

ASSEMBLY, No. 3529

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Establishes Behavioral Health Insurance Claims Advocacy Program.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing the Behavioral Health Insurance Claims
2 Advocacy Program and supplementing P.L.1997, c.192 (C.26:2S-
3 1).

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

7
8 1. The Legislature finds and declares that:

9 a. Those who suffer from mental illness and substance abuse
10 disorders face unique challenges in navigating the bureaucracy of
11 insurance benefits related to behavioral health care services.

12 b. Filing claims and appeals can be a difficult task for any
13 person, but people with mental illness or substance abuse disorders,
14 and their families, have the added difficulty of coping with their
15 behavioral health problems on top of dealing with their carrier.

16 c. Certain carriers delay or deny the claims of people with
17 substance abuse disorders or mental illness for a variety of reasons,
18 including denials of medical necessity or “fail-first” policies. These
19 denials or delays can be especially serious for people with behavioral
20 health problems, because a delay in care can result in an increase in
21 the severity of the problem.

22 d. It is, therefore, in the public interest to establish a State
23 program that advocates for people with behavioral health problems
24 in helping them to navigate the health insurance bureaucracy and
25 receive the coverage to which they are entitled.

26

27 2. a. There is created within the Department of Banking and
28 Insurance the Behavioral Health Insurance Claims Advocacy
29 Program. The program shall:

30 (1) Maintain and provide an Internet website and a toll-free
31 telephone number for consumers to call for information and
32 assistance. The number shall be accessible to the deaf and hard of
33 hearing, and staff or translation services shall be available to assist
34 non-English proficient individuals who are members of language
35 groups that meet population thresholds established by the
36 department;

37 (2) Respond to inquiries pertaining to behavioral health from
38 covered persons, including, but not limited to, those regarding policy
39 provisions pertaining to behavioral health care services;

40 (3) Advocate for covered persons seeking benefits for behavioral
41 health care services through their carriers, including providing
42 support for filing appeals through the carriers’ internal appeal
43 system; and

44 (4) Where appropriate, assist covered persons in filing appeals
45 related to behavioral health insurance claims through the Independent
46 Health Care Appeals Program, established pursuant to section 11 of
47 P.L.1997, c.192 (C.26:2S-11).

(1) the medical and other records of a covered person maintained by a carrier, upon the specific written authorization of the covered person or that covered person's legal representative;

8 (3) all licensing, certification, and data reporting records
9 maintained by the State or reported to the federal government by the
10 State that are not proprietary information or otherwise protected by
11 law, with copies thereof to be supplied to the program by the State
12 upon the request of the program.

24
25 3. The commissioner shall, in consultation with the
26 Commissioner of Human Services, adopt, pursuant to the
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
28 seq.), rules and regulations necessary for the implementation of this
29 act.

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35

41 The bill creates the program to:

(2) Respond to inquiries pertaining to behavioral health from covered persons, including, but not limited to, those regarding policy provisions pertaining to behavioral health care services;

1 (3) Advocate for covered persons seeking benefits for behavioral
2 health care services through their carriers, including providing
3 support for filing appeals through the carriers' internal appeal
4 system; and

5 (4) Where appropriate, assist persons in filing appeals related to
6 behavioral health insurance claims through the Independent Health
7 Care Appeals Program, established pursuant to section 11 of
8 P.L.1997, c.192 (C.26:2S-11).

9 Under the bill, in order to meet its objectives, the program has
10 access to:

11 (1) the medical and other records of a covered person maintained
12 by a carrier, upon the specific written authorization of the covered
13 person or that covered person's legal representative;

14 (2) the administrative records, policies, and documents of carriers
15 to which individuals or the general public have access; and

16 (3) all licensing, certification, and data reporting records
17 maintained by the State or reported to the federal government by the
18 State that are not proprietary information or otherwise protected by
19 law, with copies thereof to be supplied to the program by the State
20 upon the request of the program.

21 Under the bill, the program must take such actions as are necessary
22 to protect the identity and confidentiality of any complainant or other
23 individual with respect to whom the program maintains files or
24 records.