

ASSEMBLY, No. 672

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

Limits patient information behavioral health care providers may disclose to health insurance carriers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning disclosure of certain behavioral health care
2 information and supplementing Title 45 of the Revised Statutes
3 and P.L.2005, c.352.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. Notwithstanding any other law, rule, or regulation to the
9 contrary, a mental health care professional shall not disclose
10 information concerning a patient to a carrier, except the following
11 information:

12 (1) The patient's name, age, sex, address, educational status,
13 identifying number within the insurance program, date of onset of
14 difficulty, date of initial consultation, dates of sessions, whether the
15 sessions are individual or group sessions, and fees;

16 (2) Diagnostic information, defined as therapeutic
17 characterizations of the type found in the current version of the
18 Diagnostic and Statistical Manual of Mental Disorders or in another
19 professionally recognized diagnostic manual;

20 (3) Status of the patient as voluntary or involuntary; inpatient or
21 outpatient;

22 (4) The reason for continuing behavioral health care services,
23 limited to an assessment of the client's current level of functioning and
24 level of distress. These aspects shall be described as "none," or by the
25 terms "mild," "moderate," "severe" or "extreme;" and

26 (5) Prognosis, limited to an estimate of the minimal time during
27 which treatment might continue.

28 b. The information provided to a carrier pursuant this section
29 shall be marked "Confidential" and, if directed by the patient or an
30 authorized representative, forwarded to the attention of a specific
31 individual.

32 c. For the purposes of this section:

33 "Behavioral health care services" means procedures or services
34 that are rendered by a health care provider for the assessment and
35 treatment of a mental illness, emotional disorder, or substance use
36 disorder.

37 "Carrier" means the same as defined in section 3 of P.L.2005,
38 c.352 (C.17B:30-50).

39 "Mental health care professional" means an individual who is
40 licensed or certified by this State to provide or administer behavioral
41 health care services in the ordinary course of business or practice of a
42 profession.

43
44 2. Notwithstanding any law, rule, or regulation to the contrary, a
45 carrier shall not request, or require in any contract or policy,
46 information to be provided from a mental health care

1 professional concerning any covered person, except the information
2 that is permitted to be provided by that professional pursuant to section
3 1 of P.L. , c. (C.) (pending before the Legislature as this bill).

4 As used in this section, “mental health care professional” shall
5 mean the same as that term is defined by section 1 of P.L. , c.
6 (C.) (pending before the Legislature as this bill).

7
8 3. This act shall take effect on the first day of the fourth month
9 next following enactment.

10 11 12 STATEMENT

13
14 This bill prohibits mental health care professionals from
15 disclosing, and health insurance carriers from demanding, certain
16 information concerning behavioral health care services provided to
17 patients.

18 Specifically, the bill authorizes a mental health care professional
19 to disclose to a health insurance carrier only the following
20 information:

21 (1) The patient’s name, age, sex, address, educational status,
22 identifying number within the insurance program, date of onset of
23 difficulty, date of initial consultation, dates of sessions, whether the
24 sessions are individual or group sessions, and fees;

25 (2) Diagnostic information, defined as therapeutic
26 characterizations of the type found in the current version of the
27 Diagnostic and Statistical Manual of Mental Disorders, or in
28 another professionally recognized diagnostic manual;

29 (3) Status of the patient as voluntary or involuntary; or inpatient
30 or outpatient;

31 (4) The reason for continuing behavioral health care services,
32 limited to an assessment of the client’s current level of functioning
33 and level of distress. These aspects are to be described as “none,” or
34 by the terms “mild,” “moderate,” “severe” or “extreme;” and

35 (5) Prognosis, limited to an estimate of the minimal time during
36 which treatment might continue.

37 The bill also provides that the information provided to a carrier
38 pursuant to the bill shall be marked “Confidential” and, if directed
39 by the patient or an authorized representative, forwarded to the
40 attention of a specific individual.

41 The bill also prohibits a health insurance carrier from requesting,
42 or requiring in any contract or policy, information to be provided
43 from a mental health care professional concerning any covered
44 person, except the information described above.

45 In certain circumstances health insurance carriers have
46 requested, as part of utilization management, information from
47 mental health care providers that the providers are prohibited from

1 disclosing pursuant to the rules and regulations of the providers’
2 professional licensure. This bill is intended to reconcile that conflict
3 by codifying certain aspects of those rules of professional licensure
4 and by clearly limiting the information that the carrier can request,
5 or require to be provided, to the information that is permitted to be
6 shared pursuant to those rules.