

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 672

STATE OF NEW JERSEY

DATED: MAY 17, 2021

The Assembly Human Services Committee reports favorably Assembly Bill No. 672.

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

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

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

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

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

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

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

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

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

In certain circumstances health insurance carriers have requested, as part of utilization management, information from mental health care providers that the providers are prohibited from disclosing pursuant to the rules and regulations of the providers' professional licensure. This bill is intended to reconcile that conflict by codifying certain aspects of

those rules of professional licensure and by clearly limiting the information that the carrier can request, or require to be provided, to the information that is permitted to be shared pursuant to those rules.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.