

**SENATE, No. 2180**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED JUNE 16, 2014

**Sponsored by:**

**Senator ROBERT M. GORDON**

**District 38 (Bergen and Passaic)**

**SYNOPSIS**

Requires certain health benefits plans to provide treatment for behavioral health care services when determined medically necessary.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning health insurance coverage for behavioral health  
2 care services and revising and supplementing various parts of  
3 statutory law.

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

7  
8 1. Section 1 of P.L.1977, c.115 (C.17:48-6a) is amended to  
9 read as follows:

10 1. a. No group or individual contract providing hospital or  
11 medical expense benefits shall be delivered, issued, executed, or  
12 renewed in this State, or approved for issuance or renewal in this  
13 State by the Commissioner of Banking and Insurance, after the  
14 effective date of **[this act]** P.L. \_\_\_\_\_, c. \_\_\_\_\_ (pending before the  
15 Legislature as this bill), unless **[such]** that act provides benefits to  
16 any subscriber or other covered person [covered thereunder] for  
17 [expenses incurred in connection with the treatment of alcoholism]  
18 behavioral health care services when **[such treatment is]** those  
19 services are prescribed by a [doctor of medicine] physician  
20 licensed to practice medicine and surgery, a licensed psychologist, a  
21 licensed clinical social worker, a certified advanced practice nurse,  
22 or a licensed physician assistant, acting within their lawful scope of  
23 practice. [Such] Except as provided in subsections c. and d. of this  
24 section, benefits shall be provided to the same extent as for any  
25 other sickness under the contract.

26 b. Every contract shall include **[such]** benefits for **[the**  
27 treatment of alcoholism] behavioral health care services as **[are**  
28 hereinafter set forth] follows:

29 **[a.]** (1) Inpatient or outpatient care in a [licensed hospital]  
30 health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1  
31 et seq.);

32 **[b.]** (2) Treatment at a State-licensed detoxification facility  
33 [licensed pursuant to P.L.1975, c.305];

34 **[c. Confinement]** (3) Participation as an inpatient or outpatient  
35 at a licensed, certified, or [state approved] State-approved  
36 residential treatment facility or behavioral health care facility, under  
37 a program which meets minimum standards of care equivalent to  
38 those prescribed by [the] The Joint Commission [on Hospital  
39 Accreditation]; and

40 (4) Office visits with a physician licensed to practice medicine  
41 and surgery, a licensed psychologist, a licensed clinical social  
42 worker, a certified advanced practice nurse, or a licensed physician  
43 assistant, acting within their lawful scope of practice.

**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 Treatment or **【confinement】** participation at any facility or office  
2 shall not preclude further or additional treatment at any other  
3 eligible facility **【**; provided, however, that the benefit days used do  
4 not exceed the total number of benefit days provided for any other  
5 sickness under the contract**】** or office.

6 c. Notwithstanding any law or regulation to the contrary, the  
7 benefits provided pursuant to this section shall not be subject to  
8 utilization management review and the only prerequisite or  
9 authorization necessary for a covered person to obtain those  
10 benefits shall be a determination of medical necessity and a  
11 prescription for treatment by a physician licensed to practice  
12 medicine and surgery, a licensed psychologist, a licensed clinical  
13 social worker, a certified advanced practice nurse, or a licensed  
14 physician assistant, acting within their lawful scope of practice.

15 d. The determination and prescription specified pursuant to  
16 subsection c. of this section shall control both the nature and  
17 duration of treatment; except that the coverage under this section  
18 may be subject to limits relating to the use of participating  
19 providers and facilities as provided in the contract.

20 e. For the purposes of this section, "behavioral health care  
21 services" means procedures or services rendered by a health care  
22 provider or health care facility for the treatment of mental illness,  
23 emotional disorders, or drug or alcohol abuse.

24 f. The provisions of this section shall apply to all contracts in  
25 which the hospital service corporation has reserved the right to  
26 change the premium.

