

ASSEMBLY, No. 5985

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 15, 2021

Sponsored by:

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

Assemblywoman Dunn

SYNOPSIS

Requires certain health insurers to provide coverage for counseling and behavioral therapies for any person receiving medication-assisted treatment.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/6/2021)

1 AN ACT concerning health insurance coverage for certain treatment
2 of substance use disorders and amending P.L.1999, c.106 and
3 P.L.1999, c.441.

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

7
8 1. Section 1 of P.L.1999, c.106 (C.17:48-6v) is amended to
9 read as follows:

10 1. a. (1) Every individual and group hospital service
11 corporation contract that provides hospital or medical expense
12 benefits and is delivered, issued, executed or renewed in this State
13 pursuant to P.L.1938, c.366 (C.17:48-1 et seq.), or approved for
14 issuance or renewal in this State by the Commissioner of Banking
15 and Insurance, on or after the effective date of this act shall provide
16 coverage for mental health conditions and substance use disorders
17 under the same terms and conditions as provided for any other
18 sickness under the contract and shall meet the requirements of the
19 federal Paul Wellstone and Pete Domenici Mental Health Parity and
20 Addiction Equity Act of 2008, 42 U.S.C. s.18031(j), and any
21 amendments to, and federal guidance or regulations issued under
22 that act, including 45 C.F.R. Parts 146 and 147 and 45 C.F.R.
23 s.156.115(a)(3). Coverage provided pursuant to this section shall
24 include, but not be limited to, medication-assisted treatment for
25 opioid addiction for any subscriber or other person covered under
26 the contract.

27 (2) As used in this section:

28 "Medication-assisted treatment" means the use of medications, in
29 combination with counseling and behavioral therapies, for the
30 treatment of substance use disorders.

31 "Mental health condition" means a condition defined to be
32 consistent with generally recognized independent standards of
33 current medical practice referenced in the current version of the
34 Diagnostic and Statistical Manual of Mental Disorders.

35 "Same terms and conditions" means that the hospital service
36 corporation cannot apply more restrictive non-quantitative
37 limitations, such as utilization review and other criteria or more
38 quantitative limitations such as copayments, deductibles, aggregate
39 or annual limits or benefit limits to mental health condition and
40 substance use disorder benefits than those applied to substantially
41 all other medical or surgical benefits.

42 "Substance use disorder" means a disorder defined to be
43 consistent with generally recognized independent standards of
44 current medical practice referenced in the most current version of
45 the Diagnostic and Statistical Manual of Mental Disorders.

46 b. (Deleted by amendment, P.L.2019, c.58)

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 c. The provisions of this section shall apply to all contracts in
2 which the hospital service corporation has reserved the right to
3 change the premium.

4 d. Nothing in this section shall reduce the requirement for a
5 hospital service corporation to provide benefits pursuant to section
6 1 of P.L.2017, c.28 (C.17:48-6nn).
7 (cf: 2019, c.58, s.1)
8

9 2. Section 2 of P.L.1999, c.106 (C.17:48A-7u) is amended to
10 read as follows:

11 2. a. (1) Every individual and group medical service
12 corporation contract that provides hospital or medical expense
13 benefits that is delivered, issued, executed or renewed in this State
14 pursuant to P.L.1940, c.74 (C.17:48A-1 et seq.), or approved for
15 issuance or renewal in this State by the Commissioner of Banking
16 and Insurance, on or after the effective date of this act shall provide
17 coverage for mental health conditions and substance use disorders
18 under the same terms and conditions as provided for any other
19 sickness under the contract and shall meet the requirements of the
20 federal Paul Wellstone and Pete Domenici Mental Health Parity and
21 Addiction Equity Act of 2008, 42 U.S.C. s.18031(j), and any
22 amendments to, and federal guidance or regulations issued under
23 that act, including 45 s.C.F.R. Parts 146 and 147 and 45 C.F.R.
24 s.156.115(a)(3). Coverage provided pursuant to this section shall
25 include, but not be limited to, medication-assisted treatment for
26 opioid addiction for any subscriber or other person covered under
27 the contract.

