pocket expenses incurred
46 by the enrollee, including any balance billing amounts.

1 (5) Breastfeeding equipment specified in paragraph (2) of this
2 subsection shall be made available within 12 hours of notification
3 of need. If equipment is not available within 12 hours of
4 notification of need, the contract shall provide for reimbursement of
5 all out-of-pocket rental expenses incurred by the enrollee, including
6 any balance billing amounts, until the enrollee receives
7 breastfeeding equipment.

8 c. Coverage of comprehensive lactation counseling ¹and
9 lactation consultation¹ shall include:

10 (1) In-person, one-on-one lactation counseling ¹[with a] and¹
11 lactation [provider] consultation¹, subject to the following
12 conditions:

13 (a) Coverage shall include visits that occur inside and outside a
14 hospital or office setting. In-person lactation counseling ¹and
15 lactation consultation¹ shall be covered regardless of location of
16 service provision and shall include home visits.

17 (b) Lactation counseling ¹and lactation consultation¹ shall be
18 made available within 24 hours of notification of need.

19 (2) Telephonic lactation assistance shall be covered in addition
20 to, and not as a substitute for, in-person, one-on-one lactation
21 counseling ¹or lactation consultation¹, when an enrollee requests
22 one-on-one, in-person lactation counseling ¹or lactation
23 consultation¹. The telephonic lactation assistance shall be provided
24 within 12 hours of notification of need.

25 (3) Group lactation counseling shall be covered in addition to,
26 and not as a substitute for, one-on-one, in-person lactation
27 counseling ¹or lactation consultation¹, if an enrollee requests one-
28 on-one, in-person lactation counseling ¹or lactation consultation¹.
29 Group counseling shall include educational classes and support
30 groups.

31 (4) A contract shall not require prior authorization, prescription
32 or referral for any lactation counseling ¹or lactation consultation¹,
33 regardless of provider type or setting.

34 (5) A contract shall not impose medical management techniques
35 not described in this section.

36 d. Except as otherwise authorized pursuant to this section, a
37 contract shall not impose restrictions on the coverage provided
38 pursuant to this section, including, but not limited to, limitations on
39 reimbursement to allowable amounts or reasonable and customary
40 charges, documentation requests, or delays on the coverage
41 provided.

42 e. As used in this section:

43 “Cost-sharing” means deductible, co-insurance or co-payments,
44 or similar charges.

1 "Breast pump kit" means a collection of tubing, valves, flanges,
2 collection bottles, ¹[nipple shields,]¹ or other parts required to
3 extract human milk using a breast pump.

4 ¹["Lactation provider" means an individual who is a licensed or
5 certified provider with specialty training in breastfeeding and
6 lactation.]

7 "Lactation consultant" means an individual who is an
8 International Board Certified Lactation Consultant.

9 "Lactation consultation" means the clinical application by a
10 lactation consultant or other licensed health care provider of
11 scientific principles and a multidisciplinary body of evidence for
12 evaluation, problem identification, treatment, education, and
13 consultation to child-bearing families utilizing lactation care and
14 services.

15 Lactation care and services shall include, but not be limited to:

16 (1) lactation assessment through the systematic collection of
17 subjective and objective data;

18 (2) analysis of data and creation of a plan of care;

19 (3) implementation of a lactation care plan with demonstration
20 and instruction to parents and communication to the primary health
21 care provider;

22 (4) evaluation of outcomes;

23 (5) provision of lactation education to parents and health care
24 providers; and

25 (6) the recommendation and use of assistive devices.¹

26 "Lactation counseling" means breastfeeding education and
27 support services provided by a lactation ¹[provider] counselor¹,
28 such as:

29 (1) educating women, families, health ¹care¹ professionals, and
30 the community about the impact of breastfeeding and human
31 lactation on health and what to expect in the normal course of
32 breastfeeding;

33 (2) acting as an advocate for breastfeeding as the norm for
34 feeding infants and young children;

35 (3) providing breastfeeding support, encouragement, and care
36 from preconception to weaning in order to help women and their
37 families meet their breastfeeding goals;

38 (4) using principles of adult education when teaching clients,
39 health care providers, and others in the community; and

40 (5) identifying and referring high-risk mothers and babies and
41 those requiring clinical treatment appropriately.