27 (cf: P.L.1977, c.115, s.1)

28

29 2. Section 1 of P.L.1977, c.117 (C.17:48A-7a) is amended to  
30 read as follows:

31 1. a. No group or individual contract providing hospital or  
32 medical expense benefits shall be delivered, issued, executed, or  
33 renewed in this State or approved for issuance or renewal in this  
34 State by the Commissioner of Banking and Insurance, after the  
35 effective date of **【this act】** P.L. , c. (pending before the  
36 Legislature as this bill), unless **【such】** that contract provides  
37 benefits to any subscriber or other covered person **【covered**  
38 thereunder**】** for **【expenses incurred in connection with the treatment**  
39 of alcoholism**】** behavioral health care services when **【such**  
40 treatment is**】** those services are prescribed by a **【doctor of**  
41 medicine**】** physician licensed to practice medicine and surgery, a  
42 licensed psychologist, a licensed clinical social worker, a certified  
43 advanced practice nurse, or a licensed physician assistant, acting  
44 within their lawful scope of practice. **【Such】** Except as provided in  
45 subsections c. and d. of this section, benefits shall be provided to  
46 the same extent as for any other sickness under the contract.

47 b. Every contract shall include **【such】** benefits for **【the**

1 treatment of alcoholism] behavioral health care services as [are  
2 hereinafter set forth] follows:

3 [a.] (1) Inpatient or outpatient care in a [licensed hospital]  
4 health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1  
5 et seq.);

6 [b.] (2) Treatment at a State-licensed detoxification facility  
7 [licensed pursuant to P.L.1975, c.305];

8 [c. Confinement] (3) Participation as an inpatient or outpatient  
9 at a licensed, certified, or [state approved] State-approved  
10 residential treatment facility or behavioral health care facility, under  
11 a program which meets minimum standards of care equivalent to  
12 those prescribed by [the] The Joint Commission [on Hospital  
13 Accreditation]; and

14 (4) Office visits with a physician licensed to practice medicine  
15 and surgery, a licensed psychologist, a licensed clinical social  
16 worker, a certified advanced practice nurse, or a licensed physician  
17 assistant, acting within their lawful scope of practice.

18 Treatment or [confinement] participation at any facility or office  
19 shall not preclude further or additional treatment at any other  
20 eligible facility[; provided, however, that the benefit days used do  
21 not exceed the total number of benefit days provided for any other  
22 sickness under the contract] or office.

23 c. Notwithstanding any law or regulation to the contrary, the  
24 benefits provided pursuant to this section shall not be subject to  
25 utilization management review and the only prerequisite or  
26 authorization necessary for a covered person to obtain those  
27 benefits shall be a determination of medical necessity and a  
28 prescription for treatment by a physician licensed to practice  
29 medicine and surgery, a licensed psychologist, a licensed clinical  
30 social worker, a certified advanced practice nurse, or a licensed  
31 physician assistant, acting within their lawful scope of practice.

32 d. The determination and prescription as specified pursuant to  
33 subsection c. of this section shall control both the nature and  
34 duration of treatment; except that the coverage under this section  
35 may be subject to limits relating to the use of participating  
36 providers and facilities as provided in the contract.

37 e. For the purposes of this section, "behavioral health care  
38 services" means procedures or services rendered by a health care  
39 provider or health care facility for the treatment of mental illness,  
40 emotional disorders, or drug or alcohol abuse.

41 f. The provisions of this section shall apply to all contracts in  
42 which the medical service corporation has reserved the right to  
43 change the premium.

44 (cf: P.L.1977, c.117, s.1)

45

46 3. Section 34 of P.L.1985, c.236 (C.17:48E-34) is amended to  
47 read as follows:

1       34. a. No group or individual contract providing **health service**  
2 **coverage** hospital or medical expense benefits shall be delivered,  
3 issued, executed, or renewed in this State, or approved for issuance  
4 or renewal in this State by the commissioner, on or after the  
5 effective date of P.L. , c. (pending before the Legislature as this  
6 bill), unless the contract provides benefits to any **subscriber**  
7 insured or other covered person **covered thereunder** for **expenses**  
8 **incurred in connection with the treatment of alcoholism** behavioral  
9 health care services when the **treatment is** services are prescribed  
10 by a **doctor of medicine** physician licensed to practice medicine  
11 and surgery, a licensed psychologist, a licensed clinical social  
12 worker, a certified advanced practice nurse, or a licensed physician  
13 assistant, acting within their lawful scope of practice. **Benefits**  
14 Except as provided in subsections c. and d. of this section, benefits  
15 shall be provided to the same extent as for any other sickness under  
16 the contract.