28 (2) As used in this section:

29 "Medication-assisted treatment" means the use of medications, in
30 combination with counseling and behavioral therapies, for the
31 treatment of substance use disorders.

32 "Mental health condition" means a condition defined to be
33 consistent with generally recognized independent standards of
34 current medical practice referenced in the current version of the
35 Diagnostic and Statistical Manual of Mental Disorders.

36 "Same terms and conditions" means that the medical service
37 corporation cannot apply more restrictive non-quantitative
38 limitations, such as utilization review and other criteria or more
39 quantitative limitations such as copayments, deductibles, aggregate
40 or annual limits or benefit limits to mental health condition and
41 substance use disorder benefits than those applied to substantially
42 all other medical or surgical benefits.

43 "Substance use disorder" means a disorder defined to be
44 consistent with generally recognized independent standards of
45 current medical practice referenced in the most current version of
46 the Diagnostic and Statistical Manual of Mental Disorders.

47 b. (Deleted by amendment, P.L.2019, c.58)

1 c. The provisions of this section shall apply to all contracts in
2 which the medical service corporation has reserved the right to
3 change the premium.

4 d. Nothing in this section shall reduce the requirement for a
5 medical service corporation to provide benefits pursuant to section
6 2 of P.L.2017, c.28 (C.17:48A-7kk).
7 (cf: P.L.2019, c.58, s.2)

8
9 3. Section 2 of P.L.1999, c.106 (C.17:48E-35.20) is amended
10 to read as follows:

11 3. a. (1) Every individual and group health service corporation
12 contract that provides hospital or medical expense benefits and is
13 delivered, issued, executed or renewed in this State pursuant to
14 P.L.1985, c.236 (C.17:48E-1 et seq.), or approved for issuance or
15 renewal in this State by the Commissioner of Banking and
16 Insurance, on or after the effective date of this act shall provide
17 coverage for mental health conditions and substance use disorders
18 under the same terms and conditions as provided for any other
19 sickness under the contract and shall meet the requirements of the
20 federal Paul Wellstone and Pete Domenici Mental Health Parity and
21 Addiction Equity Act of 2008, 42 U.S.C. s.18031(j), and any
22 amendments to, and federal guidance or regulations issued under
23 that act, including 45 C.F.R. Parts 146 and 147 and 45 C.F.R.
24 s.156.115(a)(3). Coverage provided pursuant to this section shall
25 include, but not be limited to, medication-assisted treatment for
26 opioid addiction for any subscriber or other person covered under
27 the contract.

28 (2) As used in this section:

29 "Medication-assisted treatment" means the use of medications, in
30 combination with counseling and behavioral therapies, for the
31 treatment of substance use disorders.

32 "Mental health condition" means a condition defined to be
33 consistent with generally recognized independent standards of
34 current medical practice referenced in the current version of the
35 Diagnostic and Statistical Manual of Mental Disorders.

36 "Same terms and conditions" means that the health service
37 corporation cannot apply more restrictive non-quantitative
38 limitations, such as utilization review and other criteria or more
39 quantitative limitations such as copayments, deductibles, aggregate
40 or annual limits or benefit limits to mental health condition and
41 substance use disorder benefits than those applied to substantially
42 all other medical or surgical benefits.

43 "Substance use disorder" means a disorder defined to be
44 consistent with generally recognized independent standards of
45 current medical practice referenced in the most current version of
46 the Diagnostic and Statistical Manual of Mental Disorders.

47 b. (Deleted by amendment, P.L.2019, c.58)

1 c. The provisions of this section shall apply to all contracts in
2 which the health service corporation has reserved the right to
3 change the premium.

