SENATE, No. 2551

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 8, 2020

Sponsored by:
Senator ANTHONY M. BUCCO
District 25 (Morris and Somerset)

Co-Sponsored by:
Senator Lagana

SYNOPSIS

Establishes COVID-19 Frontline Mental Health Claims Program in Division of Mental Health and Addiction Services in DHS and makes appropriation.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 12/13/2021)

AN ACT establishing a COVID-19 Frontline Mental Health Claims Program, supplementing Title 30 of the Revised Statutes, and making an appropriation.

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

1. a. There is established in the Division of Mental Health and Addiction Services in the Department of Human Services a COVID-19 Frontline Mental Health Claims Program for State residents who worked as first responders, health care workers, and other frontline positions during the coronavirus disease 2019 (COVID-19) pandemic. The goal of this program is to ensure that such frontline workers have access to mental health services, regardless of coverage for such services through a private health insurance plan or a workers' compensation claim.

b. In order to effectuate the goals of this program, the Assistant Commissioner of the Division shall develop and implement a system through which an individual, or a health care provider on behalf of an individual, can submit a claim for reimbursement of a mental health service or services. A claim demonstrating the following shall be eligible for reimbursement:

(1) the claimant is a New Jersey resident who worked as a frontline worker during the COVID-19 pandemic;

(2) the mental health services provided to the claimant are medically necessary per an order from a health care professional licensed in accordance with the provisions of Title 45 of the Revised Statutes, or otherwise authorized to provide health care services in this State;

(3) the mental health services provided to the claimant are not reimbursable under by any other third-party entity, such as the claimant's private insurance plan or a workers' compensation claim; and

(4) the date of the services rendered to the claimant is between March 9, 2020, the date of the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020 concerning the COVID-19 pandemic, and one year after the end of such emergencies.

c. Upon approval of a claim, the Assistant Commissioner shall:

(1) provide payment for mental health services rendered to the claimant directly to the provider; and

(2) provide written notification to the claimant that the division has provided payment for services. This notification shall include, at a minimum, the date of each service, the amount paid for each service, and the name of the provider of each service.

d. Upon denial of a claim, the Assistant Commissioner shall provide written notification to the provider and the claimant detailing the reason for denial. This notification shall provide a

phone number by which the claimant or provider can contact a representative of the division to discuss the denied claim. If the denial is due to lack of documentation, the notification shall explicitly state how the claimant or provider may resubmit the claim with the necessary documentation.

e. The Assistant Commissioner shall design and, in conjunction with the Commissioner of Health, distribute information regarding the Frontline Mental Health Claims Program, either in printed or electronic form, to businesses and organizations that employ frontline workers. Such businesses and organizations shall distribute this information directly to each frontline worker, or post this information in a manner and place accessible to all frontline workers. The Department of Human Services and the Department of Health shall post the information on a publicly accessible location on each departments' Internet website.

f. As used in this section, "frontline worker" means an individual who provides an essential or key public service.

2. There shall be appropriated such sums of money from the General Fund as are necessary to implement the provisions of the act.

3. The Assistant Commissioner of the Division of Mental Health and Addiction Services in the Department of Human Services shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this act.

4. This act shall take effect on the first day of the third month following enactment, except that the Assistant Commissioner of the Division of Mental Health and Addiction Services in the Department of Human Services may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

STATEMENT

This bill establishes the COVID-19 Frontline Mental Health Claims Program in Division of Mental Health and Addiction Services (DMHAS) in the Department of Human Services (DHS). The goal of this program is to ensure that State residents who worked as first responders, health care workers, and other frontline positions during the coronavirus disease 2019 (COVID-19) pandemic have access to mental health services, regardless of coverage for such services through a private health insurance plan or a workers' compensation claim. As defined under the bill, "frontline worker" means an individual who provides an essential or

key public service. This bill appropriates such sums of money from the General Fund as are necessary to implement the provisions of the bill.

In order to effectuate the goals of this program, the bill directs the Assistant Commissioner of the DMHAS to develop and implement a system through which an individual, or a health care provider on behalf of an individual, can submit a claim for reimbursement of a mental health service or services. A claim demonstrating the following is to be eligible for reimbursement:

(1) the claimant is a New Jersey resident who worked as a frontline worker during the COVID-19 pandemic;

(2) the mental health services provided to the claimant are medically necessary per an order from a health care professional licensed in accordance with the provisions of Title 45 of the Revised Statutes, or otherwise authorized to provide health care services in this State;

(3) the mental health services provided to the claimant are not reimbursable under by any other third-party entity, such as the claimant's private insurance plan or a workers' compensation claim; and

(4) the date of the services rendered to the claimant is between March 9, 2020, the date of the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020 concerning the COVID-19 pandemic, and one year after the end of such emergencies.

Upon approval of a claim, the Assistant Commissioner is required to provide payment for mental health services rendered to the claimant directly to the provider; and provide written notification to the claimant that the division has provided payment for services. This notification shall include, at a minimum, the date of each service, the amount paid for each service, and the name of the provider of each service.

Upon denial of a claim, the Assistant Commissioner is required to provide written notification to the provider and the claimant detailing the reason for denial. This notification is to provide a phone number by which the claimant or provider can contact a representative of the division to discuss the denied claim. If the denial is due to lack of documentation, the notification is to explicitly state how the claimant or provider may resubmit the claim with the necessary documentation.

The bill directs the Assistant Commissioner to design and, in conjunction with the Commissioner of Health, to distribute information regarding the Frontline Mental Health Claims Program, either in printed or electronic form, to businesses and organizations that employ frontline workers. Such businesses and organizations are required to distribute this information to each frontline worker, or post this information in a manner and place accessible to all frontline workers. The Department of Human Services and the

Department of Health are also to post the information on a publicly accessible location on each departments' Internet website.