17       b. Every contract shall include benefits for **the treatment of**  
18 **alcoholism** behavioral health care services as follows:

19       **a.** (1) Inpatient or outpatient care in a health care facility  
20 licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.);

21       **b.** (2) Treatment at a State-licensed detoxification facility  
22 **licensed pursuant to section 8 of P.L.1975, c.305 (C.26:2B-14)**;

23       **c. Confinement** (3) Participation as an inpatient or outpatient  
24 at a licensed, certified, or **State approved** State-approved  
25 residential treatment facility or behavioral health care facility, under  
26 a program which meets minimum standards of care equivalent to  
27 those prescribed by **the** The Joint Commission**on Hospital**  
28 **Accreditation** ; and

29       (4) Office visits with a physician licensed to practice medicine  
30 and surgery, a licensed psychologist, a licensed clinical social  
31 worker, a certified advanced practice nurse, or a licensed physician  
32 assistant, acting within their lawful scope of practice.

33       Treatment or **confinement** participation at any facility or office  
34 shall not preclude further or additional treatment at any other  
35 eligible facility, if the benefit days used do not exceed the total  
36 number of benefit days provided for any other sickness under the  
37 contract **or office.**

38       c. Notwithstanding any law or regulation to the contrary, the  
39 benefits provided pursuant to this section shall not be subject to  
40 utilization management review and the only prerequisite or  
41 authorization necessary for a covered person to obtain those  
42 benefits shall be a determination of medical necessity and a  
43 prescription for treatment by a physician licensed to practice  
44 medicine and surgery, a licensed psychologist, a licensed clinical  
45 social worker, a certified advanced practice nurse, or a licensed  
46 physician assistant, acting within their lawful scope of practice.

1       d. The determination and prescription as specified pursuant to  
2 subsection c. of this section shall control both the nature and  
3 duration of treatment; except that the coverage under this section  
4 may be subject to limits relating to the use of participating  
5 providers and facilities as provided in the contract.

6       e. For the purposes of this section, "behavioral health care  
7 services" means procedures or services rendered by a health care  
8 provider or health care facility for the treatment of mental illness,  
9 emotional disorders, or drug or alcohol abuse.

10       f. The provisions of this section shall apply to all contracts in  
11 which the health service corporation has reserved the right to  
12 change the premium.

13 (cf: P.L.1985, c.236, s.34)

14

15       4. Section 1 of P.L.1977, c.118 (C.17B:26-2.1) is amended to  
16 read as follows:

17       1. a. No individual health insurance **【contract】** policy  
18 providing hospital or medical expense benefits shall be delivered,  
19 issued, executed, or renewed in this State, or approved for issuance  
20 or renewal in this State by the Commissioner of Banking and  
21 Insurance, after the effective date of **【this act】** P.L. , c. (pending  
22 before the Legislature as this bill), unless **【such contract】** that  
23 policy provides benefits to any **【subscriber】** insured or other  
24 covered person **【covered thereunder】** for **【expenses incurred in**  
25 connection with the treatment of alcoholism**】** behavioral health care  
26 services when **【such treatment is】** those services are prescribed by a  
27 **【doctor of medicine】** physician licensed to practice medicine and  
28 surgery, a licensed psychologist, a licensed clinical social worker, a  
29 certified advanced practice nurse, or a licensed physician assistant,  
30 acting within their lawful scope of practice. **【Such】** Except as  
31 provided in subsections c. and d. of this section, benefits shall be  
32 provided to the same extent as for any other sickness under the  
33 **【contract】** policy.

34       b. Every **【contract】** policy shall include **【such】** benefits for  
35 **【the treatment of alcoholism】** behavioral health care services as  
36 **【are hereinafter set forth】** follows:

37       **【a.】** (1) Inpatient or outpatient care in a **【licensed hospital】**  
38 health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1  
39 et seq.);

40       **【b.】** (2) Treatment at a State-licensed detoxification facility  
41 **【licensed pursuant to P.L.1975, c.305】**;

42       **【c. Confinement】** (3) Participation as an inpatient or outpatient  
43 at a licensed, certified, or **【state approved】** State-approved  
44 residential treatment facility or behavioral health care facility, under  
45 a program which meets minimum standards of care equivalent to  
46 those prescribed by **【the】** The Joint Commission **【on Hospital**

1 Accreditation】 ; and

2 (4) Office visits with a physician licensed to practice medicine  
3 and surgery, a licensed psychologist, a licensed clinical social  
4 worker, a certified advanced practice nurse, or a licensed physician  
5 assistant, acting within their lawful scope of practice.