4 d. Nothing in this section shall reduce the requirement for a
5 health service corporation to provide benefits pursuant to section 3
6 of P.L.2017, c.28 (C.17:48E-35.38).
7 (cf: P.L.2019, c.58, s.3)

8
9 4. Section 4 of P.L.1999, c.106 (C.17B:26-2.1s) is amended to
10 read as follows:

11 4. a. (1) Every individual health insurance policy that
12 provides hospital or medical expense benefits and is delivered,
13 issued, executed or renewed in this State pursuant to chapter 26 of
14 Title 17B of the New Jersey Statutes, or approved for issuance or
15 renewal in this State by the Commissioner of Banking and
16 Insurance, on or after the effective date of this act shall provide
17 coverage for mental health conditions and substance use disorders
18 under the same terms and conditions as provided for any other
19 sickness under the contract and shall meet the requirements of the
20 federal Paul Wellstone and Pete Domenici Mental Health Parity and
21 Addiction Equity Act of 2008, 42 U.S.C. s.18031(j), and any
22 amendments to, and federal guidance or regulations issued under
23 that act, including 45 C.F.R. Parts 146 and 147 and 45 C.F.R.
24 s.156.115(a)(3). Coverage provided pursuant to this section shall
25 include, but not be limited to, medication-assisted treatment for
26 opioid addiction for any covered person.

27 (2) As used in this section:

28 "Medication-assisted treatment" means the use of medications, in
29 combination with counseling and behavioral therapies, for the
30 treatment of substance use disorders.

31 "Mental health condition" means a condition defined to be
32 consistent with generally recognized independent standards of
33 current medical practice referenced in the current version of the
34 Diagnostic and Statistical Manual of Mental Disorders.

35 "Same terms and conditions" means that the insurer cannot apply
36 more restrictive non-quantitative limitations, such as utilization
37 review and other criteria or more quantitative limitations such as
38 copayments, deductibles, aggregate or annual limits or benefit
39 limits to mental health condition and substance use disorder
40 benefits than those applied to substantially all other medical or
41 surgical benefits.

42 "Substance use disorder" means a disorder defined to be
43 consistent with generally recognized independent standards of
44 current medical practice referenced in the most current version of
45 the Diagnostic and Statistical Manual of Mental Disorders.

46 b. (Deleted by amendment, P.L.2019, c.58)

47 c. The provisions of this section shall apply to all policies in
48 which the insurer has reserved the right to change the premium.

1 d. Nothing in this section shall reduce the requirement for an
2 insurer to provide benefits pursuant to section 4 of P.L.2017, c.28
3 (C.17B:26-2.1hh).
4 (cf: P.L.2019, c.58, s.4)

5
6 5. Section 5 of P.L.1999, c.106 (C.17B:27-46.1v) is amended
7 to read as follows:

8 5. a. (1) Every group health insurance policy that provides
9 hospital or medical expense benefits and is delivered, issued,
10 executed or renewed in this State pursuant to chapter 27 of Title
11 17B of the New Jersey Statutes, or approved for issuance or renewal
12 in this State by the Commissioner of Banking and Insurance, on or
13 after the effective date of this act shall provide benefits for mental
14 health conditions and substance use disorders under the same terms
15 and conditions as provided for any other sickness under the policy
16 and shall meet the requirements of the federal Paul Wellstone and
17 Pete Domenici Mental Health Parity and Addiction Equity Act of
18 2008, 42 U.S.C. s.18031(j), and any amendments to, and federal
19 guidance or regulations issued under that act, including 45 C.F.R.
20 Parts 146 and 147 and 45 C.F.R. s.156.115(a)(3). Coverage
21 provided pursuant to this section shall include, but not be limited to,
22 medication-assisted treatment for opioid addiction for any covered
23 person.

24 (2) As used in this section:

25 "Medication-assisted treatment" means the use of medications, in
26 combination with counseling and behavioral therapies, for the
27 treatment of substance use disorders.

28 "Mental health condition" means a condition defined to be
29 consistent with generally recognized independent standards of
30 current medical practice referenced in the current version of the
31 Diagnostic and Statistical Manual of Mental Disorders.

32 "Same terms and conditions" means that the insurer cannot apply
33 more restrictive non-quantitative limitations, such as utilization
34 review and other criteria or more quantitative limitations such as
35 copayments, deductibles, aggregate or annual limits or benefit
36 limits to mental health condition and substance use disorder
37 benefits than those applied to substantially all other medical or
38 surgical benefits.

