

ASSEMBLY, No. 1668

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

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Assemblyman Vas

SYNOPSIS

Allows school psychologists to treat certain individuals in the private sector; provides for health benefits coverage therefor.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning school psychologists, amending P.L.1966,
2 c.282, and supplementing various parts of the statutory law.

3

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

6

7 1. (New section) Notwithstanding any other provision of
8 P.L.1938, c.366 (C.17:48-1 et seq.), benefits which are medically
9 necessary shall not be denied by a hospital service corporation for
10 eligible psychological services provided to a covered person 23
11 years of age or under when those services are performed or
12 rendered by a school psychologist certified by the Department of
13 Education. Any reimbursement pursuant to this section shall be
14 provided to the same extent that the contract authorizes payment for
15 those services to physicians licensed in this State.

16

17 2. (New section) Notwithstanding any other provision of
18 P.L.1940, c.74 (C.17:48A-1 et seq.), benefits which are medically
19 necessary shall not be denied by a medical service corporation for
20 eligible psychological services provided to a covered person 23
21 years of age or under when those services are performed or
22 rendered by a school psychologist certified by the Department of
23 Education. Any reimbursement pursuant to this section shall be
24 provided to the same extent that the contract authorizes payment for
25 those services to physicians licensed in this State.

26

27 3. (New section) Notwithstanding any other provision of
28 P.L.1985, c.236 (C.17:48E-1 et seq.), benefits which are medically
29 necessary shall not be denied by a health service corporation for
30 eligible psychological services provided to a covered person 23
31 years of age or under when those services are performed or
32 rendered by a school psychologist certified by the Department of
33 Education. Any reimbursement pursuant to this section shall be
34 provided to the same extent that the contract authorizes payment for
35 those services to physicians licensed in this State.

36

37 4. (New section) Notwithstanding any other provision of chapter
38 26 of Title 17B of the New Jersey Statutes, benefits which are
39 medically necessary shall not be denied by an insurer for eligible
40 psychological services provided to a covered person 23 years of age
41 or under when those services are performed or rendered by a school
42 psychologist certified by the Department of Education. Any
43 reimbursement pursuant to this section shall be provided to the
44 same extent that the policy authorizes payment for those services to

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 physicians licensed in this State.

2

3 5. (New section) Notwithstanding any other provision of chapter
4 27 of Title 17B of the New Jersey Statutes, benefits which are
5 medically necessary shall not be denied by an insurer for eligible
6 psychological services provided to a covered person 23 years of age
7 or under when those services are performed or rendered by a school
8 psychologist certified by the Department of Education. Any
9 reimbursement pursuant to this section shall be provided to the
10 same extent that the policy authorizes payment for those services to
11 physicians licensed in this State.

12

13 6. (New section) Notwithstanding any other provision of
14 P.L.1992, c.161 (C.17B:27A-2 et seq.), benefits which are
15 medically necessary shall not be denied by a carrier for eligible
16 psychological services provided to a covered person 23 years of age
17 or under when those services are performed or rendered by a school
18 psychologist certified by the Department of Education. Any
19 reimbursement pursuant to this section shall be provided to the
20 same extent that the health benefits plan authorizes payment for
21 those services to physicians licensed in this State.

22

23 7. (New section) Notwithstanding any other provision of
24 P.L.1992, c.162 (C.17B:27A-17 et seq.), benefits which are
25 medically necessary shall not be denied by a carrier for eligible
26 psychological services provided to a covered person 23 years of age
27 or under when those services are performed or rendered by a school
28 psychologist certified by the Department of Education. Any
29 reimbursement pursuant to this section shall be provided to the
30 same extent that the health benefits plan authorizes payment for
31 those services to physicians licensed in this State.

32

33 8. (New section) Notwithstanding any other provision of
34 P.L.1973, c.337 (C.26:2J-1 et seq.), benefits which are medically
35 necessary shall not be denied by a health maintenance organization
36 for eligible psychological services provided to an enrollee 23 years
37 of age or under when those services are performed or rendered by a
38 school psychologist certified by the State Department of Education.
39 Any reimbursement pursuant to this section shall be provided to the
40 same extent that the enrollee agreement authorizes payment for
41 those health care services to physicians licensed in this State.

42

43 9. (New section) Notwithstanding any other provision of
44 P.L.1961, c.49 (C.52:14-17.25 et seq.), benefits which are
45 medically necessary shall not be denied by the State Health Benefits
46 Commission for eligible psychological services provided to a
47 covered person 23 years of age or under when those services are
48 performed or rendered by a school psychologist certified by the

1 Department of Education. Any reimbursement pursuant to this
2 section shall be provided to the same extent that the health benefits
3 plan authorizes payment for those services to physicians licensed in
4 this State.