6 Treatment or 【confinement】 participation at any facility or office  
7 shall not preclude further or additional treatment at any other  
8 eligible facility【; provided, however, that the benefit days used do  
9 not exceed the total number of benefit days provided for any other  
10 sickness under the contract】or office.

11 c. Notwithstanding any law or regulation to the contrary, the  
12 benefits provided pursuant to this section shall not be subject to  
13 utilization management review and the only prerequisite or  
14 authorization necessary for a covered person to obtain those  
15 benefits shall be a determination of medical necessity and a  
16 prescription for treatment by a physician licensed to practice  
17 medicine and surgery, a licensed psychologist, a licensed clinical  
18 social worker, a certified advanced practice nurse, or a licensed  
19 physician assistant, acting within their lawful scope of practice.

20 d. The determination and prescription as specified pursuant to  
21 subsection c. of this section shall control both the nature and  
22 duration of treatment; except that the coverage under this section  
23 may be subject to limits relating to the use of participating  
24 providers and facilities as provided in the policy.

25 e. For the purposes of this section, "behavioral health care  
26 services" means procedures or services rendered by a health care  
27 provider or health care facility for the treatment of mental illness,  
28 emotional disorders, or drug or alcohol abuse.

29 f. The provisions of this section shall apply to all policies in  
30 which the insurer has reserved the right to change the premium.

31 (cf: P.L.1977, c.118, s.1)

32

33 5. Section 1 of P.L.1977, c.116 (C.17B:27-46.1) is amended to  
34 read as follows:

35 1. a. No group health insurance 【contract】 policy providing  
36 hospital or medical expense benefits shall be delivered, issued,  
37 executed, or renewed in this State or approved for issuance or  
38 renewal in this State, by the Commissioner of Banking and  
39 Insurance, after the effective date of 【this act】 P.L. , c. (pending  
40 before the Legislature as this bill), unless 【such contract】 that  
41 policy provides benefits to any 【subscriber】 insured or other  
42 covered person 【covered thereunder】 for 【expenses incurred in  
43 connection with the treatment of alcoholism】 behavioral health care  
44 services when 【such treatment is】 those services are prescribed by a  
45 【doctor of medicine】 physician licensed to practice medicine and  
46 surgery, a licensed psychologist, a licensed clinical social worker, a  
47 certified advanced practice nurse, or a licensed physician assistant,

1 acting within their lawful scope of practice. [Such] Except as  
2 provided in subsections c. and d. of this section, benefits shall be  
3 provided to the same extent as for any other sickness under the  
4 [contract] policy.

5 b. Every [contract] policy shall include [such] benefits for  
6 [the treatment of alcoholism] behavioral health care services as  
7 [are hereinafter set forth] follows:

8 [a.] (1) Inpatient or outpatient care in a [licensed hospital]  
9 health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1  
10 et seq.);

11 [b.] (2) Treatment at a State-licensed detoxification facility  
12 [licensed pursuant to P.L.1975, c.305] ;

13 [c. Confinement] (3) Participation as an inpatient or outpatient  
14 at a licensed, certified, or [state approved] State-approved  
15 residential treatment facility or behavioral health care facility, under  
16 a program which meets minimum standards of care equivalent to  
17 those prescribed by [the] The Joint Commission [on Hospital  
18 Accreditation]; and

19 (4) Office visits with a physician licensed to practice medicine  
20 and surgery, a licensed psychologist, a licensed clinical social  
21 worker, a certified advanced practice nurse, or a licensed physician  
22 assistant, acting within their lawful scope of practice.

23 Treatment or [confinement] participation at any facility or office  
24 shall not preclude further or additional treatment at any other  
25 eligible facility]; provided, however, that the benefit days used do  
26 not exceed the total number of benefit days provided for any other  
27 sickness under the contract] or office.

28 c. Notwithstanding any law or regulation to the contrary, the  
29 benefits provided pursuant to this section shall not be subject to  
30 utilization management review and the only prerequisite or  
31 authorization necessary for a covered person to obtain those  
32 benefits shall be a determination of medical necessity and a  
33 prescription for treatment by a physician licensed to practice  
34 medicine and surgery, a licensed psychologist, a licensed clinical  
35 social worker, a certified advanced practice nurse, or a licensed  
36 physician assistant, acting within their lawful scope of practice.