39 "Substance use disorder" means a disorder defined to be consistent
40 with generally recognized independent standards of current medical
41 practice referenced in the most current version of the Diagnostic
42 and Statistical Manual of Mental Disorders.

43 b. (Deleted by amendment, P.L.2019, c.59)

44 c. The provisions of this section shall apply to all policies in
45 which the insurer has reserved the right to change the premium.

46 d. Nothing in this section shall reduce the requirement for an
47 insurer to provide benefits pursuant to section 5 of P.L.2017, c.28
48 (C.17B:27-46.1nn).
49 (cf: P.L.2019, c.58, s.5)

1 6. Section 6 of P.L.1999, c.106 (C.17B:27A-7.5) is amended to
2 read as follows:

3 6. a. (1) Every individual health benefits plan that provides
4 hospital or medical expense benefits and is delivered, issued,
5 executed or renewed in this State pursuant to P.L.1992, c.161
6 (C.17B:27A-2 et seq.) or approved for issuance or renewal in this
7 State on or after the effective date of this act shall provide benefits
8 for mental health conditions and substance use disorders under the
9 same terms and conditions as provided for any other sickness under
10 the health benefits plan and shall meet the requirements of the
11 federal Paul Wellstone and Pete Domenici Mental Health Parity and
12 Addiction Equity Act of 2008, 42 U.S.C. s.18031(j), and any
13 amendments to, and federal guidance or regulations issued under
14 that act, including 45 C.F.R. Parts 146 and 147 and 45 C.F.R.
15 s.156.115(a)(3). Coverage provided pursuant to this section shall
16 include, but not be limited to, medication-assisted treatment for
17 opioid addiction for any covered person.

18 (2) As used in this section:

19 “Medication-assisted treatment” means the use of medications, in
20 combination with counseling and behavioral therapies, for the
21 treatment of substance use disorders.

22 "Mental health condition" means a condition defined to be
23 consistent with generally recognized independent standards of
24 current medical practice referenced in the current version of the
25 Diagnostic and Statistical Manual of Mental Disorders.

26 "Same terms and conditions" means that the plan cannot apply
27 more restrictive non-quantitative limitations, such as utilization
28 review and other criteria or more quantitative limitations such as
29 copayments, deductibles, aggregate or annual limits or benefit
30 limits to mental health condition and substance use disorder
31 benefits than those applied to substantially all other medical or
32 surgical benefits.

33 "Substance use disorder" means a disorder defined to be
34 consistent with generally recognized independent standards of
35 current medical practice referenced in the most current version of
36 the Diagnostic and Statistical Manual of Mental Disorders.

37 b. (Deleted by amendment, P.L.2019, c.58)

38 c. The provisions of this section shall apply to all health
39 benefits plans in which the carrier has reserved the right to change
40 the premium.

41 d. Nothing in this section shall reduce the requirement for a
42 plan to provide benefits pursuant to section 6 of P.L.2017, c.28
43 (C.17B:27A-7.21).

44 (cf: P.L.2019, c.58, s.6)

45

46 7. Section 7 of P.L.1999, c.106 (C.17B:27A-19.7) is amended
47 to read as follows:

1 7. a. (1) Every small employer health benefits plan that
2 provides hospital or medical expense benefits and is delivered,
3 issued, executed or renewed in this State pursuant to P.L.1992,
4 c.162 (C.17B:27A-17 et seq.) or approved for issuance or renewal
5 in this State on or after the effective date of this act shall provide
6 benefits for mental health conditions and substance use disorders
7 under the same terms and conditions as provided for any other
8 sickness under the health benefits plan and shall meet the
9 requirements of the federal Paul Wellstone and Pete Domenici
10 Mental Health Parity and Addiction Equity Act of 2008, 42 U.S.C.
11 s.18031(j), and any amendments to, and federal guidance or
12 regulations issued under that act, including 45 C.F.R. Parts 146 and
13 147 and 45 C.F.R. s.156.115(a)(3). Coverage provided pursuant to
14 this section shall include, but not be limited to, medication-assisted
15 treatment for opioid addiction for any covered person.

