



One Goal, Limitless Possibilities!

June 3, 2010

New Jersey Psychological Association
c/o Andy Bernstein, Ph.D., C.P.R.P.
106 Valley Street
South Orange, NJ 07079

Dear Dr. Bernstein:

In April, the NJCA received your request for a letter in support of the NJPA's suit for Declaratory Judgment against the State Health Benefits Commission, Horizon Healthcare Services, Inc. and Magellan Health Services, Inc.

We have had an opportunity to review your legal action and find your Complaint against SHBC, Horizon and Magellan with merit. We endorse your action and am writing in support of your efforts. As clinicians, many of our members are subject to similar experiences with the defendants named in your suit. We, as counselors, agree with you that the defendants' current practices are an unlawful overreach and violative of the confidentiality protections which cloak client communications. We also agree that the practices of the defendants, in conditioning payments on release of privileged client information, have an adverse impact on effective treatment. Clients may potentially shut down in treatment for fear of release of privileged information. Counselors may be trapped in a "catch 22" between releasing records and information statutorily and ethically safeguarded from disclosure and risking the denial of necessary treatment for failing to disclose requested information.

We will be monitoring the progression of your action against the defendants. It is our hope that your lawsuit will end with a victorious judgment for the NJPA declaring that the defendants are subject to the confidentiality provisions of our State laws. We too would like to see the defendants cease their current unlawful and overreaching practices. Consider us partners.

The Executive Committee of the NJCA