

[Second Reprint]

SENATE, No. 1032

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JANUARY 22, 2018

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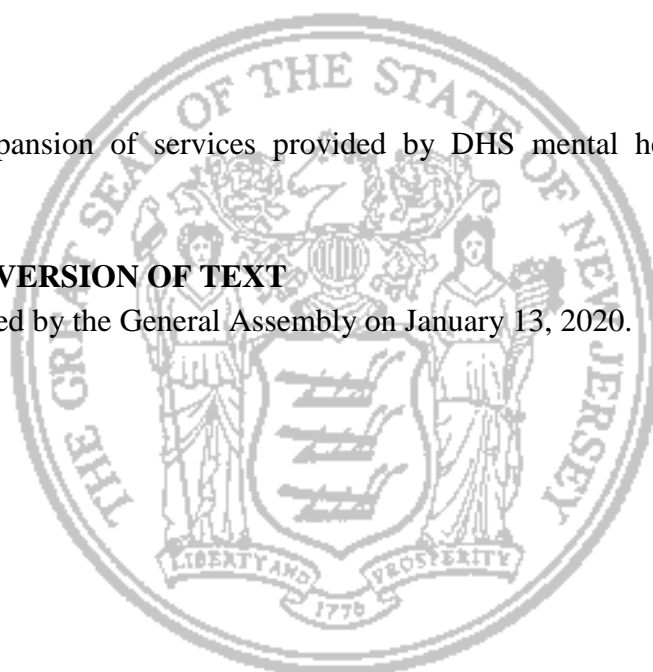
Senator Lagana, Assemblymen Karabinchak, Rooney, Assemblywomen Speight, McKnight, Lampitt, Mosquera, Jasey and Assemblyman Freiman

SYNOPSIS

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

CURRENT VERSION OF TEXT

As amended by the General Assembly on January 13, 2020.



(Sponsorship Updated As Of: 1/14/2020)

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
8 read as follows:

9 2. As used in P.L.1987, c.116 (C.30:4-27.1 et seq.) and
10 P.L.2009, 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
16 the person who is subject to commitment within three days of
17 presenting the person for involuntary commitment to treatment, and
18 which states that the person is in need of involuntary commitment
19 to treatment. The form shall also state the specific facts upon which
20 the examining physician has based his conclusion and shall be
21 certified in accordance with the Rules of the Court. A clinical
22 certificate may not be executed by a person who is a relative by
23 blood or marriage to the person who is being screened.

24 c. "Clinical director" means the person who is designated by
25 the 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]** ¹**[Health]** Human Services¹ .

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
39 the person has threatened or attempted suicide or serious bodily
40 harm, or has behaved in such a manner as to indicate that the person
41 is unable to satisfy his need for nourishment, essential medical care
42 or shelter, so that it is probable that substantial bodily injury,
43 serious physical harm, or death will result within the reasonably
44 foreseeable future; however, no person shall be deemed to be

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:

¹Senate SHH committee amendments adopted November 14, 2019.

²Assembly floor amendments adopted January 13, 2020.

- 1 unable to satisfy his need for nourishment, essential medical care,
2 or shelter if he is able to satisfy such needs with the supervision and
3 assistance of others who are willing and available. This
4 determination shall take into account a person's history, recent
5 behavior, and any recent act, threat, or serious psychiatric
6 deterioration.
- 7 i. "Dangerous to others or property" means that by reason of
8 mental illness there is a substantial likelihood that the person will
9 inflict serious bodily harm upon another person or cause serious
10 property damage within the reasonably foreseeable future. This
11 determination shall take into account a person's history, recent
12 behavior, and any recent act, threat, or serious psychiatric
13 deterioration.
- 14 j. "Department" means the Department of **Human Services**
15 ¹**Health** Human Services¹ .
- 16 k. "Director" means the chief administrative officer of a
17 screening service, short-term care facility, or special psychiatric
18 hospital.
- 19 l. "Division" means the Division of Mental Health and
20 Addiction Services in the Department of **Human Services**
21 ¹**Health** Human Services¹ .
- 22 m. "In need of involuntary commitment" or "in need of
23 involuntary commitment to treatment" means that an adult with
24 mental illness, whose mental illness causes the person to be
25 dangerous to self or dangerous to others or property and who is
26 unwilling to accept appropriate treatment voluntarily after it has
27 been offered, needs outpatient treatment or inpatient care at a short-
28 term care or psychiatric facility or special psychiatric hospital
29 because other services are not appropriate or available to meet the
30 person's mental health care needs.
- 31 n. "Institution" means any State or county facility providing
32 inpatient care, supervision, and treatment for persons with
33 developmental disabilities; except that with respect to the
34 maintenance provisions of Title 30 of the Revised Statutes,
35 institution also means any psychiatric facility for the treatment of
36 persons with mental illness.
- 37 o. "Mental health agency or facility" means a legal entity
38 which receives funds from the State, county, or federal government
39 to provide mental health services.
- 40 p. "Mental health screener" means a psychiatrist, psychologist,
41 social worker, registered professional nurse, licensed marriage and
42 family therapist, or other individual trained to do outreach only for
43 the purposes of psychological assessment who is employed by a
44 screening service and possesses the license, academic training or
45 experience, as required by the commissioner pursuant to regulation;
46 except that a psychiatrist and a State licensed clinical psychologist
47 who meet the requirements for mental health screener shall not have

