

ASSEMBLY, No. 3955

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 17, 2018

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Co-Sponsored by:

**Assemblywoman Jasey, Assemblyman Giblin, Assemblywomen Carter,
Tucker, Reynolds-Jackson, Chaparro and Timberlake**

SYNOPSIS

Limits patient information behavioral health care providers may disclose to health insurance carriers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/27/2018)

1 AN ACT concerning disclosure of certain behavioral health care
2 information and supplementing Title 45 of the Revised Statutes
3 and P.L.2005, c.352.

4

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

7

8 1. a. Notwithstanding any other law, rule or regulation to the
9 contrary, a mental health care professional shall not disclose
10 information concerning a patient to a carrier, except the following
11 information:

12 (1) The patient's name, age, sex, address, educational status,
13 identifying number within the insurance program, date of onset of
14 difficulty, date of initial consultation, dates of sessions, whether the
15 sessions are individual or group sessions, and fees;

16 (2) Diagnostic information, defined as therapeutic
17 characterizations of the type found in the current version of the
18 Diagnostic and Statistical Manual of Mental Disorders or in another
19 professionally recognized diagnostic manual;

20 (3) Status of the patient as voluntary or involuntary; inpatient or
21 outpatient;

22 (4) The reason for continuing behavioral health care services,
23 limited to an assessment of the client's current level of functioning
24 and level of distress. These aspects shall be described as "none," or
25 by the terms "mild," "moderate," "severe" or "extreme;" and

26 (5) Prognosis, limited to an estimate of the minimal time during
27 which treatment might continue.

28 b. The information provided to a carrier pursuant this section
29 shall be marked "Confidential" and, if directed by the patient or an
30 authorized representative, forwarded to the attention of a specific
31 individual.

32 c. For the purposes of this section:

33 "Behavioral health care services" means procedures or services
34 rendered by a health care provider for the assessment and treatment
35 of mental illness, emotional disorders, or substance abuse.

36 "Carrier" means the same as defined in section 3 of P.L.2005,
37 c.352 (C.17B:30-50).

38 "Mental health care professional" means an individual licensed
39 or certified by this State to provide or administer behavioral health
40 care services in the ordinary course of business or practice of a
41 profession.

42

43 2. Notwithstanding any law, rule or regulation to the contrary,
44 a payer shall not request, or require in any contract or policy,
45 information to be provided from a mental health care professional
46 concerning any covered person, except the information that is
47 permitted to be provided by that professional pursuant to section 1
48 of P.L. , c. (C.) (pending before the Legislature as this
49 bill).

1 3. This act shall take effect on the first day of the fourth month
2 next following enactment.

3

4

5

STATEMENT

6

7 This bill prohibits mental health care providers from disclosing,
8 and health insurance carriers from demanding, certain information
9 concerning behavioral health care services provided to their
10 patients.

11 Specifically, the bill restricts the information a mental health
12 care professional may disclose to a health insurance carrier to the
13 following information:

14 (1) The patient's name, age, sex, address, educational status,
15 identifying number within the insurance program, date of onset of
16 difficulty, date of initial consultation, dates of sessions, whether the
17 sessions are individual or group sessions, and fees;

18 (2) Diagnostic information, defined as therapeutic
19 characterizations of the type found in the current version of the
20 Diagnostic and Statistical Manual of Mental Disorders or in another
21 professionally recognized diagnostic manual;

22 (3) Status of the patient as voluntary or involuntary; or inpatient
23 or outpatient;

24 (4) The reason for continuing behavioral health care services,
25 limited to an assessment of the client's current level of functioning
26 and level of distress. These aspects shall be described as "none," or
27 by the terms "mild," "moderate," "severe" or "extreme;" and

28 (5) Prognosis, limited to an estimate of the minimal time during
29 which treatment might continue.

30 The bill also provides that the information provided to a carrier
31 pursuant to the bill shall be marked "Confidential" and, if directed
32 by the patient or an authorized representative, forwarded to the
33 attention of a specific individual.

34 The bill also prohibits a health insurance carrier from requesting,
35 or requiring in any contract or policy, information to be provided
36 from a mental health care professional concerning any covered
37 person, except the information described above.

38 In certain circumstances health insurance carriers have
39 requested, as part of utilization management, information from
40 mental health care providers that the providers are prohibited from
41 disclosing pursuant to the rules and regulations of the providers'
42 professional licensure. This bill is intended to reconcile that conflict
43 by codifying certain aspects of those rules of professional licensure
44 and by clearly limiting the information that the carrier can request,
45 or require to be provided, to the information that is permitted to be
46 shared pursuant to those rules.