

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1943

STATE OF NEW JERSEY

DATED: MARCH 9, 2023

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1943.

This bill would require obstetrical providers in the State, including obstetrician/gynecologists, certified midwives, and certified nurse midwives, to perform regular domestic violence screenings as part of each routine patient visit and document the findings from each screening in the patient's medical record. The bill would additionally require any obstetrical providers or other health care professionals, who document evidence or findings of domestic violence in a patient's medical record, to advise the patient that the patient may take appropriate action to prevent the disclosure of the patient's medical record to the perpetrator of the domestic violence.

A domestic violence screening performed under the bill is to be conducted in a private area, in which only the obstetrical provider and the patient are present. If the obstetrical provider determines, based on the screening, that a patient is or may be a victim of domestic violence, the obstetrical provider will be required to advise the patient and provide the patient with referrals in accordance with the provisions of the bill.

The Department of Children and Families, in consultation with the Department of Health, will be required to develop, distribute to obstetrical providers in the State, and update on at least a biennial basis: 1) a screening tool or sample screening questionnaire, which is to be used by obstetrical providers in conducting the domestic violence screenings required by the bill; and 2) a list identifying all of the domestic violence victim resources and services that are available in the State, in each region of the State.

Whenever an obstetrical provider finds, pursuant to a domestic violence screening, and any other health care professional documents, in a patient's medical record, any evidence or findings of domestic violence, the obstetrical provider or other health care professional will be required, during the same visit, to have the patient reapprove the list of persons who are authorized to obtain a copy of the patient's medical record in accordance with the provisions of the "Health Insurance Portability and Accountability Act" (HIPAA), Pub.L.104-191, and the federal health privacy rule set forth at 45 CFR Parts 160 and 164. If the alleged perpetrator of

the domestic violence was previously authorized by the patient to obtain a copy of the patient's medical record, the obstetrical provider or other health care professional documenting the domestic violence will be required to advise the patient that the patient may remove the alleged perpetrator from the list of persons who are authorized to receive copies of the medical record going forward.

This bill was prefiled for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill to require obstetrical providers in the State, including obstetrician/gynecologists, certified midwives, and certified nurse midwives to advise patients that they may remove an alleged domestic violence perpetrator from the list of persons who are authorized to receive copies of their medical records going forward. As introduced, the bill required obstetrical providers to encourage patients to make this change to records access.