

SENATE HEALTH, HUMAN SERVICES AND SENIOR CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 1763

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 14, 2020

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 1763.

As amended by the committee, this bill provides that a person is guilty of a crime of the fourth degree if the person knowingly makes or receives a payment or otherwise furnishes or receives any fee, commission, or rebate to any person in connection with the referral of patients to substance use treatment disorder facilities regulated by the Division of Mental Health and Addiction Services in the Department of Human Services. The amended bill additionally provides that a person is guilty of a crime of the fourth degree if the person knowingly assists, conspires with, or urges any person to violate a provision of this bill.

Under the bill as amended, it is not a crime to make or receive a payment or otherwise furnish or receive any fee, commission, or rebate that does not vary based on: 1) the number of patients referred to a substance use disorder treatment facility; 2) the duration, level, volume, or nature of the substance use disorder treatment services provided to a patient; or 3) the amount of benefits provided by a carrier to a substance use disorder treatment facility for treatment or services provided to a patient.

A crime of the fourth degree is generally punishable by a term of imprisonment of up to 18 months or a fine of up to \$10,000 or both.

As reported by the committee with amendments, Senate Bill No. 1763 is identical to Assembly Bill No. 1763 (1R), which was also reported by the committee on this date with amendments.

COMMITTEE AMENDMENTS:

The committee amendments: 1) remove civil penalties and impose criminal penalties for certain referrals to substance use disorder treatment facilities as provided in the bill; 2) make technical changes to the title and synopsis; and 3) remove language requiring the Commissioner of Human Services to adopt rules and regulations.