

SENATE, No. 3111

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Co-Sponsored by:

Senators Corrado and Diegnan

SYNOPSIS

Requires health insurance carriers to categorize mental health treatment and therapy received by victim of domestic violence as medically necessary treatment and provide full benefits coverage therefor.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/7/2020)

1 AN ACT concerning the medical necessity of, and provision of
2 insurance coverage for, mental health treatment and therapy
3 received by a victim of domestic violence and amending and
4 supplementing various parts of the statutory law.

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

8
9 1. Section 1 of P.L.1998, c.97 (C.17:48-6t) is amended to read
10 as follows:

11 1. a. Except as otherwise provided in P.L.1992, c.161
12 (C.17B:27A-2 et seq.) and P.L.1992, c.162 (C.17B:27A-17 et seq.),
13 no group or individual hospital service corporation contract
14 providing hospital or medical expense benefits shall:

15 (1) contain any provision **【which denies】** denying benefits for
16 expenses incurred in the treatment of an injury or injuries sustained
17 by the subscriber or other person covered thereunder as the result of
18 domestic violence, as defined in section 3 of P.L.1991, c.261
19 (C.2C:25-19)**】**, to a subscriber or other person covered thereunder**】**.
20 Benefits for these expenses shall be provided to the same extent as
21 for any other treatment under the contract; or

22 (2) contain any provision denying benefits for expenses incurred
23 in the provision of mental health treatment or therapy to a
24 subscriber or other person covered thereunder who is a victim of
25 domestic violence, as defined in section 3 of P.L.1991, c.261
26 (C.2C:25-19). Mental health treatment and therapy provided to a
27 victim of domestic violence shall be deemed to be medically
28 necessary, and benefits for these expenses shall be provided to the
29 same extent as for any other medically necessary treatment under
30 the contract.

31 b. The provisions of this section shall apply to all contracts in
32 which the hospital service corporation has reserved the right to
33 change the premium.

34 (cf: P.L.1998, c.97, s.1)

35
36 2. Section 2 of P.L.1998, c.97 (C.17:48A-7s) is amended to
37 read as follows:

38 2. a. Except as otherwise provided in P.L.1992, c.161
39 (C.17B:27A-2 et seq.) and P.L.1992, c.162 (C.17B:27A-17 et seq.),
40 no group or individual medical service corporation contract
41 providing hospital or medical expense benefits shall:

42 (1) contain any provision **【which denies】** denying benefits for
43 expenses incurred in the treatment of an injury or injuries sustained
44 by the subscriber or other person covered thereunder as the result of
45 domestic violence, as defined in section 3 of P.L.1991, c.261

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.2C:25-19)【, to a subscriber or other person covered thereunder】.
2 Benefits for these expenses shall be provided to the same extent as
3 for any other treatment under the contract; or

4 (2) contain any provision denying benefits for expenses incurred
5 in the provision of mental health treatment or therapy to a
6 subscriber or other person covered thereunder who is a victim of
7 domestic violence, as defined in section 3 of P.L.1991, c.261
8 (C.2C:25-19). Mental health treatment and therapy provided to a
9 victim of domestic violence shall be deemed to be medically
10 necessary, and benefits for these expenses shall be provided to the
11 same extent as for any other medically necessary treatment under
12 the contract.

13 b. The provisions of this section shall apply to all contracts in
14 which the medical service corporation has reserved the right to
15 change the premium.

16 (cf: P.L.1998, c.97, s.2)

17

18 3. Section 3 of P.L.1998, c.97 (C.17:48E-35.18) is amended to
19 read as follows:

20 3. a. Except as otherwise provided in P.L.1992, c.161
21 (C.17B:27A-2 et seq.) and P.L.1992, c.162 (C.17B:27A-17 et seq.),
22 no group or individual health service corporation contract providing
23 hospital or medical expense benefits shall:

24 (1) contain any provision **【which denies】** denying benefits for
25 expenses incurred in the treatment of an injury or injuries sustained
26 by the subscriber or other person covered thereunder as the result of
27 domestic violence, as defined in section 3 of P.L.1991, c.261
28 (C.2C:25-19)【, to a subscriber or other person covered thereunder】.
29 Benefits for these expenses shall be provided to the same extent as
30 for any other treatment under the contract; or

31 (2) contain any provision denying benefits for expenses incurred
32 in the provision of mental health treatment or therapy to a
33 subscriber or other person covered thereunder who is a victim of
34 domestic violence, as defined in section 3 of P.L.1991, c.261
35 (C.2C:25-19). Mental health treatment and therapy provided to a
36 victim of domestic violence shall be deemed to be medically
37 necessary, and benefits for these expenses shall be provided to the
38 same extent as for any other medically necessary treatment under
39 the contract.

