

SHBP PDC Resolution # 2019-1

RESOLUTION OF THE STATE HEALTH BENEFITS PROGRAM PLAN DESIGN COMMITTEE CLARIFYING THE PARAMETERS OF INFERTILITY COVERAGE

WHEREAS, pursuant to N.J.S.A. 52:14-17.29 et seq. the State Health Benefits Program (SHBP) provides health coverage to qualified employees and retirees of the State and participating local employers; and

WHEREAS, the SHBP was enacted in 1961 for the purpose of providing affordable health care coverage for public employees on a cost-effective basis; and

WHEREAS, the enactment of P.L. 2001, c. 236 (N.J.S.A. 52:14-17.29v), known as the “Infertility Treatment Mandate,” requires medical coverage by the SHBP for treatment of infertility, defined as “a disease or condition that results in the abnormal function of the reproductive system;” and

WHEREAS, the SHBP implemented the provisions of the Infertility Treatment Mandate as it relates to the extent of coverage; and

WHEREAS, “iatrogenic infertility” is the impairment of the function of the reproductive system directly or indirectly caused by surgery, radiation, chemotherapy, or other medical treatment affecting reproductive organs or processes, as determined by the American Society for Reproductive Medicine, the American College of Obstetricians and Gynecologists, or the American Society of Clinical Oncology; and

WHEREAS, other states, including Connecticut, Delaware, Illinois, Maryland, and Rhode Island, currently provide coverage for an individual deemed iatrogenically infertile;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Consistent with the intent of N.J.S.A. 52:14-17.29v, treatment of iatrogenic infertility, or situations likely to lead to iatrogenic infertility, shall be covered to the same extent, and with the same conditions of coverage, as other instances of abnormal function of an individual’s reproductive system; and
2. The SHBP PDC directs the State Health Benefits Commission, and to the extent necessary the Division of Pensions and Benefits and the Division of Purchase and Property, to take appropriate action with the SHBP carriers to effectuate any necessary change, modification or clarification, to the existing contract and to require that the carriers provide adequate notice to SHBP participants of any required change.

DATED: February 27, 2019