

ASSEMBLY, No. 1320

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

SYNOPSIS

Requires DHS to take action to raise public awareness of privacy laws that prevent disclosure of health care enrollment information to immigration authorities.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the privacy rights of immigrants and the
2 disclosure of health care enrollment information to immigration
3 authorities, and supplementing Title 30 of the Revised Statutes.

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

7
8 1. a. The Legislature finds and declares that existing privacy
9 laws prohibit the disclosure of health care enrollment information to
10 immigration and customs authorities and officials; however, the
11 State's immigrant population lacks adequate awareness about these
12 privacy protections and is, therefore, less likely to apply for and
13 receive health care benefits under the State's Medicaid and NJ
14 FamilyCare programs than would otherwise be true, because of an
15 unfounded fear that disclosure of their health care enrollment
16 information will lead to their deportation or the undertaking of other
17 adverse immigration-related action against them. The Legislature
18 further finds and declares that the development of a public
19 awareness campaign, which is designed to highlight the applicable
20 privacy protections in this area, would benefit the State's immigrant
21 population – particularly those immigrants who lack appropriate
22 health care coverage – since immigrants will be more likely to seek
23 needed public assistance under the State Medicaid or NJ
24 FamilyCare programs if they do not fear that official retribution will
25 result from such action.

26 b. The Department of Human Services shall establish a public
27 awareness campaign to inform the public, and particularly, the
28 immigrant populations in the State, about the existence and nature
29 of federal and State privacy laws that prevent the disclosure of
30 health care enrollment information to immigration and customs
31 authorities and officials. The public awareness campaign developed
32 pursuant to this subsection may be coordinated with, or
33 incorporated as a distinct part of, the enhanced Medicaid and NJ
34 FamilyCare outreach and enrollment initiative that is established by
35 the department under section 26 of P.L.2008, c.38 (C.30:4J-18).

36 c. In implementing the public awareness campaign under this
37 section, the commissioner shall:

38 (1) prepare and disseminate information to the public through
39 the use of linguistically and culturally sensitive informational
40 materials and public announcements in both English and Spanish;

41 (2) make use of all available forms of media, including, but not
42 limited to, print media, television and radio, billboards, and the
43 Internet;

44 (3) seek to disseminate printed information through a variety of
45 entities, including, but not limited to, primary care sites, health care
46 facilities, local health departments and clinics, social service
47 entities, county offices on aging, pharmacies, libraries, community

1 centers, senior centers, houses of worship, and community-based
2 outreach programs and organizations; and

3 (4) coordinate the efforts used in the campaign with any
4 activities that are being undertaken by the department or other State
5 agencies to promote public awareness of, and provide information
6 to the public about, the State's medical assistance programs.

7 d. The department shall establish, on its Internet website, a
8 unique webpage that is dedicated to the immigration and privacy
9 issues that are the subject of the public awareness campaign
10 established under this section. The unique webpage shall be easily
11 identifiable and accessible to Spanish-speaking website visitors. To
12 that end, the department shall ensure both that the webpage is
13 accessible through the use of a Spanish-language uniform resource
14 locator (URL), and that any hyperlinks to the page, which appear at
15 any location on the department's Internet website, include a
16 parenthetical explanation, in both English and Spanish, describing
17 the contents of the page. The webpage itself shall provide a
18 summary, in both English and Spanish, of relevant immigration and
19 privacy laws and how they govern the disclosure of health care
20 information, and shall include hyperlinks to the U.S. Department of
21 Homeland Security's Immigration and Customs Enforcement
22 website and any other appropriate websites that may be useful for
23 visitors seeking further explanation. To the extent practicable, the
24 unique webpage established under this subsection shall also include
25 hyperlinks to digital and printable copies of the pamphlets and other
26 printed materials that have been developed as part of the public
27 awareness campaign.

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29 2. This act shall take effect immediately.
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32 STATEMENT

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34 This bill would require the Department of Human Services to
35 undertake a public awareness campaign to inform the public, and
36 particularly, the immigrant populations in the State, about the
37 existence and nature of federal and State privacy laws that prevent
38 the disclosure of health care enrollment information to immigration
39 and customs authorities and officials. The bill would specify that
40 this public awareness campaign may be coordinated with, or
41 incorporated as a distinct part of, the enhanced Medicaid and NJ
42 FamilyCare outreach and enrollment initiative that is established by
43 the department under section 26 of P.L.2008, c.38 (C.30:4J-18).

44 In implementing the public awareness campaign, the
45 commissioner would be required to:

46 – prepare and disseminate information to the public through
47 the use of linguistically and culturally sensitive campaign materials
48 and public announcements in both English and Spanish;

- 1 – make use of all available forms of media, including, but not
 - 2 limited to, print media, television and radio, billboards, and the
 - 3 Internet;
 - 4 – seek to disseminate printed information through a variety of
 - 5 entities, including, but not limited to, primary care sites, health care
 - 6 facilities, local health departments and clinics, social service
 - 7 entities, county offices on aging, pharmacies, libraries, community
 - 8 centers, senior centers, houses of worship, and community-based
 - 9 outreach programs and organizations; and
 - 10 – coordinate the efforts used in the campaign with any
 - 11 activities that are being undertaken by the department or other State
 - 12 agencies to promote public awareness of, and provide information
 - 13 to the public about, the State’s medical assistance programs.
- 14 The department would additionally be required to establish, on
- 15 its Internet website, a unique webpage that is dedicated to the
- 16 immigration and privacy issues that are the subject of the public
- 17 awareness campaign established under the bill’s provisions. The
- 18 bill would require the unique webpage to be easily identifiable and
- 19 accessible to Spanish-speaking website visitors. To that end, the
- 20 department would be required to ensure both that the webpage is
- 21 accessible through the use of a Spanish-language uniform resource
- 22 locator (URL), and that any hyperlinks to the page, which appear at
- 23 any location on the department’s Internet website, include a
- 24 parenthetical explanation, in both English and Spanish, describing
- 25 the contents of the page. The webpage itself would provide a
- 26 summary, in both English and Spanish, of relevant immigration and
- 27 privacy laws and how they govern the disclosure of health care
- 28 information. It would also contain hyperlinks to the U.S.
- 29 Department of Homeland Security’s Immigration and Customs
- 30 Enforcement website, as well as any other appropriate websites that
- 31 may be useful for visitors seeking further explanation, and, to the
- 32 extent practicable, would contain hyperlinks to digital and printable
- 33 copies of the pamphlets and other printed materials that have been
- 34 developed as part of the public awareness campaign.