16 (2) As used in this section:

17 "Medication-assisted treatment" means the use of medications, in
18 combination with counseling and behavioral therapies, for the
19 treatment of substance use disorders.

20 " Mental health condition " means a condition defined to be
21 consistent with generally recognized independent standards of
22 current medical practice referenced in the current version of the
23 Diagnostic and Statistical Manual of Mental Disorders.

24 " Same terms and conditions " means that the plan cannot apply
25 more restrictive non-quantitative limitations, such as utilization
26 review and other criteria or more quantitative limitations such as
27 copayments, deductibles, aggregate or annual limits or benefit
28 limits to mental health condition and substance use disorder
29 benefits than those applied to substantially all other medical or
30 surgical benefits.

31 " Substance use disorder " means a disorder defined to be
32 consistent with generally recognized independent standards of
33 current medical practice referenced in the most current version of
34 the Diagnostic and Statistical Manual of Mental Disorders.

35 b. (Deleted by amendment, P.L.2019, c.58)

36 c. The provisions of this section shall apply to all health
37 benefits plans in which the carrier has reserved the right to change
38 the premium.

39 d. Nothing in this section shall reduce the requirement for a
40 plan to provide benefits pursuant to section 7 of P.L.2017, c.28
41 (C.17B:27A-19.25).

42 (cf: P.L.2019, c.58, s.7)

43

44 8. Section 8 of P.L.1999, c.106 (C.26:2J-4.20) is amended to
45 read as follows:

46 8. a. (1) Every enrollee agreement delivered, issued, executed,
47 or renewed in this State pursuant to P.L.1973, c.337 (C.26:2J-
48 1 et seq.) or approved for issuance or renewal in this State by the
49 Commissioner of Banking and Insurance, on or after the effective

1 date of this act shall provide health care services for mental health
2 conditions and substance use disorders under the same terms and
3 conditions as provided for any other sickness under the agreement
4 and shall meet the requirements of the federal Paul Wellstone and
5 Pete Domenici Mental Health Parity and Addiction Equity Act of
6 2008, 42 U.S.C. s.18031(j), and any amendments to, and federal
7 guidance or regulations issued under that act, including 45 C.F.R.
8 Parts 146 and 147 and 45 C.F.R. s.156.115(a)(3). Coverage
9 provided pursuant to this section shall include, but not be limited to,
10 medication-assisted treatment for opioid addiction for any enrollee.

11 (2) As used in this section:

12 "Medication-assisted treatment" means the use of medications, in
13 combination with counseling and behavioral therapies, for the
14 treatment of substance use disorders.

15 "Mental health condition" means a condition defined to be
16 consistent with generally recognized independent standards of
17 current medical practice referenced in the current version of the
18 Diagnostic and Statistical Manual of Mental Disorders.

19 "Same terms and conditions" means that the health maintenance
20 organization cannot apply more restrictive non-quantitative
21 limitations, such as utilization review and other criteria or more
22 quantitative limitations such as copayments, deductibles,, aggregate
23 or annual limits or health care services limits to mental health
24 condition and substance use disorder services than those applied to
25 substantially all other medical or surgical health care services.

26 "Substance use disorder" means a disorder defined to be
27 consistent with generally recognized independent standards of
28 current medical practice referenced in the most current version of
29 the Diagnostic and Statistical Manual of Mental Disorders.

30 b. (Deleted by amendment, P.L.2019, c.58)

31 c. The provisions of this section shall apply to enrollee
32 agreements in which the health maintenance organization has
33 reserved the right to change the premium.

34 d. Nothing in this section shall reduce the requirement for a
35 health maintenance organization to provide benefits pursuant to
36 section 8 of P.L.2017, c.28 (C.26:2J-4.39).

