

SENATE, No. 1609

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED FEBRUARY 14, 2022

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Requires certain health insurers to provide coverage for counseling and behavioral therapies for any person receiving medication-assisted treatment.

CURRENT VERSION OF TEXT

As introduced.



S1609 GREENSTEIN

2

1 AN ACT concerning health insurance coverage for certain treatment
2 of substance use disorders and amending P.L.1999, c.106 and
3 P.L.1999, c.441.

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.1999, c.106 (C.17:48-6v) is amended to
9 read as follows:

10 1. a. (1) Every individual and group hospital service
11 corporation contract that provides hospital or medical expense
12 benefits and is delivered, issued, executed or renewed in this State
13 pursuant to P.L.1938, c.366 (C.17:48-1 et seq.), or approved for
14 issuance or renewal in this State by the Commissioner of Banking
15 and Insurance, on or after the effective date of this act shall provide
16 coverage for mental health conditions and substance use disorders
17 under the same terms and conditions as provided for any other
18 sickness under the contract and shall meet the requirements of the
19 federal Paul Wellstone and Pete Domenici Mental Health Parity and
20 Addiction Equity Act of 2008, 42 U.S.C. s.18031(j), and any
21 amendments to, and federal guidance or regulations issued under
22 that act, including 45 C.F.R. Parts 146 and 147 and 45 C.F.R.
23 s.156.115(a)(3). Coverage provided pursuant to this section shall
24 include, but not be limited to, medication-assisted treatment for
25 opioid addiction for any subscriber or other person covered under
26 the contract.

27 (2) As used in this section:

28 "Medication-assisted treatment" means the use of medications, in
29 combination with counseling and behavioral therapies, for the
30 treatment of substance use disorders.

31 "Mental health condition" means a condition defined to be
32 consistent with generally recognized independent standards of
33 current medical practice referenced in the current version of the
34 Diagnostic and Statistical Manual of Mental Disorders.

35 "Same terms and conditions" means that the hospital service
36 corporation cannot apply more restrictive non-quantitative
37 limitations, such as utilization review and other criteria or more
38 quantitative limitations such as copayments, deductibles, aggregate
39 or annual limits or benefit limits to mental health condition and
40 substance use disorder benefits than those applied to substantially
41 all other medical or surgical benefits.

42 "Substance use disorder" means a disorder defined to be
43 consistent with generally recognized independent standards of
44 current medical practice referenced in the most current version of
45 the Diagnostic and Statistical Manual of Mental Disorders.

46 b. (Deleted by amendment, P.L.2019, c.58)

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 c. The provisions of this section shall apply to all contracts in
2 which the hospital service corporation has reserved the right to
3 change the premium.

4 d. Nothing in this section shall reduce the requirement for a
5 hospital service corporation to provide benefits pursuant to section
6 1 of P.L.2017, c.28 (C.17:48-6nn).
7 (cf: 2019, c.58, s.1)

8
9 2. Section 2 of P.L.1999, c.106 (C.17:48A-7u) is amended to
10 read as follows:

11 2. a. (1) Every individual and group medical service
12 corporation contract that provides hospital or medical expense
13 benefits that is delivered, issued, executed or renewed in this State
14 pursuant to P.L.1940, c.74 (C.17:48A-1 et seq.), or approved for
15 issuance or renewal in this State by the Commissioner of Banking
16 and Insurance, on or after the effective date of this act shall provide
17 coverage for mental health conditions and substance use disorders
18 under the same terms and conditions as provided for any other
19 sickness under the contract and shall meet the requirements of the
20 federal Paul Wellstone and Pete Domenici Mental Health Parity and
21 Addiction Equity Act of 2008, 42 U.S.C. s.18031(j), and any
22 amendments to, and federal guidance or regulations issued under
23 that act, including 45 s.C.F.R. Parts 146 and 147 and 45 C.F.R.
24 s.156.115(a)(3). Coverage provided pursuant to this section shall
25 include, but not be limited to, medication-assisted treatment for
26 opioid addiction for any subscriber or other person covered under
27 the contract.