37 d. The determination and prescription as specified pursuant to  
38 subsection c. of this section shall control both the nature and  
39 duration of treatment; except that the coverage under this section  
40 may be subject to limits relating to the use of participating  
41 providers and facilities as provided in the policy.

42 e. For the purposes of this section, "behavioral health care  
43 services" means procedures or services rendered by a health care  
44 provider or health care facility for the treatment of mental illness,  
45 emotional disorders, or drug or alcohol abuse.

46 f. The provisions of this section shall apply to all policies in



1 which the insurer has reserved the right to change the premium.

2 (cf: P.L.1977, c.116, s.1)

3

4 6. (New section) a. An individual health benefits plan that  
5 provides hospital or medical expense benefits and is delivered,  
6 issued, executed, or renewed in this State pursuant to P.L.1992,  
7 c.161 (C.17B:27A-2 et seq.) or approved for issuance or renewal in  
8 this State, on or after the effective date of this act, shall provide  
9 coverage for behavioral health care services when the services are  
10 prescribed by a physician licensed to practice medicine and surgery,  
11 a licensed psychologist, a licensed clinical social worker, a certified  
12 advanced practice nurse, or a licensed physician assistant, acting  
13 within their lawful scope of practice. Except as provided in  
14 subsections c. and d. of this section, the benefits shall be provided  
15 to the same extent as for any other sickness under the health  
16 benefits plan.

17 b. Every health benefits plan shall include benefits for  
18 behavioral health care services as follows:

19 (1) Inpatient or outpatient care in a health care facility licensed  
20 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.);

21 (2) Treatment at a State-licensed detoxification facility;

22 (3) Participation as an inpatient or outpatient at a licensed,  
23 certified, or State-approved residential treatment facility or  
24 behavioral health care facility, under a program which meets  
25 minimum standards of care equivalent to those prescribed by The  
26 Joint Commission; and

27 (4) Office visits with a physician licensed to practice medicine  
28 and surgery, a licensed psychologist, a licensed clinical social  
29 worker, a certified advanced practice nurse, or a licensed physician  
30 assistant, acting within their lawful scope of practice.

31 Treatment or participation at any facility or office shall not  
32 preclude further or additional treatment at any other eligible facility  
33 or office.

34 c. Notwithstanding any law or regulation to the contrary, the  
35 benefits provided pursuant to this section shall not be subject to  
36 utilization management review and the only prerequisite or  
37 authorization necessary for a covered person to obtain those  
38 benefits shall be a determination of medical necessity and a  
39 prescription for treatment by a physician licensed to practice  
40 medicine and surgery, a licensed psychologist, a licensed clinical  
41 social worker, a certified advanced practice nurse, or a licensed  
42 physician assistant, acting within their lawful scope of practice.

43 d. The determination and prescription as specified pursuant to  
44 subsection c. of this section shall control both the nature and  
45 duration of treatment; except that the coverage under this section  
46 may be subject to limits relating to the use of participating  
47 providers and facilities as provided in the contract.

48 e. For the purposes of this section, "behavioral health care

1 services" means procedures or services rendered by a health care  
2 provider or health care facility for the treatment of mental illness,  
3 emotional disorders, or drug or alcohol abuse.

4 f. The provisions of this section shall apply to all health  
5 benefits plans in which the carrier has reserved the right to change  
6 the premium.

7  
8 7. (New section) a. A small employer health benefits plan that  
9 provides hospital or medical expense benefits and is delivered,  
10 issued, executed, or renewed in this State pursuant to P.L.1992,  
11 c.162 (C.17B:27A-17 et seq.) or approved for issuance or renewal  
12 in this State, on or after the effective date of this act, shall provide  
13 coverage for behavioral health care services when the services are  
14 prescribed by a physician licensed to practice medicine and surgery,  
15 a licensed psychologist, a licensed clinical social worker, a certified  
16 advanced practice nurse, or a licensed physician assistant, acting  
17 within their lawful scope of practice. Except as provided in  
18 subsections c. and d. of this section, the benefits shall be provided  
19 to the same extent as for any other sickness under the health  
20 benefits plan.