42 ¹"Lactation counselor" means an individual, other than an
43 International Board Certified Lactation Consultant or a licensed
44 health care provider, who is:

45 (1) licensed or certified to practice lactation counseling under
46 any law, or who is an accredited member belonging to another

1 profession or occupation, who provides breastfeeding education and
2 support services for which that person is licensed, regulated,
3 accredited, or certified; or

4 (2) a community-based lactation supporter who has received at
5 least 40 hours of specialty education in breastfeeding and lactation,
6 and who works within a lactation counselor's scope of practice.¹

7 "Telephonic lactation assistance" means lactation counseling ¹or
8 consultation¹ with a lactation ¹[provider] counselor or lactation
9 consultant¹ conducted remotely through live voice communication.

10

11 10. a. The School Employees' Health Benefits Commission
12 shall ensure that every contract purchased by the commission on or
13 after the effective date of this act that provides hospital or medical
14 expense benefits shall provide coverage for comprehensive lactation
15 support ¹[and] ¹ counseling ¹[by a trained provider] , and
16 consultation¹, and the costs for renting or purchasing breastfeeding
17 equipment, in conjunction with each birth, for the duration of
18 breastfeeding for contract enrollees, with no cost-sharing.

19 b. Coverage of breastfeeding equipment shall include:

20 (1) Purchase of a single-user breast pump, subject to the
21 following conditions:

22 (a) A contract shall cover the purchase of a double electric
23 breast pump. If an enrollee requests a manual pump in lieu of the
24 double electric breast pump, the contract shall cover the purchase of
25 a manual pump.

26 (b) A double electric breast pump provided pursuant to this
27 paragraph shall be of sufficient power and durability to establish
28 and maintain milk supply for the duration of breastfeeding.

29 (c) A contract shall not require documentation of medical
30 necessity, prior authorization, or a prescription for a breast pump
31 provided pursuant to this paragraph.

32 (d) Coverage shall be available at any time during pregnancy
33 and the postpartum period, and shall continue for the duration of
34 breastfeeding as defined by the contract enrollee.

35 (e) Coverage for breast pumps shall include repair or
36 replacement if necessary.

37 (2) Rental or purchase of a multi-user breast pump, on the
38 recommendation of a licensed health care provider, subject to the
39 following conditions:

40 (a) When recommended by a licensed health care provider, a
41 contract shall provide coverage for a multi-user breast pump.

42 (b) A contract may provide for a determination as to whether a
43 rental or purchase is covered.

44 (c) Coverage for a multi-user breast pump shall be covered
45 without regard to coverage or acquisition of a single-user breast
46 pump.

1 (d) A contract may provide for requirement of a letter of
2 medical necessity from a lactation ¹provider consultant¹ or other
3 health care provider for coverage of a multi-user pump. The letter
4 shall not interfere with the timely acquisition of a multi-user pump.

5 (3) Coverage of breastfeeding equipment pursuant to this
6 section shall include two breast pump kits per birth event, as well as
7 appropriate size breast pump flanges, ¹nipple shields, breast
8 shells,¹ or other lactation accessories recommended by a health
9 ¹care¹ provider.

10 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
11 of this subsection shall be furnished: within 48 hours of notification
12 of need, if requested after the birth of the child; or by the later of
13 two weeks before the enrollee's expected due date or 72 hours after
14 notification, if requested prior to the birth of the child. If the
15 enrollee does not receive breastfeeding equipment within 48 hours,
16 the enrollee may purchase the equipment and the contract shall
17 provide for reimbursement of all out-of-pocket expenses incurred
18 by the enrollee, including any balance billing amounts.

19 (5) Breastfeeding equipment specified in paragraph (2) of this
20 subsection shall be made available within 12 hours of notification
21 of need. If equipment is not available within 12 hours of
22 notification of need, the contract shall provide for reimbursement of
23 all out-of-pocket rental expenses incurred by the enrollee, including
24 any balance billing amounts, until the enrollee receives
25 breastfeeding equipment.