28 (2) As used in this section:

29 “Medication-assisted treatment” means the use of medications, in
30 combination with counseling and behavioral therapies, for the
31 treatment of substance use disorders.

32 "Mental health condition" means a condition defined to be
33 consistent with generally recognized independent standards of
34 current medical practice referenced in the current version of the
35 Diagnostic and Statistical Manual of Mental Disorders.

36 "Same terms and conditions" means that the medical service
37 corporation cannot apply more restrictive non-quantitative
38 limitations, such as utilization review and other criteria or more
39 quantitative limitations such as copayments, deductibles, aggregate
40 or annual limits or benefit limits to mental health condition and
41 substance use disorder benefits than those applied to substantially
42 all other medical or surgical benefits.

43 "Substance use disorder" means a disorder defined to be
44 consistent with generally recognized independent standards of
45 current medical practice referenced in the most current version of
46 the Diagnostic and Statistical Manual of Mental Disorders.

47 b. (Deleted by amendment, P.L.2019, c.58)

1 c. The provisions of this section shall apply to all contracts in
2 which the medical service corporation has reserved the right to
3 change the premium.

4 d. Nothing in this section shall reduce the requirement for a
5 medical service corporation to provide benefits pursuant to section
6 2 of P.L.2017, c.28 (C.17:48A-7kk).
7 (cf: P.L.2019, c.58, s.2)

8
9 3. Section 2 of P.L.1999, c.106 (C.17:48E-35.20) is amended
10 to read as follows:

11 2. a. (1) Every individual and group health service corporation
12 contract that provides hospital or medical expense benefits and is
13 delivered, issued, executed or renewed in this State pursuant to
14 P.L.1985, c.236 (C.17:48E-1 et seq.), or approved for issuance or
15 renewal in this State by the Commissioner of Banking and
16 Insurance, on or after the effective date of this act shall provide
17 coverage for mental health conditions and substance use disorders
18 under the same terms and conditions as provided for any other
19 sickness under the contract and shall meet the requirements of the
20 federal Paul Wellstone and Pete Domenici Mental Health Parity and
21 Addiction Equity Act of 2008, 42 U.S.C. s.18031(j), and any
22 amendments to, and federal guidance or regulations issued under
23 that act, including 45 C.F.R. Parts 146 and 147 and 45 C.F.R.
24 s.156.115(a)(3). Coverage provided pursuant to this section shall
25 include, but not be limited to, medication-assisted treatment for
26 opioid addiction for any subscriber or other person covered under
27 the contract.

28 (2) As used in this section:

29 "Medication-assisted treatment" means the use of medications, in
30 combination with counseling and behavioral therapies, for the
31 treatment of substance use disorders.

32 "Mental health condition" means a condition defined to be
33 consistent with generally recognized independent standards of
34 current medical practice referenced in the current version of the
35 Diagnostic and Statistical Manual of Mental Disorders.

36 "Same terms and conditions" means that the health service
37 corporation cannot apply more restrictive non-quantitative
38 limitations, such as utilization review and other criteria or more
39 quantitative limitations such as copayments, deductibles, aggregate
40 or annual limits or benefit limits to mental health condition and
41 substance use disorder benefits than those applied to substantially
42 all other medical or surgical benefits.

43 "Substance use disorder" means a disorder defined to be
44 consistent with generally recognized independent standards of
45 current medical practice referenced in the most current version of
46 the Diagnostic and Statistical Manual of Mental Disorders.

47 b. (Deleted by amendment, P.L.2019, c.58)

1 c. The provisions of this section shall apply to all contracts in
2 which the health service corporation has reserved the right to
3 change the premium.

