

[First Reprint]

**ASSEMBLY, No. 4469**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

INTRODUCED JANUARY 10, 2017

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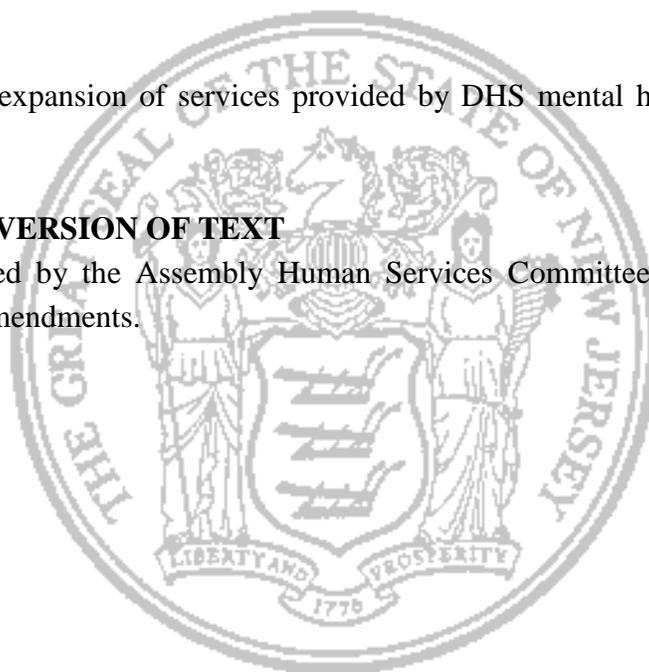
**Assemblyman Benson**

**SYNOPSIS**

Concerns expansion of services provided by DHS mental health screening services.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Human Services Committee on March 20, 2017, with amendments.



**(Sponsorship Updated As Of: 6/6/2017)**

1 AN ACT concerning screening services and amending and  
2 supplementing P.L.1987, c.116.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 2 of P.L.1987, c.116 (C.30:4-27.2) is amended to read  
8 as follows:

9 2. As used in P.L.1987, c.116 (C.30:4-27.1 et seq.) and P.L.2009,  
10 c.112:

11 a. "Chief executive officer" means the person who is the chief  
12 administrative officer of an institution or psychiatric facility.

13 b. "Clinical certificate" means a form prepared by the division  
14 and approved by the Administrative Office of the Courts, that is  
15 completed by the psychiatrist or other physician who has examined the  
16 person who is subject to commitment within three days of presenting  
17 the person for involuntary commitment to treatment, and which states  
18 that the person is in need of involuntary commitment to treatment.  
19 The form shall also state the specific facts upon which the examining  
20 physician has based his conclusion and shall be certified in accordance  
21 with the Rules of the Court. A clinical certificate may not be executed  
22 by a person who is a relative by blood or marriage to the person who is  
23 being screened.

24 c. "Clinical director" means the person who is designated by the  
25 director or chief executive officer to organize and supervise the  
26 clinical services provided in a screening service, short-term care or  
27 psychiatric facility. The clinical director shall be a psychiatrist **[.]** ;  
28 however, those persons currently serving in the capacity will not be  
29 affected by this provision. This provision shall not alter any current  
30 civil service laws designating the qualifications of such position.

31 d. "Commissioner" means the Commissioner of Human Services.

32 e. "County counsel" means the chief legal officer or advisor of  
33 the governing body of a county.

34 f. "Court" means the Superior Court or a municipal court.

35 g. "Custody" means the right and responsibility to ensure the  
36 provision of care and supervision.

37 h. "Dangerous to self" means that by reason of mental illness the  
38 person has threatened or attempted suicide or serious bodily harm, or  
39 has behaved in such a manner as to indicate that the person is unable to  
40 satisfy his need for nourishment, essential medical care or shelter, so  
41 that it is probable that substantial bodily injury, serious physical harm,  
42 or death will result within the reasonably foreseeable future; however,  
43 no person shall be deemed to be unable to satisfy his need for  
44 nourishment, essential medical care, or shelter if he is able to satisfy  
45 such needs with the supervision and assistance of others who are

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AHU committee amendments adopted March 20, 2017.