21 b. Every health benefits plan shall include benefits for  
22 behavioral health care services as follows:

23 (1) Inpatient or outpatient care in a health care facility licensed  
24 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.);

25 (2) Treatment at a State-licensed detoxification facility;

26 (3) Participation as an inpatient or outpatient at a licensed,  
27 certified, or State-approved residential treatment facility or  
28 behavioral health care facility, under a program which meets  
29 minimum standards of care equivalent to those prescribed by The  
30 Joint Commission; and

31 (4) office visits with a physician licensed to practice medicine  
32 and surgery, a licensed psychologist, a licensed clinical social  
33 worker, a certified advanced practice nurse, or a licensed physician  
34 assistant, acting within their lawful scope of practice.

35 Treatment or participation at any facility or office shall not  
36 preclude further or additional treatment at any other eligible facility  
37 or office.

38 c. Notwithstanding any law or regulation to the contrary, the  
39 benefits provided pursuant to this section shall not be subject to  
40 utilization management review and the only prerequisite or  
41 authorization necessary for a covered person to obtain those  
42 benefits shall be a determination of medical necessity and a  
43 prescription for treatment by a physician licensed to practice  
44 medicine and surgery, a licensed psychologist, a licensed clinical  
45 social worker, a certified advanced practice nurse, or a licensed  
46 physician assistant, acting within their lawful scope of practice.

47 d. The determination and prescription as specified pursuant to  
48 subsection c. of this section shall control both the nature and

1 duration of treatment; except that the coverage under this section  
2 may be subject to limits relating to the use of participating  
3 providers and facilities as provided in the contract.

4 e. For the purposes of this section, "behavioral health care  
5 services" means procedures or services rendered by a health care  
6 provider or health care facility for the treatment of mental illness,  
7 emotional disorders, or drug or alcohol abuse.

8 f. The provisions of this section shall apply to all health  
9 benefits plans in which the carrier has reserved the right to change  
10 the premium.

11

12 8. (New section) a. A certificate of authority to establish and  
13 operate a health maintenance organization in this State shall not be  
14 issued or continued by the Commissioner of Banking and Insurance  
15 on or after the effective date of this act unless the health  
16 maintenance organization provides health care services to any  
17 enrollee or other covered person for behavioral health care services  
18 when the services are prescribed by a physician licensed to practice  
19 medicine and surgery, a licensed psychologist, a licensed clinical  
20 social worker, a certified advanced practice nurse, or a licensed  
21 physician assistant, acting within their lawful scope of practice.  
22 Except as provided in subsections c. and d. of this section, the  
23 health care services shall be provided to the same extent as for any  
24 other sickness under the contract.

25 b. Every contract shall include health care services for  
26 behavioral health care services as follows:

27 (1) Inpatient or outpatient care in a health care facility licensed  
28 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.);

29 (2) Treatment at a State-licensed detoxification facility;

30 (3) Participation as an inpatient or outpatient at a licensed,  
31 certified, or State-approved residential treatment facility or  
32 behavioral health care facility, under a program which meets  
33 minimum standards of care equivalent to those prescribed by The  
34 Joint Commission; and

35 (4) Office visits with a physician licensed to practice medicine  
36 and surgery, a licensed psychologist, a licensed clinical social  
37 worker, a certified advanced practice nurse, or a licensed physician  
38 assistant, acting within their lawful scope of practice

39 Treatment or participation at any facility or office shall not  
40 preclude further or additional treatment at any other eligible facility  
41 or office.

42 c. Notwithstanding any law or regulation to the contrary, the  
43 benefits provided pursuant to this section shall not be subject to  
44 utilization management review and the only prerequisite or  
45 authorization necessary for a covered person to obtain those  
46 benefits shall be a determination of medical necessity and a  
47 prescription for treatment by a physician licensed to practice  
48 medicine and surgery, a licensed psychologist, a licensed clinical

1 social worker, a certified advanced practice nurse, or a licensed  
2 physician assistant, acting within their lawful scope of practice.

3 d. The determination and prescription as specified pursuant to  
4 subsection c. of this section shall control both the nature and  
5 duration of treatment; except that the coverage under this section  
6 may be subject to limits relating to the use of participating  
7 providers and facilities as provided in the contract.

8 e. For the purposes of this section, "behavioral health care  
9 services" means procedures or services rendered by a health care  
10 provider or health care facility for the treatment of mental illness,  
11 emotional disorders, or drug or alcohol abuse.