4 d. Nothing in this section shall reduce the requirement for a
5 health service corporation to provide benefits pursuant to section 3
6 of P.L.2017, c.28 (C.17:48E-35.38).
7 (cf: P.L.2019, c.58, s.3)

8
9 4. Section 4 of P.L.1999, c.106 (C.17B:26-2.1s) is amended to
10 read as follows:

11 4. a. (1) Every individual health insurance policy that
12 provides hospital or medical expense benefits and is delivered,
13 issued, executed or renewed in this State pursuant to chapter 26 of
14 Title 17B of the New Jersey Statutes, or approved for issuance or
15 renewal in this State by the Commissioner of Banking and
16 Insurance, on or after the effective date of this act shall provide
17 coverage for mental health conditions and substance use disorders
18 under the same terms and conditions as provided for any other
19 sickness under the contract and shall meet the requirements of the
20 federal Paul Wellstone and Pete Domenici Mental Health Parity and
21 Addiction Equity Act of 2008, 42 U.S.C. s.18031(j), and any
22 amendments to, and federal guidance or regulations issued under
23 that act, including 45 C.F.R. Parts 146 and 147 and 45 C.F.R.
24 s.156.115(a)(3). Coverage provided pursuant to this section shall
25 include, but not be limited to, medication-assisted treatment for
26 opioid addiction for any covered person.

27 (2) As used in this section:

28 "Medication-assisted treatment" means the use of medications, in
29 combination with counseling and behavioral therapies, for the
30 treatment of substance use disorders.

31 "Mental health condition" means a condition defined to be
32 consistent with generally recognized independent standards of
33 current medical practice referenced in the current version of the
34 Diagnostic and Statistical Manual of Mental Disorders.

35 "Same terms and conditions" means that the insurer cannot apply
36 more restrictive non-quantitative limitations, such as utilization
37 review and other criteria or more quantitative limitations such as
38 copayments, deductibles, aggregate or annual limits or benefit
39 limits to mental health condition and substance use disorder
40 benefits than those applied to substantially all other medical or
41 surgical benefits.

42 "Substance use disorder" means a disorder defined to be
43 consistent with generally recognized independent standards of
44 current medical practice referenced in the most current version of
45 the Diagnostic and Statistical Manual of Mental Disorders.

46 b. (Deleted by amendment, P.L.2019, c.58)

47 c. The provisions of this section shall apply to all policies in
48 which the insurer has reserved the right to change the premium.

1 d. Nothing in this section shall reduce the requirement for an
2 insurer to provide benefits pursuant to section 4 of P.L.2017, c.28
3 (C.17B:26-2.1hh).
4 (cf: P.L.2019, c.58, s.4)

5
6 5. Section 5 of P.L.1999, c.106 (C.17B:27-46.1v) is amended
7 to read as follows:

8 5. a. (1) Every group health insurance policy that provides
9 hospital or medical expense benefits and is delivered, issued,
10 executed or renewed in this State pursuant to chapter 27 of Title
11 17B of the New Jersey Statutes, or approved for issuance or renewal
12 in this State by the Commissioner of Banking and Insurance, on or
13 after the effective date of this act shall provide benefits for mental
14 health conditions and substance use disorders under the same terms
15 and conditions as provided for any other sickness under the policy
16 and shall meet the requirements of the federal Paul Wellstone and
17 Pete Domenici Mental Health Parity and Addiction Equity Act of
18 2008, 42 U.S.C. s.18031(j), and any amendments to, and federal
19 guidance or regulations issued under that act, including 45 C.F.R.
20 Parts 146 and 147 and 45 C.F.R. s.156.115(a)(3). Coverage
21 provided pursuant to this section shall include, but not be limited to,
22 medication-assisted treatment for opioid addiction for any covered
23 person.

24 (2) As used in this section:

25 "Medication-assisted treatment" means the use of medications, in
26 combination with counseling and behavioral therapies, for the
27 treatment of substance use disorders.

28 "Mental health condition" means a condition defined to be
29 consistent with generally recognized independent standards of
30 current medical practice referenced in the current version of the
31 Diagnostic and Statistical Manual of Mental Disorders.

32 "Same terms and conditions" means that the insurer cannot apply
33 more restrictive non-quantitative limitations, such as utilization
34 review and other criteria or more quantitative limitations such as
35 copayments, deductibles, aggregate or annual limits or benefit
36 limits to mental health condition and substance use disorder
37 benefits than those applied to substantially all other medical or
38 surgical benefits.