26 c. Coverage of comprehensive lactation counseling ¹and
27 lactation consultation¹ shall include:

28 (1) In-person, one-on-one lactation counseling ¹[with a] and¹
29 lactation provider consultation¹, subject to the following
30 conditions:

31 (a) Coverage shall include visits that occur inside and outside a
32 hospital or office setting. In-person lactation counseling ¹and
33 lactation consultation¹ shall be covered regardless of location of
34 service provision and shall include home visits.

35 (b) Lactation counseling ¹and lactation consultation¹ shall be
36 made available within 24 hours of notification of need.

37 (2) Telephonic lactation assistance shall be covered in addition
38 to, and not as a substitute for, in-person, one-on-one lactation
39 counseling ¹or lactation consultation¹, when an enrollee requests
40 one-on-one, in-person lactation counseling ¹or lactation
41 consultation¹. The telephonic lactation assistance shall be provided
42 within 12 hours of notification of need.

43 (3) Group lactation counseling shall be covered in addition to,
44 and not as a substitute for, one-on-one, in-person lactation
45 counseling ¹or lactation consultation¹, if an enrollee requests one-

1 on-one, in-person lactation counseling ¹or lactation consultation¹.
2 Group counseling shall include educational classes and support
3 groups.

4 (4) A contract shall not require prior authorization, prescription
5 or referral for any lactation counseling ¹or lactation consultation¹,
6 regardless of provider type or setting.

7 (5) A contract shall not impose medical management techniques
8 not described in this section.

9 d. Except as otherwise authorized pursuant to this section, a
10 contract shall not impose restrictions on the coverage provided
11 pursuant to this section, including, but not limited to, limitations on
12 reimbursement to allowable amounts or reasonable and customary
13 charges, documentation requests, or delays on the coverage
14 provided.

15 e. As used in this section:

16 "Cost-sharing" means deductible, co-insurance or co-payments,
17 or similar charges.

18 "Breast pump kit" means a collection of tubing, valves, flanges,
19 collection bottles, ¹**[nipple shields,]**¹ or other parts required to
20 extract human milk using a breast pump.

21 ¹**["Lactation provider" means an individual who is a licensed or
22 certified provider with specialty training in breastfeeding and
23 lactation.]**

24 "Lactation consultant" means an individual who is an
25 International Board Certified Lactation Consultant.

26 "Lactation consultation" means the clinical application by a
27 lactation consultant or other licensed health care provider of
28 scientific principles and a multidisciplinary body of evidence for
29 evaluation, problem identification, treatment, education, and
30 consultation to child-bearing families utilizing lactation care and
31 services.

32 Lactation care and services shall include, but not be limited to:

33 (1) lactation assessment through the systematic collection of
34 subjective and objective data;

35 (2) analysis of data and creation of a plan of care;

36 (3) implementation of a lactation care plan with demonstration
37 and instruction to parents and communication to the primary health
38 care provider;

39 (4) evaluation of outcomes;

40 (5) provision of lactation education to parents and health care
41 providers; and

42 (6) the recommendation and use of assistive devices.¹

43 "Lactation counseling" means breastfeeding education and
44 support services provided by a lactation ¹**[provider]** counselor¹,
45 such as:

- 1 (1) educating women, families, health ¹care¹ professionals, and
2 the community about the impact of breastfeeding and human
3 lactation on health and what to expect in the normal course of
4 breastfeeding;
- 5 (2) acting as an advocate for breastfeeding as the norm for
6 feeding infants and young children;
- 7 (3) providing breastfeeding support, encouragement, and care
8 from preconception to weaning in order to help women and their
9 families meet their breastfeeding goals;
- 10 (4) using principles of adult education when teaching clients,
11 health care providers, and others in the community; and
- 12 (5) identifying and referring high-risk mothers and babies and
13 those requiring clinical treatment appropriately.

