

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 704**

**STATE OF NEW JERSEY**

DATED: MAY 16, 2022

The Senate Commerce Committee reports favorably the Senate Committee Substitute for Senate Bill No. 704.

This committee substitute prohibits mental health care professionals from disclosing mental health notes to health insurance carriers or health care payers. The bill also requires a mental health care professional that provides a copy of mental health notes to a patient upon the patient's request to include a statement that the mental health notes are confidential and excluded from information required to be provided to health insurance carriers and health care payers.

Under the bill, "mental health notes" means notes recorded, in any medium, by a mental health care professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint, or family counseling session and that are separated from the rest of the covered person's medical record. "Mental health notes" shall not include medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.