39 "Substance use disorder" means a disorder defined to be consistent
40 with generally recognized independent standards of current medical
41 practice referenced in the most current version of the Diagnostic
42 and Statistical Manual of Mental Disorders.

43 b. (Deleted by amendment, P.L.2019, c.59)

44 c. The provisions of this section shall apply to all policies in
45 which the insurer has reserved the right to change the premium.

46 d. Nothing in this section shall reduce the requirement for an

1 insurer to provide benefits pursuant to section 5 of P.L.2017, c.28
2 (C.17B:27-46.1nn).
3 (cf: P.L.2019, c.58, s.5)

4
5 6. Section 6 of P.L.1999, c.106 (C.17B:27A-7.5) is amended to
6 read as follows:

7 6. a. (1) Every individual health benefits plan that provides
8 hospital or medical expense benefits and is delivered, issued,
9 executed or renewed in this State pursuant to P.L.1992, c.161
10 (C.17B:27A-2 et seq.) or approved for issuance or renewal in this
11 State on or after the effective date of this act shall provide benefits
12 for mental health conditions and substance use disorders under the
13 same terms and conditions as provided for any other sickness under
14 the health benefits plan and shall meet the requirements of the
15 federal Paul Wellstone and Pete Domenici Mental Health Parity and
16 Addiction Equity Act of 2008, 42 U.S.C. s.18031(j), and any
17 amendments to, and federal guidance or regulations issued under
18 that act, including 45 C.F.R. Parts 146 and 147 and 45 C.F.R.
19 s.156.115(a)(3). Coverage provided pursuant to this section shall
20 include, but not be limited to, medication-assisted treatment for
21 opioid addiction for any covered person.

22 (2) As used in this section:

23 “Medication-assisted treatment” means the use of medications, in
24 combination with counseling and behavioral therapies, for the
25 treatment of substance use disorders.

26 "Mental health condition" means a condition defined to be
27 consistent with generally recognized independent standards of
28 current medical practice referenced in the current version of the
29 Diagnostic and Statistical Manual of Mental Disorders.

30 "Same terms and conditions" means that the plan cannot apply
31 more restrictive non-quantitative limitations, such as utilization
32 review and other criteria or more quantitative limitations such as
33 copayments, deductibles, aggregate or annual limits or benefit
34 limits to mental health condition and substance use disorder
35 benefits than those applied to substantially all other medical or
36 surgical benefits.

37 "Substance use disorder" means a disorder defined to be
38 consistent with generally recognized independent standards of
39 current medical practice referenced in the most current version of
40 the Diagnostic and Statistical Manual of Mental Disorders.

41 b. (Deleted by amendment, P.L.2019, c.58)

42 c. The provisions of this section shall apply to all health
43 benefits plans in which the carrier has reserved the right to change
44 the premium.

45 d. Nothing in this section shall reduce the requirement for a
46 plan to provide benefits pursuant to section 6 of P.L.2017, c.28
47 (C.17B:27A-7.21).

48 (cf: P.L.2019, c.58, s.6)

1 7. Section 7 of P.L.1999, c.106 (C.17B:27A-19.7) is amended
2 to read as follows:

3 7. a. (1) Every small employer health benefits plan that
4 provides hospital or medical expense benefits and is delivered,
5 issued, executed or renewed in this State pursuant to P.L.1992,
6 c.162 (C.17B:27A-17 et seq.) or approved for issuance or renewal
7 in this State on or after the effective date of this act shall provide
8 benefits for mental health conditions and substance use disorders
9 under the same terms and conditions as provided for any other
10 sickness under the health benefits plan and shall meet the
11 requirements of the federal Paul Wellstone and Pete Domenici
12 Mental Health Parity and Addiction Equity Act of 2008, 42 U.S.C.
13 s.18031(j), and any amendments to, and federal guidance or
14 regulations issued under that act, including 45 C.F.R. Parts 146 and
15 147 and 45 C.F.R. s.156.115(a)(3). Coverage provided pursuant to
16 this section shall include, but not be limited to, medication-assisted
17 treatment for opioid addiction for any covered person.

