

(mm/dd/yyyy)

Michael J. Malloy, FLMI, HIA
Chief, Health Insurance Bureau
NJ Department of Banking and Insurance
20 West State Street P.O. Box 470
Trenton, NJ 08625-0470

**Re: Non-compliance with Virtual Colonoscopy coverage pursuant to: 17B:26-2.1u.
Individual policy to provide coverage for colorectal cancer screening.**

Dear Mr. Malloy:

I am writing to issue a complaint regarding _____'s refusal to recognize the State of New Jersey's mandate for coverage of Virtual Colonoscopy / CT Colonography pursuant to Title 17B of the New Jersey Insurance Code:

17B:26-2.1u. Individual policy to provide coverage for colorectal cancer screening

4. Every individual policy that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to N.J.S.17B:26-1 et seq., or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance on or after the effective date of this act, shall provide benefits to any named insured or other person covered thereunder for expenses incurred in conducting colorectal cancer screening at regular intervals for persons age 50 and over and for persons of any age who are considered to be at high risk for colorectal cancer.

The methods of screening for which benefits shall be provided shall include: a screening fecal occult blood test, flexible sigmoidoscopy, colonoscopy, barium enema, or any combination thereof; or the most reliable, medically recognized screening test available. The method and frequency of screening to be utilized shall be in accordance with the most recent published guidelines of the American Cancer Society and as determined medically necessary by the covered person's physician, in consultation with the covered person.

As used in this section, "high risk for colorectal cancer" means a person has:

- a. A family history of: familial adenomatous polyposis; hereditary non-polyposis colon cancer; or breast, ovarian, endometrial or colon cancer or polyps;
- b. Chronic inflammatory bowel disease; or
- c. A background, ethnicity or lifestyle that the physician believes puts the person at elevated risk for colorectal cancer.

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



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

As you may be aware, the most recent published guidelines of the American Cancer Society, which were published in March 2008, clearly list VC/CTC among the preferred CRC screening modalities:

Tests that Detect Adenomatous Polyps and Cancer

- Flexible sigmoidoscopy every 5 years, or
- Colonoscopy every 10 years, or
- Double-contrast barium enema every 5 years, or
- Completed tomographic colonography every 5 years**

These ACS guidelines may be viewed in their entirety here:

<http://www.cancer.org/healthy/informationforhealthcareprofessionals/acsguidelines/colorectalcancerscreeningguidelines/index>

On multiple occasions, our center has attempted to pre-certify New Jersey-based _____ insureds for CRC screening via Integrated Virtual Colonoscopy according to the patients' and their physicians' wishes. On each occasion, our staff has encountered _____'s pre-certification staff who refer to _____'s policy that VC/CTC is "investigational" and therefore not covered. We have then brought the issue to _____'s regional medical director who, after several weeks, has not offered any explanation as to why VC/CTC is not covered with these patients. At every step of the way, we have referenced Title 17B of the New Jersey Insurance Code without success. The most recent patients that have been denied coverage by

are: _____

We appreciate the support you can provide by enforcing Title 17B of the New Jersey Insurance Code with respect to New Jersey _____ insureds.

Sincerely yours,



Charles Accurso, MD
Founding Partner of Digestive Healthcare Center