- 1 willing and available. This determination shall take into account a  
2 person's history, recent behavior, and any recent act, threat, or serious  
3 psychiatric deterioration.
- 4 i. "Dangerous to others or property" means that by reason of  
5 mental illness there is a substantial likelihood that the person will  
6 inflict serious bodily harm upon another person or cause serious  
7 property damage within the reasonably foreseeable future. This  
8 determination shall take into account a person's history, recent  
9 behavior, and any recent act, threat, or serious psychiatric  
10 deterioration.
- 11 j. "Department" means the Department of Human Services.
- 12 k. "Director" means the chief administrative officer of a screening  
13 service, short-term care facility, or special psychiatric hospital.
- 14 l. "Division" means the Division of Mental Health and Addiction  
15 Services in the Department of Human Services.
- 16 m. "In need of involuntary commitment" or "in need of  
17 involuntary commitment to treatment" means that an adult with mental  
18 illness, whose mental illness causes the person to be dangerous to self  
19 or dangerous to others or property and who is unwilling to accept  
20 appropriate treatment voluntarily after it has been offered, needs  
21 outpatient treatment or inpatient care at a short-term care or psychiatric  
22 facility or special psychiatric hospital because other services are not  
23 appropriate or available to meet the person's mental health care needs.
- 24 n. "Institution" means any State or county facility providing  
25 inpatient care, supervision, and treatment for persons with  
26 developmental disabilities; except that with respect to the maintenance  
27 provisions of Title 30 of the Revised Statutes, institution also means  
28 any psychiatric facility for the treatment of persons with mental  
29 illness.
- 30 o. "Mental health agency or facility" means a legal entity which  
31 receives funds from the State, county, or federal government to  
32 provide mental health services.
- 33 p. "Mental health screener" means a psychiatrist, psychologist,  
34 social worker, registered professional nurse, licensed marriage and  
35 family therapist,<sup>1</sup> or other individual trained to do outreach only for  
36 the purposes of psychological assessment who is employed by a  
37 screening service and possesses the license, academic training or  
38 experience, as required by the commissioner pursuant to regulation;  
39 except that a psychiatrist and a State licensed clinical psychologist  
40 who meet the requirements for mental health screener shall not have to  
41 comply with any additional requirements adopted by the  
42 commissioner.
- 43 q. "Mental hospital" means, for the purposes of the payment and  
44 maintenance provisions of Title 30 of the Revised Statutes, a  
45 psychiatric facility.
- 46 r. "Mental illness" means a current, substantial disturbance of  
47 thought, mood, perception, or orientation which significantly impairs  
48 judgment, capacity to control behavior, or capacity to recognize