14 ¹“Lactation counselor” means an individual, other than an
15 International Board Certified Lactation Consultant or a licensed
16 health care provider, who is:

- 17 (1) licensed or certified to practice lactation counseling under
18 any law, or who is an accredited member belonging to another
19 profession or occupation, who provides breastfeeding education and
20 support services for which that person is licensed, regulated,
21 accredited, or certified; or
- 22 (2) a community-based lactation supporter who has received at
23 least 40 hours of specialty education in breastfeeding and lactation,
24 and who works within a lactation counselor’s scope of practice.¹

25 "Telephonic lactation assistance" means lactation counseling ¹or
26 consultation¹ with a lactation ¹【provider】 counselor or lactation
27 consultant¹ conducted remotely through live voice communication.
28

29 ¹11. a. Notwithstanding any State law or regulation to the
30 contrary, the Department of Human Services shall, contingent on
31 maintaining or receiving necessary federal approvals, ensure that
32 benefits for comprehensive lactation support, counseling, and
33 consultation, and the costs for renting or purchasing breastfeeding
34 equipment, in conjunction with each birth, for the duration of
35 breastfeeding shall be provided with no cost-sharing to eligible
36 persons under the Medicaid program, established pursuant to
37 P.L.1968, c.413 (C.30:4D-1 et seq.).

38 b. Benefits for breastfeeding equipment shall include:

- 39 (1) Purchase of a single-user breast pump, subject to the
40 following conditions:
 - 41 (a) Benefits for the purchase of a double electric breast pump.
42 If an individual requests a manual pump in lieu of the double
43 electric breast pump, benefits shall be provided for the purchase of
44 a manual pump.

- 1 (b) A double electric breast pump provided pursuant to this
2 paragraph shall be of sufficient power and durability to establish
3 and maintain milk supply for the duration of breastfeeding.
- 4 (c) The department shall not require documentation of medical
5 necessity, prior authorization, or a prescription for a breast pump
6 provided pursuant to this paragraph.
- 7 (d) Benefits shall be available at any time during pregnancy and
8 the postpartum period, and shall continue for the duration of
9 breastfeeding as defined by the individual.
- 10 (e) Benefits for breast pumps shall include repair or replacement
11 if necessary.
- 12 (2) Rental or purchase of a multi-user breast pump, on the
13 recommendation of a licensed health care provider, subject to the
14 following conditions:
- 15 (a) When recommended by a licensed health care provider,
16 benefits shall be provided for a multi-user breast pump.
- 17 (b) The department may determine whether a rental or purchase
18 is covered.
- 19 (c) Benefits for a multi-user breast pump shall be provided
20 without regard to the provision or acquisition of a single-user breast
21 pump.
- 22 (d) The department may require a letter of medical necessity
23 from a lactation consultant or other health care provider for benefits
24 of a multi-user pump. The letter shall not interfere with the timely
25 acquisition of a multi-user pump.
- 26 (3) Benefits of breastfeeding equipment pursuant to this section
27 shall include two breast pump kits per birth event, as well as
28 appropriate size breast pump flanges, or other lactation accessories
29 recommended by a health care provider.
- 30 (4) Breastfeeding equipment specified in paragraphs (1) and (3)
31 of this subsection shall be furnished: within 48 hours of notification
32 of need, if requested after the birth of the child; or by the later of
33 two weeks before the enrollee's expected due date or 72 hours after
34 notification, if requested prior to the birth of the child. If the
35 department cannot ensure an individual shall receive breastfeeding
36 equipment within 48 hours, an individual may purchase the
37 equipment and the department shall reimburse all out-of-pocket
38 expenses incurred by the individual, including any balance billing
39 amounts.
- 40 (5) Breastfeeding equipment specified in paragraph (2) of this
41 subsection shall be made available within 12 hours of notification
42 of need. If equipment is not available within 12 hours of
43 notification of need, the department shall reimburse all out-of-
44 pocket rental expenses incurred by an individual, including any
45 balance billing amounts, until the individual receives breastfeeding
46 equipment.

1 c. Benefits for comprehensive lactation counseling and
2 lactation consultation shall include:

3 (1) In-person, one-on-one lactation counseling and lactation
4 consultation, subject to the following conditions:

5 (a) Benefits shall include visits that occur inside and outside a
6 hospital or office setting. In-person lactation counseling and
7 lactation consultation shall be covered regardless of location of
8 service provision and shall include home visits.

9 (b) Lactation counseling and lactation consultation shall be
10 made available within 24 hours of notification of need.

