

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)

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

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

7
8 1. a. There is established in the Division of Mental Health and
9 Addiction Services in the Department of Human Services a
10 COVID-19 Frontline Mental Health Claims Program for State
11 residents who worked as first responders, health care workers, and
12 other frontline positions during the coronavirus disease 2019
13 (COVID-19) pandemic. The goal of this program is to ensure that
14 such frontline workers have access to mental health services,
15 regardless of coverage for such services through a private health
16 insurance plan or a workers' compensation claim.

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

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

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

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

34 (4) the date of the services rendered to the claimant is between
35 March 9, 2020, the date of the Public Health Emergency and State
36 of Emergency declared by the Governor in Executive Order 103 of
37 2020 concerning the COVID-19 pandemic, and one year after the
38 end of such emergencies.

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

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

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

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

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

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

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

18
19 2. There shall be appropriated such sums of money from the
20 General Fund as are necessary to implement the provisions of the
21 act.

22
23 3. The Assistant Commissioner of the Division of Mental
24 Health and Addiction Services in the Department of Human
25 Services shall adopt rules and regulations pursuant to the
26 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
27 seq.) to effectuate the purposes of this act.

28
29 4. This act shall take effect on the first day of the third month
30 following enactment, except that the Assistant Commissioner of the
31 Division of Mental Health and Addiction Services in the
32 Department of Human Services may take such anticipatory
33 administrative action in advance thereof as shall be necessary for
34 the implementation of this act.

35 36 37 STATEMENT

38
39 This bill establishes the COVID-19 Frontline Mental Health
40 Claims Program in Division of Mental Health and Addiction
41 Services (DMHAS) in the Department of Human Services (DHS).
42 The goal of this program is to ensure that State residents who
43 worked as first responders, health care workers, and other frontline
44 positions during the coronavirus disease 2019 (COVID-19)
45 pandemic have access to mental health services, regardless of
46 coverage for such services through a private health insurance plan
47 or a workers' compensation claim. As defined under the bill,
48 "frontline worker" means an individual who provides an essential or

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

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

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

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

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

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22 March 9, 2020, the date of the Public Health Emergency and State
23 of Emergency declared by the Governor in Executive Order 103 of
24 2020 concerning the COVID-19 pandemic, and one year after the
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27 required to provide payment for mental health services rendered to
28 the claimant directly to the provider; and provide written
29 notification to the claimant that the division has provided payment
30 for services. This notification shall include, at a minimum, the date
31 of each service, the amount paid for each service, and the name of
32 the provider of each service.

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

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

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