National Association of Social Workers - New Jersey Chapter
Testimony of Jeff Feldman, Director of Advocacy and Communications
Regarding A3955
May 16, 2019

Good morning Madam Chairperson and distinguished Committee members. Thank you for the opportunity to testify today in **SUPPORT** of Assembly Bill A3955. My name is Jeff Feldman and I am the Director of Advocacy and Communications at the National Association of Social Workers - New Jersey Chapter (NASW-NJ). The National Association of Social Workers was founded in 1955 and is the largest organization of professional social workers in the world. Our New Jersey chapter is the third largest in the nation. Today, I sit before you, representing the more than 20,000 licensed social work practitioners across our state and the hundreds of thousands of clients they serve each day.

Social workers are the largest provider of mental health services in our country. According to workforce data compiled by the Substance Abuse and Mental Health Services Administration (SAMHSA), there are more Licensed Clinical Social Workers practicing in our state than there are all other mental health practitioners in New Jersey combined.

I'm sure you will hear today from a number of individuals who have suffered great personal and professional hardship or loss due to inappropriate disclosure of confidential health information. The reality is, confidentiality and breach of confidentiality are extremely serious issues. Client confidentiality is a central standard set forth in the Social Workers' Professional Code of Ethics. Federal laws, such as HIPAA, go into great detail about steps that must be taken to protect sensitive health care information. And our state legislature is currently hearing additional bills, such as A4455, targeted at protecting client health information.

The New Jersey Social Work Regulations (N.J.A.C. 13:44G-12.4) set forth a very specific set of client information a licensed social worker may disclose to a health insurance carrier. This limited data set is also referenced in the NJ Psychological Regulations. The Professional Boards charged with creating these regulations did not select this data set arbitrarily. It was created with the specific intent to protect the consumer and the consumer's personal and private health information.

Unfortunately, failure to respond adequately to these requests for information from insurers frequently results in a denial of coverage for services. For years, clinical social workers in New Jersey who accept insurance have thus been faced with the professional and ethical quandary: should a social worker uphold the strict requirements regarding client confidentiality set forth in the Social Work Regulations OR should they attempt to ensure ongoing covered treatment for the client by responding to requests for client information from insurers that require information outside the client data set indicated in the Regulations.

This is not an infrequent occurrence. Our office has received hundreds of calls over the past several years from social workers seeking guidance on how to proceed when they find themselves in this situation. Does the

practitioner adhere to regulation and do their utmost to protect client confidentiality? Or does the practitioner concede to repeated requests for confidential information in order to ensure an individual in need of care is able to continue receiving treatment?

The legislation before you today seeks to resolve this issue by codifying the specific client health information that may be disclosed to health insurance carriers as stipulated in Regulations. The passage of A3955 will protect the public by ensuring only the most necessary client information will be disclosed to health insurance carriers; and it will protect social workers and other mental health professionals by codifying provisions of licensure regulations that relate to client confidentiality.

I urge you to vote yes today to release this important legislation from Committee.