12 f. The provisions of this section shall apply to all contracts for  
13 health care services in which the health maintenance organization  
14 has reserved the right to change the schedule of charges.

15

16 9. (New section) a. The State Health Benefits Commission  
17 shall ensure that every contract purchased by the commission on or  
18 after the effective date of this act provides hospital or medical  
19 expense benefits for behavioral health care services when the  
20 services are prescribed by a physician licensed to practice medicine  
21 and surgery, a licensed psychologist, a licensed clinical social  
22 worker, a certified advanced practice nurse, or a licensed physician  
23 assistant, acting within their lawful scope of practice. Except as  
24 provided in subsections c. and d. of this section, the benefits shall  
25 be provided to the same extent as for any other sickness under the  
26 contract.

27 b. every contract shall include benefits for behavioral health  
28 care services as follows:

29 (1) Inpatient or outpatient care in a health care facility licensed  
30 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.);

31 (2) Treatment at a State-licensed detoxification facility;

32 (3) Participation as an inpatient or outpatient at a licensed,  
33 certified, or State-approved residential treatment facility or  
34 behavioral health care facility, under a program which meets  
35 minimum standards of care equivalent to those prescribed by The  
36 Joint Commission; and

37 (4) Office visits with a physician licensed to practice medicine  
38 and surgery, a licensed psychologist, a licensed clinical social  
39 worker, a certified advanced practice nurse, or a licensed physician  
40 assistant, acting within their lawful scope of practice.

41 Treatment or participation at any facility or office shall not  
42 preclude further or additional treatment at any other eligible facility  
43 or office.

44 c. Notwithstanding any law or regulation to the contrary, the  
45 benefits provided pursuant to this section shall not be subject to  
46 utilization management review and the only prerequisite or  
47 authorization necessary for a covered person to obtain those  
48 benefits shall be a determination of medical necessity and a

1 prescription for treatment by a physician licensed to practice  
2 medicine and surgery, a licensed psychologist, a licensed clinical  
3 social worker, a certified advanced practice nurse, or a licensed  
4 physician assistant, acting within their lawful scope of practice.

5 d. The determination and prescription as specified pursuant to  
6 subsection c. of this section shall control both the nature and  
7 duration of treatment; except that the coverage under this section  
8 may be subject to limits relating to the use of participating  
9 providers and facilities as provided in the contract.

10 e. For the purposes of this section, "behavioral health care  
11 services" means procedures or services rendered by a health care  
12 provider or health care facility for the treatment of mental illness,  
13 emotional disorders, or drug or alcohol abuse.

14

15 10. (New section) a. The School Employees' Health Benefits  
16 Commission shall ensure that every contract purchased by the  
17 commission on or after the effective date of this act provides  
18 hospital or medical expense benefits for behavioral health care  
19 services when the services are prescribed by a physician licensed to  
20 practice medicine and surgery, a licensed psychologist, a licensed  
21 clinical social worker, a certified advanced practice nurse, or a  
22 licensed physician assistant, acting within their lawful scope of  
23 practice. Except as provided in subsections c. and d. of this section,  
24 the benefits shall be provided to the same extent as for any other  
25 sickness under the contract.

26 b. every contract shall include benefits for behavioral health  
27 care services as follows:

28 (1) Inpatient or outpatient care in a health care facility licensed  
29 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.);

30 (2) Treatment at a State-licensed detoxification facility;

31 (3) Participation as an inpatient or outpatient at a licensed,  
32 certified, or State-approved residential treatment facility or  
33 behavioral health care facility, under a program which meets  
34 minimum standards of care equivalent to those prescribed by The  
35 Joint Commission; and

36 (4) Office visits with a physician licensed to practice medicine  
37 and surgery, a licensed psychologist, a licensed clinical social  
38 worker, a certified advanced practice nurse, or a licensed physician  
39 assistant, acting within their lawful scope of practice.

40 Treatment or confinement at any facility or office shall not  
41 preclude further or additional treatment at any other eligible facility  
42 or office.

43 c. Notwithstanding any law or regulation to the contrary, the  
44 benefits provided pursuant to this section shall not be subject to  
45 utilization management review and the only prerequisite or  
46 authorization necessary for a covered person to obtain those  
47 benefits shall be a determination of medical necessity and a  
48 prescription for treatment by a physician licensed to practice

1 medicine and surgery, a licensed psychologist, a licensed clinical  
2 social worker, a certified advanced practice nurse, or a licensed  
3 physician assistant, acting within their lawful scope of practice.

