

45:14B-31 to 45:14D-46



LEGISLATIVE HISTORY CHECKLIST

NJSA: 45:14B-31 to 45:14B-46 (Psychologists' services--confidential communications--allow limited disclosure)

LAWS OF: 1985 CHAPTER: 256

BILL NO: S2053

Sponsor(s): Russo

Date Introduced: June 28, 1984

Committee: Assembly: -----

Senate: Labor, Industry and Professions

Amended during passage: Yes Substituted for A2197 (not attached since identical to S2053). Amendments during passage denoted by asterisks.

Date of Passage: Assembly: June 27, 1985

Senate: June 27, 1985

Date of Approval: July 31, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

1 14. The State Board of Psychological Examiners may promul-
2 gate rules and regulations to effectuate the purposes of this act
3 and shall certify qualified licensed psychologists to act as members
4 of an independent professional review committee for the purposes
5 of this act.

1 15. This act shall take effect on the 90th day after enactment,
2 except for section 14 which shall take effect immediately.

STATEMENT

This bill represents an attempt to balance the right to confidentiality between a patient and his psychologist under State law with a third-party payor's desire to authenticate a claim.

Under this bill, a procedure is established whereby patients may authorize psychologists to disclose certain limited, confidential information to third-party payors.

The initial disclosure of information would be of a limited nature. If, however, a third-party payor had reasonable cause to believe the psychological treatment was neither usual, customary nor reasonable, the bill provides for a more detailed disclosure and review by an independent professional review committee composed of psychologists certified by the State Board of Psychological Examiners.

Disclosure under the bill would be pursuant to a valid written authorization and would specify the exact nature of the disclosure. Disclosed information could only be used for the purpose of evaluating the patient's claim and could not be further disclosed to other parties. Disclosures pursuant to the bill would not constitute a waiver of the privilege accorded by section 28 of P. L. 1966, c. 282 (C. 45:14B-28).

Violations of the bill would subject the violator to a civil suit for damages plus costs and attorney's fees.

52053(1985)

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

SENATE, No. 2053

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 20, 1985

This bill establishes procedures by which patients may authorize psychologists to disclose confidential information to insurers or other third-party payors. Under the bill, all disclosures of confidential information about a patient must be authorized by the patient pursuant to section 6 of the bill. An authorization for disclosure must, among other requirements, be in writing; specify the nature of the information to be disclosed, to whom the information is to be disclosed, and the purpose for which the information is to be used; and state that the consent can be revoked at any time. The disclosed information may only be used for the purpose of evaluating the patient's claim and may not be disclosed to other parties.

Authorized disclosures of confidential information to insurers or other third-party payors would be limited and consist of administrative information, diagnostic information, the status of the patient, the reason for continuing psychological services (limited to an assessment of the patient's current level of functioning and level of distress), and prognosis (limited to the estimated minimal time during which treatment might continue). If the insurer or other third-party payor has reasonable cause to believe the psychological treatment was neither usual, customary nor reasonable, it may request a review of the psychological treatment by an independent professional review committee. The members of the independent professional review committee would be selected by the State Board of Psychological Examiners. The independent professional review committee would consist of three or more experienced psychologists from each of the major theoretical orientations. If the patient so authorizes, the reviewers may receive certain confidential information to make a determination whether the treatment is usual, customary or reasonable. Upon completion of the review, the reviewers would certify their determination to the insurer or other third-party payor. A negative determination by the reviewers could not be used to retroactively deny benefits for the treatment furnished prior to the review requested by the insurer or other third-party payor.

Disclosures pursuant to the bill would not constitute a waiver of the privilege accorded pursuant to section 28 of P. L. 1966, c. 282 (C. 45:14B-28).

A person who negligently violates the provisions of this bill would be liable for damages, plus costs of the action and reasonable attorney's fees. A person who recklessly or intentionally violates the provisions of the bill would be liable for damages of at least \$5,000.00, plus the costs of the action and reasonable attorney's fees.
