

# ASSEMBLY, No. 4645

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED SEPTEMBER 14, 2020

**Sponsored by:**

**Assemblywoman LISA SWAIN**

**District 38 (Bergen and Passaic)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Assemblymen McClellan, Simonsen, Assemblywomen Dunn and Vainieri  
Huttle**

**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: 11/16/2020)**

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  
46 (C.2C:25-19)**【, to a subscriber or other person covered thereunder】**.

**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 Benefits for these expenses shall be provided to the same extent as  
2 for any other treatment under the contract; or

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

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

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

16

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

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

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

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

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

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

43

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22  
23       7. (New section) a. Every individual health benefits plan that  
24 is delivered, issued, executed, or renewed in this State, or is  
25 approved for issuance or renewal in this State by the Commissioner  
26 of Banking and Insurance on or after the effective date of  
27 P.L. , c. (C. ) (pending before the Legislature as this bill),  
28 shall provide coverage for expenses incurred in the provision of  
29 mental health treatment or therapy to a person covered thereunder  
30 who is a victim of domestic violence, as defined in section 3 of  
31 P.L.1991, c.261 (C.2C:25-19). Mental health treatment and therapy  
32 provided to a victim of domestic violence shall be deemed to be  
33 medically necessary, and benefits shall be provided to the same  
34 extent as for any other medically necessary treatment under the  
35 plan.

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

38  
39       8. (New section) a. Every small employer health benefits plan  
40 that is delivered, issued, executed, or renewed in this State, or is  
41 approved for issuance or renewal in this State by the Commissioner  
42 of Banking and Insurance on or after the effective date of  
43 P.L. , c. (C. ) (pending before the Legislature as this bill),  
44 shall provide coverage for expenses incurred in the provision of  
45 mental health treatment or therapy to a person covered thereunder  
46 who is a victim of domestic violence, as defined in section 3 of  
47 P.L.1991, c.261 (C.2C:25-19). Mental health treatment and therapy  
48 provided to a victim of domestic violence shall be deemed to be

1 medically necessary, and benefits shall be provided to the same  
2 extent as for any other medically necessary treatment under the  
3 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.

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36 STATEMENT

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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.

**A4645 SWAIN, BENSON**

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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.