40 b. The provisions of this section shall apply to all contracts in
41 which the health service corporation has reserved the right to
42 change the premium.

43 (cf: P.L.1998, c.97, s.3)

44

45 4. Section 4 of P.L.1998, c.97 (C.17B:26-2.1q) is amended to
46 read as follows:

1 4. a. Except as otherwise provided in P.L.1992, c.161
2 (C.17B:27A-2 et seq.), no individual health insurance policy
3 providing hospital or medical expense benefits shall:

4 (1) contain any provision **【which denies】** denying benefits for
5 expenses incurred in the treatment of an injury or injuries sustained
6 by the named insured or other person covered thereunder as the
7 result of domestic violence, as defined in section 3 of P.L.1991,
8 c.261 (C.2C:25-19)**【, to a named insured or other person covered**
9 **thereunder】**. Benefits for these expenses shall be provided to the
10 same extent as for any other treatment under the policy; or

11 (2) contain any provision denying benefits for expenses incurred
12 in the provision of mental health treatment or therapy to the named
13 insured or other person covered thereunder who is a victim of
14 domestic violence, as defined in section 3 of P.L.1991, c.261
15 (C.2C:25-19). Mental health treatment and therapy provided to a
16 victim of domestic violence shall be deemed to be medically
17 necessary, and benefits for these expenses shall be provided to the
18 same extent as for any other medically necessary treatment under
19 the policy.

20 b. The provisions of this section shall apply to all policies in
21 which the insurer has reserved the right to change the premium.
22 (cf: P.L.1998, c.97, s.4)

23
24 5. Section 5 of P.L.1998, c.97 (C.17B:27-46.1t) is amended to
25 read as follows:

26 5. a. Except as otherwise provided in P.L.1992, c.162
27 (C.17B:27A-17 et seq.), no group health insurance policy providing
28 hospital or medical expense benefits shall:

29 (1) contain any provision **【which denies】** denying benefits for
30 expenses incurred in the treatment of an injury or injuries sustained
31 by the named insured or other person covered thereunder as the
32 result of domestic violence, as defined in section 3 of P.L.1991,
33 c.261 (C.2C:25-19)**【, to a named insured or other person covered**
34 **thereunder】**. Benefits for these expenses shall be provided to the
35 same extent as for any other treatment under the policy; or

36 (2) contain any provision denying benefits for expenses incurred
37 in the provision of mental health treatment or therapy to the named
38 insured or other person covered thereunder who is a victim of
39 domestic violence, as defined in section 3 of P.L.1991, c.261
40 (C.2C:25-19). Mental health treatment and therapy provided to a
41 victim of domestic violence shall be deemed to be medically
42 necessary, and benefits shall be provided to the same extent as for
43 any other medically necessary treatment under the policy.

44 b. The provisions of this section shall apply to all policies in
45 which the insurer has reserved the right to change the premium.
46 (cf: P.L.1998, c.97, s.5)

1 6. Section 6 of P.L.1998, c.97 (C.26:2J-4.18) is amended to
2 read as follows:

3 6. a. Except as otherwise provided in P.L.1992, c.161
4 (C.17B:27A-2 et seq.) and P.L.1992, c.162 (C.17B:27A-17 et seq.),
5 no health maintenance organization shall:

6 (1) deny health care services for the treatment of an injury or
7 injuries sustained by an enrollee as the result of domestic violence,
8 as defined in section 3 of P.L.1991, c.261 (C.2C:25-19)【, to its
9 enrollees. Services】. Such services shall be provided to the same
10 extent as for any other treatment; or

11 (2) deny health care services for the mental health treatment or
12 therapy of an enrollee who is the victim of domestic violence, as
13 defined in section 3 of P.L.1991, c.261 (C.2C:25-19). Mental
14 health treatment and therapy provided to a victim of domestic
15 violence shall be deemed to be medically necessary, and health care
16 services associated with such treatment and therapy shall be
17 provided to the same extent as for any other medically necessary
18 treatment.