4 d. The determination and prescription as specified pursuant to  
5 subsection c. of this section shall control both the nature and  
6 duration of treatment; except that the coverage under this section  
7 may be subject to limits relating to the use of participating  
8 providers and facilities as provided in the contract.

9 e. For the purposes of this section, "behavioral health care  
10 services" means procedures or services rendered by a health care  
11 provider or health care facility for the treatment of mental illness,  
12 emotional disorders, or drug or alcohol abuse.

13

14 11. P.L.1999, c.106 (C.17:48-6v, C.17:48A-7u, C.17:48E-35.20,  
15 C.17B:26-2.1s, C.17B:27-46.1v, C.17B:27A-7.5, C.17B:27A-19.7,  
16 C.26:2J-4.20 and C.34:11A-15) is repealed.

17

18 12. This act shall take effect on the 60th day after enactment and  
19 shall apply to all contracts and policies delivered, issued, executed  
20 or renewed on or after that date.

21

22

23

#### STATEMENT

24

25 This bill requires hospital, medical and health service  
26 corporations, commercial insurers, health maintenance  
27 organizations, health benefits plans issued pursuant to the New  
28 Jersey Individual Health Coverage and Small Employer Health  
29 Benefits Programs, the State Health Benefits Program, and the  
30 School Employees' Health Benefits Program, to provide coverage,  
31 without utilization management review, for behavioral health care  
32 services when the treatment is prescribed by a physician licensed to  
33 practice medicine and surgery, a licensed psychologist, a licensed  
34 clinical social worker, a certified advanced practice nurse, or a  
35 licensed physician assistant, acting within their lawful scope of  
36 practice.

37 The bill amends several statutes, initially enacted in 1977 and  
38 1985, which require hospital, medical and health service  
39 corporations, and individual and group health insurers to provide  
40 coverage for the treatment of alcoholism. The bill expands that  
41 coverage to include mental illness, emotional disorders, other types  
42 of substance abuse, including drug abuse, and updates terminology  
43 in those statutes.

44 The bill also extends the required behavioral health coverage to  
45 health maintenance organizations, the individual and small  
46 employer insurance programs, the State Health Benefits Program,  
47 and the School Employees' Health Benefits Program, which were  
48 not included in the 1977 and 1985 statutes.

1 Specifically, the bill requires that the coverage for behavioral  
2 health care services include:

- 3 • inpatient or outpatient care in a health care facility licensed  
4 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.);
- 5 • treatment at a State-licensed detoxification facility;
- 6 • participation as an inpatient or outpatient at a licensed, certified,  
7 or State-approved residential treatment facility or behavioral  
8 health care facility under a program which meets minimum  
9 standards of care equivalent to those prescribed by The Joint  
10 Commission; and
- 11 • office visits with a physician licensed to practice medicine and  
12 surgery, a licensed psychologist, a licensed clinical social worker,  
13 a certified advanced practice nurse, or a licensed physician  
14 assistant, acting within their lawful scope of practice.

15 Treatment or participation at any facility or office shall not  
16 preclude further or additional treatment at any other eligible facility  
17 or office.

18 The bill further provides that, notwithstanding any law or  
19 regulation to the contrary, the benefits provided pursuant to the bill  
20 shall not be subject to utilization management review and the only  
21 prerequisite or authorization necessary for a covered person to  
22 obtain the benefits shall be a determination of medical necessity and  
23 a prescription for treatment by a physician licensed to practice  
24 medicine and surgery, a licensed psychologist, a licensed clinical  
25 social worker, a certified advanced practice nurse, or a licensed  
26 physician assistant, acting within their lawful scope of practice.

27 The determination and prescription as specified shall control  
28 both the nature and duration of treatment. However, the bill also  
29 provides that this coverage may be subject to limits relating to the  
30 use of participating providers and facilities as provided in the  
31 contract.

32 The bill also repeals P.L.1999, c.106, which requires mental  
33 health parity, meaning coverage under the same terms and  
34 conditions as provided for any other sickness, for “biologically-  
35 based mental illnesses.” As the bill requires coverage, without  
36 utilization management review, for behavioral health care services,  
37 including for all mental health and emotional disorders, P.L.1999,  
38 c.106 is superseded by the provisions of this bill.