

# ASSEMBLY, No. 2389

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

**Sponsored by:**

**Assemblyman GARY S. SCHAER**

**District 36 (Bergen and Passaic)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/7/2018)**

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**  
32 **Services]** Health.

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

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

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

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

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

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

1 inspected by the Department of Health **【and Senior Services】** pursuant  
2 to P.L.1971, c.136 (C.26:2H-1 et seq.) **【and in accordance with**  
3 standards developed jointly with the Commissioner of Human  
4 Services**】**.

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

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

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

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

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

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

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

46 jj. "Plan of outpatient treatment" means a plan for recovery from  
47 mental illness approved by a court pursuant to section 17 of P.L.2009,  
48 c.112 (C.30:4-27.15a) that is to be carried out in an outpatient setting

1 and is prepared by an outpatient treatment provider for a patient who  
2 has a history of responding to treatment. The plan may include  
3 medication as a component of the plan; however, medication shall not  
4 be involuntarily administered in an outpatient setting.

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

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

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

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

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

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

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

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

40  
41 3. (New section) The department shall:

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

47 b. issue a report, within one year of a screening service  
48 expanding its services pursuant to section 4 of P.L.1987, c.116

1 (C.30:4-27.4) and annually thereafter, to the Governor and pursuant  
2 to section 2 of P.L.1991, c.164 (C.52:14-19.1) to the Legislature,  
3 based on the information collected pursuant to subsection a. of this  
4 section. The report shall include a review and analysis of the  
5 collected data and any recommendations for improvements to the  
6 expanded services.

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

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

17  
18  
19 STATEMENT

20  
21 This bill provides for the Commissioner of Health to accept an  
22 application from a screening service to provide expanded mental  
23 health services. The expanded services would be tailored to meet  
24 the needs of the persons in its geographic area and would include,  
25 but not be limited to, establishing a satellite program that is situated  
26 in a location separate from a screening service and provides  
27 services that emphasize outreach and early intervention. Screening  
28 services are public or private ambulatory care services that are  
29 designated by the commissioner to provide mental health services  
30 including assessment, emergency, and referral services to persons  
31 with mental illness in a specified geographic area.

32 The bill also requires the Department of Health (DOH) to collect  
33 data about the expanded services provided by a screening service,  
34 the utilization of the services, and the services to which individuals  
35 were referred, if any, after receiving the expanded services. DOH is  
36 to issue annual reports, based on the collected data, which would  
37 include a review and analysis of the expanded services and any  
38 recommendations for improvements.

39 Finally, the bill revises the existing statutory definitions of  
40 "mental health screener" and "treatment team" to expressly include  
41 a licensed marriage and family therapist, and it revises the existing  
42 definition of "screening service" to clarify that a screening service  
43 may, but need not be, affiliated with a hospital.