11 (2) Telephonic lactation assistance shall be covered in addition
12 to, and not as a substitute for, in-person, one-on-one lactation
13 counseling or lactation consultation, when an individual requests
14 one-on-one, in-person lactation counseling or lactation consultation.
15 The telephonic lactation assistance shall be provided within 12
16 hours of notification of need.

17 (3) Group lactation counseling shall be covered in addition to,
18 and not as a substitute for, one-on-one, in-person lactation
19 counseling or lactation consultation, if an individual requests one-
20 on-one, in-person lactation counseling or lactation consultation.
21 Group counseling shall include educational classes and support
22 groups.

23 (4) The department shall not require prior authorization,
24 prescription or referral for any lactation counseling or lactation
25 consultation, regardless of provider type or setting.

26 (5) The department shall not impose medical management
27 techniques not described in this section.

28 d. Except as otherwise authorized pursuant to this section, the
29 department shall not impose restrictions on the benefits provided
30 pursuant to this section, including, but not limited to, limitations on
31 reimbursement to allowable amounts or reasonable and customary
32 charges, documentation requests, or delays on the benefits provided.

33 e. As used in this section:

34 “Cost-sharing” means deductible, co-insurance or co-payments,
35 or similar charges.

36 “Breast pump kit” means a collection of tubing, valves, flanges,
37 collection bottles, or other parts required to extract human milk
38 using a breast pump.

39 “Lactation consultant” means an individual who is an
40 International Board Certified Lactation Consultant.

41 “Lactation consultation” means the clinical application by a
42 lactation consultant or other licensed health care provider of
43 scientific principles and a multidisciplinary body of evidence for
44 evaluation, problem identification, treatment, education, and
45 consultation to child-bearing families utilizing lactation care and
46 services.

47 Lactation care and services shall include, but not be limited to:

- 1 (1) lactation assessment through the systematic collection of
- 2 subjective and objective data;
- 3 (2) analysis of data and creation of a plan of care;
- 4 (3) implementation of a lactation care plan with demonstration
- 5 and instruction to parents and communication to the primary health
- 6 care provider;
- 7 (4) evaluation of outcomes;
- 8 (5) provision of lactation education to parents and health care
- 9 providers; and
- 10 (6) the recommendation and use of assistive devices.
- 11 "Lactation counseling" means breastfeeding education and
- 12 support services provided by a lactation counselor, such as:
- 13 (1) educating women, families, health care professionals, and
- 14 the community about the impact of breastfeeding and human
- 15 lactation on health and what to expect in the normal course of
- 16 breastfeeding;
- 17 (2) acting as an advocate for breastfeeding as the norm for
- 18 feeding infants and young children;
- 19 (3) providing breastfeeding support, encouragement, and care
- 20 from preconception to weaning in order to help women and their
- 21 families meet their breastfeeding goals;
- 22 (4) using principles of adult education when teaching clients,
- 23 health care providers, and others in the community; and
- 24 (5) identifying and referring high-risk mothers and babies and
- 25 those requiring clinical treatment appropriately.
- 26 "Lactation counselor" means an individual, other than an
- 27 International Board Certified Lactation Consultant or a licensed
- 28 health care provider, who is:
- 29 (1) licensed or certified to practice lactation counseling under
- 30 any law, or who is an accredited member belonging to another
- 31 profession or occupation, who provides breastfeeding education and
- 32 support services for which that person is licensed, regulated,
- 33 accredited, or certified; or
- 34 (2) a community-based lactation supporter who has received at
- 35 least 40 hours of specialty education in breastfeeding and lactation,
- 36 and who works within a lactation counselor's scope of practice.
- 37 "Telephonic lactation assistance" means lactation counseling or
- 38 consultation with a lactation counselor or lactation consultant
- 39 conducted remotely through live voice communication.
- 40 f. The Commissioner of Human Services shall apply for such
- 41 State plan amendments or waivers as may be necessary to
- 42 implement the provisions of this section and to secure federal
- 43 financial participation for State Medicaid expenditures under the
- 44 federal Medicaid program.¹

45

46 ¹[11.] 12.¹ This act shall take effect on the ¹[90th] 180th¹ day

47 next following enactment.

1

2

3 Requires health benefits and Medicaid coverage for

4 breastfeeding support.