ASSEMBLY, No. 3955 STATE OF NEW JERSEY 218th LEGISLATURE

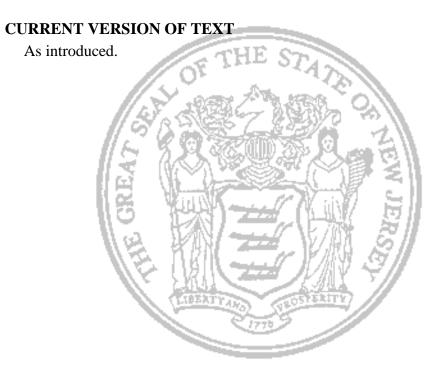
INTRODUCED MAY 17, 2018

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.



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

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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, identifying number within the insurance program, date of onset of 13 difficulty, date of initial consultation, dates of sessions, whether the 14 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 Diagnostic and Statistical Manual of Mental Disorders or in another 18 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. b. The information provided to a carrier pursuant this section 28 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 of mental illness, emotional disorders, or substance abuse. 35 "Carrier" means the same as defined in section 3 of P.L.2005, 36 37 c.352 (C.17B:30-50). "Mental health care professional" means an individual licensed 38 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 Notwithstanding any law, rule or regulation to the contrary, 2. 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.) (pending before the Legislature as this , c. (C. 49 bill).

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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, and health insurance carriers from demanding, certain information 8 9 concerning behavioral health care services provided to their patients. 10 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, identifying number within the insurance program, date of onset of 15 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 from a mental health care professional concerning any covered 36 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.