37 (cf: P.L.2019, c.58, s.8)

38

39 9. Section 1 of P.L.1999, c.441 (C.52:14-17.29d) is amended to
40 read as follows:

41 1. As used in this act:

42 "Carrier" means an insurance company, health service
43 corporation, hospital service corporation, medical service
44 corporation or health maintenance organization authorized to issue
45 health benefits plans in this State.

46 "Medication-assisted treatment" means the use of medications, in
47 combination with counseling and behavioral therapies, for the
48 treatment of substance use disorders.

1 "Mental health condition" means a condition defined to be
2 consistent with generally recognized independent standards of
3 current medical practice referenced in the current version of the
4 Diagnostic and Statistical Manual of Mental Disorders.

5 "Same terms and conditions" means that a carrier cannot apply
6 more restrictive non-quantitative limitations, such as utilization
7 review and other criteria or more quantitative limitations such as
8 copayments, deductibles, aggregate or annual limits or benefit
9 limits to mental health condition and substance use disorder
10 benefits than those applied to substantially all other medical or
11 surgical benefits.

12 "Substance use disorder" means a disorder defined to be
13 consistent with generally recognized independent standards of
14 current medical practice referenced in the most current version of
15 the Diagnostic and Statistical Manual of Mental Disorders.

16 (cf: P.L.2019, c.58, s.9)

17

18 10. Section 2 of P.L.1999, c.441 (C.52:14-17.29e) is amended to
19 read as follows:

20 2. a. The State Health Benefits Commission shall ensure that
21 every contract purchased by the commission on or after the
22 effective date of this act that provides hospital or medical expense
23 benefits shall provide coverage for mental health conditions and
24 substance use disorders under the same terms and conditions as
25 provided for any other sickness under the contract and shall meet
26 the requirements of the federal Paul Wellstone and Pete Domenici
27 Mental Health Parity and Addiction Equity Act of 2008, 42 U.S.C.
28 s.18031(j), and any amendments to, and federal guidance or
29 regulations issued under that act, including 45 C.F.R. Parts 146 and
30 147 and 45 C.F.R. s.156.115(a)(3). Coverage provided pursuant to
31 this section shall include, but not be limited to, medication-assisted
32 treatment for opioid addiction for any covered person.

33 b. The commission shall provide notice to employees regarding
34 the coverage required by this section in accordance with this
35 subsection and regulations promulgated by the Commissioner of
36 Health pursuant to the "Administrative Procedure Act," P.L.1968,
37 c.410 (C.52:14B-1 et seq.). The notice shall be in writing and
38 prominently positioned in any literature or correspondence and shall
39 be transmitted at the earliest of: (1) the next mailing to the
40 employee; (2) the yearly informational packet sent to the employee;
41 or (3) July 1, 2000. The commission shall also ensure that the
42 carrier under contract with the commission, upon receipt of
43 information that a covered person is receiving treatment for a
44 mental health condition or substance use disorder, shall promptly
45 notify that person of the coverage required by this section.

46 c. Nothing in this section shall reduce the requirement for a
47 carrier to provide benefits pursuant to section 9 of P.L.2017, c.28
48 (C.52:14-17.29u).

49 (cf: P.L.2019, c.58, s.10)9

1 11. This act shall take effect on the 90th day after the date of
2 enactment and shall apply to all health benefits plans currently in
3 effect in the State, or that are delivered, issued, executed or
4 renewed in this State, or approved for issuance or renewal in this
5 State by the Commissioner of Banking and Insurance, on or after
6 the effective date of this act.

7

8

9

STATEMENT

10

11 This bill amends existing law concerning health insurance
12 coverage of mental health conditions and substance use disorders to
13 add a requirement that health insurers (health, hospital and medical
14 service corporations, commercial individual and group health
15 insurers, health maintenance organizations, health benefits plans
16 issued pursuant to the New Jersey Individual Health Coverage and
17 Small Employer Health Benefits Programs, and the State Health
18 Benefits Program) provide coverage for medication-assisted
19 treatment for opioid addiction for any covered person. Under the
20 bill, “medication-assisted treatment” means the use of medications,
21 in combination with counseling and behavioral therapies, for the
22 treatment of substance use disorders.