18 (2) As used in this section:

19 “Medication-assisted treatment” means the use of medications, in
20 combination with counseling and behavioral therapies, for the
21 treatment of substance use disorders.

22 " Mental health condition " means a condition defined to be
23 consistent with generally recognized independent standards of
24 current medical practice referenced in the current version of the
25 Diagnostic and Statistical Manual of Mental Disorders.

26 " Same terms and conditions " means that the plan cannot apply
27 more restrictive non-quantitative limitations, such as utilization
28 review and other criteria or more quantitative limitations such as
29 copayments, deductibles, aggregate or annual limits or benefit
30 limits to mental health condition and substance use disorder
31 benefits than those applied to substantially all other medical or
32 surgical benefits.

33 " Substance use disorder " means a disorder defined to be
34 consistent with generally recognized independent standards of
35 current medical practice referenced in the most current version of
36 the Diagnostic and Statistical Manual of Mental Disorders.

37 b. (Deleted by amendment, P.L.2019, c.58)

38 c. The provisions of this section shall apply to all health
39 benefits plans in which the carrier has reserved the right to change
40 the premium.

41 d. Nothing in this section shall reduce the requirement for a
42 plan to provide benefits pursuant to section 7 of P.L.2017, c.28
43 (C.17B:27A-19.25).
44 (cf: P.L.2019, c.58, s.7)

45

46 8. Section 8 of P.L.1999, c.106 (C.26:2J-4.20) is amended to
47 read as follows:

1 8. a. (1) Every enrollee agreement delivered, issued, executed,
2 or renewed in this State pursuant to P.L.1973, c.337 (C.26:2J-
3 1 et seq.) or approved for issuance or renewal in this State by the
4 Commissioner of Banking and Insurance, on or after the effective
5 date of this act shall provide health care services for mental health
6 conditions and substance use disorders under the same terms and
7 conditions as provided for any other sickness under the agreement
8 and shall meet the requirements of the federal Paul Wellstone and
9 Pete Domenici Mental Health Parity and Addiction Equity Act of
10 2008, 42 U.S.C. s.18031(j), and any amendments to, and federal
11 guidance or regulations issued under that act, including 45 C.F.R.
12 Parts 146 and 147 and 45 C.F.R. s.156.115(a)(3). Coverage
13 provided pursuant to this section shall include, but not be limited to,
14 medication-assisted treatment for opioid addiction for any enrollee.

15 (2) As used in this section:

16 "Medication-assisted treatment" means the use of medications, in
17 combination with counseling and behavioral therapies, for the
18 treatment of substance use disorders.

19 "Mental health condition" means a condition defined to be
20 consistent with generally recognized independent standards of
21 current medical practice referenced in the current version of the
22 Diagnostic and Statistical Manual of Mental Disorders.

23 "Same terms and conditions" means that the health maintenance
24 organization cannot apply more restrictive non-quantitative
25 limitations, such as utilization review and other criteria or more
26 quantitative limitations such as copayments, deductibles,, aggregate
27 or annual limits or health care services limits to mental health
28 condition and substance use disorder services than those applied to
29 substantially all other medical or surgical health care services.

30 "Substance use disorder" means a disorder defined to be
31 consistent with generally recognized independent standards of
32 current medical practice referenced in the most current version of
33 the Diagnostic and Statistical Manual of Mental Disorders.

34 b. (Deleted by amendment, P.L.2019, c.58)

35 c. The provisions of this section shall apply to enrollee
36 agreements in which the health maintenance organization has
37 reserved the right to change the premium.

38 d. Nothing in this section shall reduce the requirement for a
39 health maintenance organization to provide benefits pursuant to
40 section 8 of P.L.2017, c.28 (C.26:2J-4.39).