- 1 reality, but does not include simple alcohol intoxication, transitory  
2 reaction to drug ingestion, organic brain syndrome, or developmental  
3 disability unless it results in the severity of impairment described  
4 herein. The term mental illness is not limited to "psychosis" or "active  
5 psychosis," but shall include all conditions that result in the severity of  
6 impairment described herein.
- 7 s. "Patient" means a person over the age of 18 who has been  
8 admitted to, but not discharged from a short-term care or psychiatric  
9 facility, or who has been assigned to, but not discharged from an  
10 outpatient treatment provider.
- 11 t. "Physician" means a person who is licensed to practice  
12 medicine in any one of the United States or its territories, or the  
13 District of Columbia.
- 14 u. "Psychiatric facility" means a State psychiatric hospital listed  
15 in R.S.30:1-7, a county psychiatric hospital, or a psychiatric unit of a  
16 county hospital.
- 17 v. "Psychiatrist" means a physician who has completed the  
18 training requirements of the American Board of Psychiatry and  
19 Neurology.
- 20 w. "Psychiatric unit of a general hospital" means an inpatient unit  
21 of a general hospital that restricts its services to the care and treatment  
22 of persons with mental illness who are admitted on a voluntary basis.
- 23 x. "Psychologist" means a person who is licensed as a  
24 psychologist by the New Jersey Board of Psychological Examiners.
- 25 y. "Screening certificate" means a clinical certificate executed by  
26 a psychiatrist or other physician affiliated with a screening service.
- 27 z. "Screening service" means a public or private ambulatory care  
28 service <sup>1</sup>, whether or not affiliated with a hospital,<sup>1</sup> designated by the  
29 commissioner, which provides mental health services including  
30 assessment, emergency, and referral services to persons with mental  
31 illness in a specified geographic area.
- 32 aa. "Screening outreach visit" means an evaluation provided by a  
33 mental health screener wherever the person may be when clinically  
34 relevant information indicates the person may need involuntary  
35 commitment to treatment and is unable or unwilling to come to a  
36 screening service.
- 37 bb. "Short-term care facility" means an inpatient, community based  
38 mental health treatment facility which provides acute care and  
39 assessment services to a person with mental illness whose mental  
40 illness causes the person to be dangerous to self or dangerous to others  
41 or property. A short-term care facility is so designated by the  
42 commissioner and is authorized by the commissioner to serve persons  
43 from a specified geographic area. A short-term care facility may be a  
44 part of a general hospital or other appropriate health care facility and  
45 shall meet certificate of need requirements and shall be licensed and  
46 inspected by the Department of Health **【and Senior Services】** pursuant  
47 to P.L.1971, c.136 (C.26:2H-1 et seq.) and in accordance with

1 standards developed jointly with the Commissioner of Human  
2 Services.

3 cc. "Special psychiatric hospital" means a public or private  
4 hospital licensed by the Department of Health **and Senior Services**  
5 to provide voluntary and involuntary mental health services, including  
6 assessment, care, supervision, treatment, and rehabilitation services to  
7 persons with mental illness.

8 dd. "Treatment team" means one or more persons, including at  
9 least one psychiatrist or physician, and may include a psychologist,  
10 social worker, nurse, <sup>1</sup>licensed marriage and family therapist,<sup>1</sup> and  
11 other appropriate services providers. A treatment team provides  
12 mental health services to a patient of a screening service, outpatient  
13 treatment provider, or short-term care or psychiatric facility.

14 ee. "Voluntary admission" means that an adult with mental illness,  
15 whose mental illness causes the person to be dangerous to self or  
16 dangerous to others or property and is willing to be admitted to a  
17 facility voluntarily for care, needs care at a short-term care or  
18 psychiatric facility because other facilities or services are not  
19 appropriate or available to meet the person's mental health needs. A  
20 person may also be voluntarily admitted to a psychiatric facility if his  
21 mental illness presents a substantial likelihood of rapid deterioration in  
22 functioning in the near future, there are no appropriate community  
23 alternatives available, and the psychiatric facility can admit the person  
24 and remain within its rated capacity.

25 ff. "County adjuster" means the person appointed pursuant to  
26 R.S.30:4-34.

27 gg. "Least restrictive environment" means the available setting and  
28 form of treatment that appropriately addresses a person's need for care  
29 and the need to respond to dangers to the person, others, or property  
30 and respects, to the greatest extent practicable, the person's interests in  
31 freedom of movement and self-direction.

32 hh. "Outpatient treatment" means clinically appropriate care based  
33 on proven or promising treatments directed to wellness and recovery,  
34 provided by a member of the patient's treatment team to a person not  
35 in need of inpatient treatment. Outpatient treatment may include, but  
36 shall not be limited to, day treatment services, case management,  
37 residential services, outpatient counseling and psychotherapy, and  
38 medication treatment.