19 b. The provisions of this section shall apply to all certificates
20 of authority in which the health maintenance organization has
21 reserved the right to change the schedule of charges for enrollee
22 coverage.

23 (cf: P.L.1998, c.97, s.6)

24

25 7. (New section) a. Every individual health benefits plan that
26 is delivered, issued, executed, or renewed in this State, or is
27 approved for issuance or renewal in this State by the Commissioner
28 of Banking and Insurance on or after the effective date of P.L. ,
29 c. (C.) (pending before the Legislature as this bill), shall
30 provide coverage for expenses incurred in the provision of mental
31 health treatment or therapy to a person covered thereunder who is a
32 victim of domestic violence, as defined in section 3 of P.L.1991,
33 c.261 (C.2C:25-19). Mental health treatment and therapy provided
34 to a victim of domestic violence shall be deemed to be medically
35 necessary, and benefits shall be provided to the same extent as for
36 any other medically necessary treatment under the plan.

37 b. This section shall apply to all health benefits plans in which
38 the carrier has reserved the right to change the premium.

39

40 8. (New section) a. Every small employer health benefits plan
41 that is delivered, issued, executed, or renewed in this State, or is
42 approved for issuance or renewal in this State by the Commissioner
43 of Banking and Insurance on or after the effective date of P.L. ,
44 c. (C.) (pending before the Legislature as this bill), shall
45 provide coverage for expenses incurred in the provision of mental
46 health treatment or therapy to a person covered thereunder who is a
47 victim of domestic violence, as defined in section 3 of P.L.1991,
48 c.261 (C.2C:25-19). Mental health treatment and therapy provided

1 to a victim of domestic violence shall be deemed to be medically
2 necessary, and benefits shall be provided to the same extent as for
3 any other medically necessary treatment under the plan.

4 b. This section shall apply to all health benefits plans in which
5 the carrier has reserved the right to change the premium.
6

7 9. (New section) The State Health Benefits Commission shall
8 ensure that every contract providing hospital or medical expense
9 benefits, which is purchased by the commission on or after the
10 effective date of P.L. , c. (C.) (pending before the
11 Legislature as this bill), provides coverage for expenses incurred in
12 the provision of mental health treatment or therapy to a person
13 covered thereunder who is a victim of domestic violence, as defined
14 in section 3 of P.L.1991, c.261 (C.2C:25-19). Mental health
15 treatment and therapy provided to a victim of domestic violence
16 shall be deemed to be medically necessary, and benefits shall be
17 provided to the same extent as for any other medically necessary
18 treatment under the contract.
19

20 10. (New section) The School Employees' Health Benefits
21 Commission shall ensure that every contract providing hospital or
22 medical expense benefits, which is purchased by the commission on
23 or after the effective date of P.L. , c. (C.) (pending before
24 the Legislature as this bill), provides coverage for expenses incurred
25 in the provision of mental health treatment or therapy to a person
26 covered thereunder who is a victim of domestic violence, as defined
27 in section 3 of P.L.1991, c.261 (C.2C:25-19). Mental health
28 treatment and therapy provided to a victim of domestic violence
29 shall be deemed to be medically necessary, and benefits shall be
30 provided to the same extent as for any other medically necessary
31 treatment under the contract.
32

33 11. This act shall take effect immediately.
34
35

36 STATEMENT 37

38 This bill would require all health insurance carriers in the State,
39 including hospital service corporations, group or individual medical
40 service corporations, group or individual health service
41 corporations, group or individual health insurance policies, health
42 maintenance organizations, individual health benefits plans, small
43 employer health benefits plans, the State Health Benefits
44 Commission, and the School Employees' Health Benefits
45 Commission, to categorize mental health treatment and therapy
46 received by an insured victim of domestic violence as medically
47 necessary treatment and to provide full benefits coverage therefor.

1 Although current law requires several types of health insurance
2 carriers to provide coverage for medically necessary health care
3 services that are provided in association with the treatment of a
4 physical injury resulting from domestic violence, no insurance
5 carrier is similarly required to provide coverage for mental health
6 care that is received by victims of domestic violence. This bill
7 would fill this gap in the law by recognizing the medical necessity
8 of all mental health treatment and therapy received by a victim of
9 domestic violence and requiring all carriers to provide full benefits
10 coverage therefor.