41 (cf: P.L.2019, c.58, s.8)

42

43 9. Section 1 of P.L.1999, c.441 (C.52:14-17.29d) is amended to
44 read as follows:

45 1. As used in this act:

46 "Carrier" means an insurance company, health service
47 corporation, hospital service corporation, medical service

1 corporation or health maintenance organization authorized to issue
2 health benefits plans in this State.

3 “Medication-assisted treatment” means the use of medications, in
4 combination with counseling and behavioral therapies, for the
5 treatment of substance use disorders.

6 "Mental health condition" means a condition defined to be
7 consistent with generally recognized independent standards of
8 current medical practice referenced in the current version of the
9 Diagnostic and Statistical Manual of Mental Disorders.

10 "Same terms and conditions" means that a carrier cannot apply
11 more restrictive non-quantitative limitations, such as utilization
12 review and other criteria or more quantitative limitations such as
13 copayments, deductibles, aggregate or annual limits or benefit
14 limits to mental health condition and substance use disorder
15 benefits than those applied to substantially all other medical or
16 surgical benefits.

17 "Substance use disorder" means a disorder defined to be
18 consistent with generally recognized independent standards of
19 current medical practice referenced in the most current version of
20 the Diagnostic and Statistical Manual of Mental Disorders.

21 (cf: P.L.2019, c.58, s.9)

22

23 10. Section 2 of P.L.1999, c.441 (C.52:14-17.29e) is amended to
24 read as follows:

25 2. a. The State Health Benefits Commission shall ensure that
26 every contract purchased by the commission on or after the
27 effective date of this act that provides hospital or medical expense
28 benefits shall provide coverage for mental health conditions and
29 substance use disorders under the same terms and conditions as
30 provided for any other sickness under the contract and shall meet
31 the requirements of the federal Paul Wellstone and Pete Domenici
32 Mental Health Parity and Addiction Equity Act of 2008, 42 U.S.C.
33 s.18031(j), and any amendments to, and federal guidance or
34 regulations issued under that act, including 45 C.F.R. Parts 146 and
35 147 and 45 C.F.R. s.156.115(a)(3). Coverage provided pursuant to
36 this section shall include, but not be limited to, medication-assisted
37 treatment for opioid addiction for any covered person.

38 b. The commission shall provide notice to employees regarding
39 the coverage required by this section in accordance with this
40 subsection and regulations promulgated by the Commissioner of
41 Health pursuant to the "Administrative Procedure Act," P.L.1968,
42 c.410 (C.52:14B-1 et seq.). The notice shall be in writing and
43 prominently positioned in any literature or correspondence and shall
44 be transmitted at the earliest of: (1) the next mailing to the
45 employee; (2) the yearly informational packet sent to the employee;
46 or (3) July 1, 2000. The commission shall also ensure that the
47 carrier under contract with the commission, upon receipt of
48 information that a covered person is receiving treatment for a

1 mental health condition or substance use disorder, shall promptly
2 notify that person of the coverage required by this section.

3 c. Nothing in this section shall reduce the requirement for a
4 carrier to provide benefits pursuant to section 9 of P.L.2017, c.28
5 (C.52:14-17.29u).
6 (cf: P.L.2019, c.58, s.10)

7
8 11. This act shall take effect on the 90th day after the date of
9 enactment and shall apply to all health benefits plans currently in
10 effect in the State, or that are delivered, issued, executed or
11 renewed in this State, or approved for issuance or renewal in this
12 State by the Commissioner of Banking and Insurance, on or after
13 the effective date of this act.

14
15
16 STATEMENT

17
18 This bill amends existing law concerning health insurance
19 coverage of mental health conditions and substance use disorders to
20 add a requirement that health insurers (health, hospital and medical
21 service corporations, commercial individual and group health
22 insurers, health maintenance organizations, health benefits plans
23 issued pursuant to the New Jersey Individual Health Coverage and
24 Small Employer Health Benefits Programs, and the State Health
25 Benefits Program) provide coverage for medication-assisted
26 treatment for opioid addiction for any covered person. Under the
27 bill, “medication-assisted treatment” means the use of medications,
28 in combination with counseling and behavioral therapies, for the
29 treatment of substance use disorders.