39 ii. "Outpatient treatment provider" means a community-based  
40 provider, designated as an outpatient treatment provider pursuant to  
41 section 8 of P.L.1987, c.116 (C.30:4-27.8), that provides or  
42 coordinates the provision of outpatient treatment to persons in need of  
43 involuntary commitment to treatment.

44 jj. "Plan of outpatient treatment" means a plan for recovery from  
45 mental illness approved by a court pursuant to section 17 of P.L.2009,  
46 c.112 (C.30:4-27.15a) that is to be carried out in an outpatient setting  
47 and is prepared by an outpatient treatment provider for a patient who  
48 has a history of responding to treatment. The plan may include

1 medication as a component of the plan; however, medication shall not  
2 be involuntarily administered in an outpatient setting.

3 kk. "Reasonably foreseeable future" means a time frame that may  
4 be beyond the immediate or imminent, but not longer than a time  
5 frame as to which reasonably certain judgments about a person's likely  
6 behavior can be reached.

7 ll. "Geographic area" means a distinct area of the State that is  
8 designated by the commissioner to be served by a screening service  
9 and may be a county, portion of a county, or multi-county area.

10 (cf: P.L.2009, c.112, s.2)

11

12 2. Section 4 of P.L.1987, c.116 (C.30:4-27.4) is amended to read  
13 as follows:

14 4. a. The commissioner, in consultation with the appropriate  
15 county mental health board and consistent with the approved county  
16 mental health plan, shall designate one or more mental health  
17 agencies or facilities in each **【county or multi-county region】**  
18 geographic area in the State as a screening service. The  
19 commissioner shall so designate an agency or facility only with the  
20 approval of the agency's or facility's governing body.

21 b. In designating the screening services, the commissioner shall  
22 ensure that screening services are accessible to all persons in the  
23 State who need these services **【and】** . To ensure accessibility to  
24 mental health services, the commissioner shall accept, on or after  
25 the effective date of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the  
26 Legislature as this bill), an application from a screening service to  
27 expand services that are tailored to meet the needs of the persons in  
28 its geographic area. The expanded services shall include, but not be  
29 limited to, establishing a satellite program that is situated in a  
30 location separate from a screening service and provides services  
31 that emphasize outreach and early intervention.

32 c. The commissioner shall ensure that screening service  
33 evaluation is the preferred process for entry into outpatient  
34 treatment, short-term care facilities, or psychiatric facilities so that  
35 appropriate consideration is given to less restrictive treatment  
36 alternatives.

37 (cf: P.L.2009, c.112, s.4)

38

39 3. (New section) The department shall:

40 a. collect, at a minimum, data about the expanded services  
41 provided by a screening service pursuant to section 4 of P.L.1987,  
42 c.116 (C.30:4-27.4), the utilization of these services, and the  
43 services to which individuals were referred, if any, after receiving  
44 the expanded services; and

45 b. issue a report, within one year of a screening service  
46 expanding its services pursuant to section 4 of P.L.1987, c.116  
47 (C.30:4-27.4) and annually thereafter, to the Governor and pursuant  
48 to section 2 of P.L.1991, c.164 (C.52:14-19.1) to the Legislature,

1 based on the information collected pursuant to subsection a. of this  
2 section. The report shall include a review and analysis of the  
3 collected data and any recommendations for improvements to the  
4 expanded services.

5  
6 4. The Commissioner of Human Services shall, in accordance  
7 with the "Administrative Procedure Act," P.L.1968, c.410  
8 (C.52:14B-1 et seq.), adopt any rules and regulations as the  
9 commissioner deems necessary to carry out the provisions of this  
10 act.

11  
12 5. This act shall take effect on the first day of the seventh month  
13 next following the date of enactment, except the Commissioner of  
14 Human Services may take any anticipatory administrative action in  
15 advance as shall be necessary for the implementation of this act.