

SENATE, No. 151

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Senator GERALD CARDINALE

District 39 (Bergen and Passaic)

Co-Sponsored by:

Senators Stack, Sarlo and Gill

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.



(Sponsorship Updated As Of: 6/1/2021)

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
24 and level of distress. These aspects shall be described as "none," or
25 by the 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 rendered by a health care provider for the assessment and treatment
35 of mental illness, emotional disorders, or substance abuse.

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

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

42
43 2. Notwithstanding any law, rule or regulation to the contrary,
44 a payer shall not request, or require in any contract or policy,
45 information to be provided from a mental health care professional
46 concerning any covered person, except the information that is

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

4
5 3. This act shall take effect on the first day of the fourth month
6 next following enactment.

7
8
9 STATEMENT

10
11 This bill prohibits mental health care providers from disclosing,
12 and health insurance carriers from demanding, certain information
13 concerning behavioral health care services provided to their
14 patients.

15 Specifically, the bill restricts the information a mental health
16 care professional may disclose to a health insurance carrier to the
17 following information:

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

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

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

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

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

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

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

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

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- 1 by codifying certain aspects of those rules of professional licensure
- 2 and by clearly limiting the information that the carrier can request,
- 3 or require to be provided, to the information that is permitted to be
- 4 shared pursuant to those rules.