5

6 10. Section 6 of P.L.1966, c.282 (C.45:14B-6) is amended to
7 read as follows:

8 6. Any individual who is not a licensed practicing psychologist
9 shall not be limited in his activities:

10 (a) As part of his duties as an employee of:

11 (1) an accredited academic institution, a federal, State, county or
12 local governmental institution or agency, or a research facility while
13 performing those duties for which he was employed by such an
14 institution, agency or facility;

15 (2) a business organization, while performing those duties for
16 which he was employed by such an organization, and providing the
17 purposes of such an organization do not include the offer to
18 practice, or the practice of, psychology as defined in section 2(b) of
19 this act;

20 (3) an organization which is nonprofit and which is, in the
21 opinion of the board, a bona fide community agency, while
22 performing those duties for which he was employed by such an
23 agency under the direct supervision of a licensed practicing
24 psychologist. For the purposes of this subsection a "community
25 agency" means a nonprofit organization supported wholly or in a
26 major part by public funds.

27 (b) As required by his employer to the pupils, students or other
28 normal clientele within the scope of his employment but not to the
29 general public, provided he is employed by a private elementary or
30 secondary school that requires its psychologists to be certified as
31 school psychologists by the New Jersey State Department of
32 Education.

33 (c) As a student of psychology, psychological intern or person
34 preparing for the practice of psychology under qualified supervision
35 in a training institution or facility recognized by the board provided
36 he is designated by such titles as "psychological intern,"
37 "psychological trainee" or others, clearly indicating such training
38 status.

39 (d) As a practicing psychologist for a period not to exceed 10
40 consecutive business days or 15 business days in any 90-day period,
41 if he resides outside, and his major practice is outside, of the State
42 of New Jersey and gives the board a summary of his qualifications
43 and a minimum of 10 days' written notice of his intention to
44 practice in the State of New Jersey under this section 6(d), provided
45 he (1) is certified or licensed in another state under requirements the
46 board considers to be the equivalent of requirements for licensing
47 under this act or (2) resides in a state which does not certify or
48 license psychologists and the board considers his professional

1 qualifications to be the equivalent of requirements for licensing
2 under this act; and is not adjudged and notified by the board that he
3 is ineligible for licensing under this act.

4 (e) As a practicing psychologist for a period not exceeding one
5 year, if he has a temporary permit therefor which the board may
6 issue upon his filing of an application for licensing under this act.

7 (f) As a practicing psychologist for a period not exceeding three
8 years under the supervision of a licensed practicing psychologist or
9 a person designated by the board as an eligible supervisor, if he has
10 a temporary permit therefor which the board may issue upon his
11 completion of all the requirements for licensing under this act
12 except the supervised experience requirement.

13 (g) As a practicing psychologist certified as a school
14 psychologist by the State Department of Education and
15 **【performing】 providing psychological services 【on behalf of a local**
16 **school district to students for whom the school district is**
17 **responsible to provide services】 to an individual 23 years of age or**
18 **under.**

19 (cf: P.L.1997, c.140, s.1)

20

21 11. (New section) Except as otherwise provided pursuant to
22 section 12 of P.L. , c. (C.) (now pending before the
23 Legislature as this bill), a school psychologist certified by the
24 Department of Education may perform in private practice for an
25 individual 23 years of age or under those acts which he is permitted
26 to perform in the public and private schools of the State provided
27 that the school psychologist holds a permanent certificate as a
28 school psychologist issued by the Department of Education.

29

30 12. (New section) A school psychologist who holds a permanent
31 certificate as a school psychologist issued by the Department of
32 Education and who is employed by a school district as a school
33 psychologist may provide private sector psychological services to
34 students 23 years of age or under within that school district if:

35 a. The parent, guardian or adult client is informed in writing
36 prior to the provision of those services of their eligibility for free
37 services from the school district;

38 b. The parent, guardian or adult client is informed that, as a dual
39 practitioner, the school psychologist may not function as an
40 independent evaluator;

41 c. The school psychologist does not engage in private practice
42 during hours of school district employment;

43 d. The school psychologist does not use his position within a
44 school district to promote a private practice; and

45 e. The school psychologist does not utilize tests, materials or
46 services belonging to the school district in providing private sector
47 psychological services.

1 13. (New section) State Board of Education regulations adopted
2 concerning the suspension or revocation of professional certificates
3 shall apply to a school psychologist who provides private sector
4 psychological services pursuant to the provisions of P.L. ,
5 c. (C.) (now pending before the Legislature as this bill).

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7 14. This act shall take effect on the 90th day after enactment.

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STATEMENT

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12 This bill provides that a school psychologist certified by the
13 Department of Education may provide psychological services in
14 private practice for individuals 23 years of age and under provided
15 that the school psychologist holds a permanent certificate as a
16 school psychologist issued by the department. The bill imposes
17 certain requirements in the case of private sector psychological
18 services provided to students within the district where the school
19 psychologist is employed.

20 In addition, the bill provides that these services, when medically
21 necessary, are eligible for reimbursement under health insurance
22 policies and contracts issued by hospital, medical and health service
23 corporations, commercial individual and group insurers, health
24 maintenance organizations, the New Jersey Individual Health
25 Coverage and Small Employer Health Benefits Programs, and the
26 State Health Benefits Commission.