1 to comply with any additional requirements adopted by the
2 commissioner.

3 q. "Mental hospital" means, for the purposes of the payment
4 and maintenance provisions of Title 30 of the Revised Statutes, a
5 psychiatric facility.

6 r. "Mental illness" means a current, substantial disturbance of
7 thought, mood, perception, or orientation which significantly
8 impairs judgment, capacity to control behavior, or capacity to
9 recognize reality, but does not include simple alcohol intoxication,
10 transitory reaction to drug ingestion, organic brain syndrome, or
11 developmental disability unless it results in the severity of
12 impairment described herein. The term mental illness is not limited
13 to "psychosis" or "active psychosis," but shall include all conditions
14 that result in the severity of impairment described herein.

15 s. "Patient" means a person over the age of 18 who has been
16 admitted to, but not discharged from a short-term care or
17 psychiatric facility, or who has been assigned to, but not discharged
18 from an outpatient treatment provider.

19 t. "Physician" means a person who is licensed to practice
20 medicine in any one of the United States or its territories, or the
21 District of Columbia.

22 u. "Psychiatric facility" means a State psychiatric hospital
23 listed in R.S.30:1-7, a county psychiatric hospital, or a psychiatric
24 unit of a county hospital.

25 v. "Psychiatrist" means a physician who has completed the
26 training requirements of the American Board of Psychiatry and
27 Neurology.

28 w. "Psychiatric unit of a general hospital" means an inpatient
29 unit of a general hospital that restricts its services to the care and
30 treatment of persons with mental illness who are admitted on a
31 voluntary basis.

32 x. "Psychologist" means a person who is licensed as a
33 psychologist by the New Jersey Board of Psychological Examiners.

34 y. "Screening certificate" means a clinical certificate executed
35 by a psychiatrist or other physician affiliated with a screening
36 service.

37 z. "Screening service" means a public or private ambulatory
38 care service , whether or not affiliated with a hospital, designated
39 by the commissioner, which provides mental health services
40 including assessment, emergency, and referral services to persons
41 with mental illness in a specified geographic area.

42 aa. "Screening outreach visit" means an evaluation provided by
43 a mental health screener wherever the person may be when
44 clinically relevant information indicates the person may need
45 involuntary commitment to treatment and is unable or unwilling to
46 come to a screening service.

47 bb. "Short-term care facility" means an inpatient, community
48 based mental health treatment facility ²**[which provides]** that is

1 designated to provide² acute care and assessment services to a
2 person with mental illness whose mental illness causes the person to
3 be dangerous to self or dangerous to others or property. A short-
4 term care facility ²[is so designated by the commissioner and]² is
5 authorized ²[by the commissioner]² to serve persons from a
6 specified geographic area ²[. A short-term care facility]² may be
7 a part of a general hospital or other appropriate health care facility
8 ²,² and shall meet certificate of need requirements and ²[shall]² be
9 licensed and inspected by the Department of Health [and Senior
10 Services] pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) [and in
11 accordance with standards developed jointly with the Commissioner
12 of Human Services].

13 cc. "Special psychiatric hospital" means a public or private
14 hospital licensed by the Department of Health [and Senior
15 Services] to provide voluntary and involuntary mental health
16 services, including assessment, care, supervision, treatment,₁ and
17 rehabilitation services to persons with mental illness.

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

24 ee. "Voluntary admission" means that an adult with mental
25 illness, whose mental illness causes the person to be dangerous to
26 self or dangerous to others or property and is willing to be admitted
27 to a facility voluntarily for care, needs care at a short-term care or
28 psychiatric facility because other facilities or services are not
29 appropriate or available to meet the person's mental health needs. A
30 person may also be voluntarily admitted to a psychiatric facility if
31 his mental illness presents a substantial likelihood of rapid
32 deterioration in functioning in the near future, there are no
33 appropriate community alternatives available,₁ and the psychiatric
34 facility can admit the person and remain within its rated capacity.

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

37 gg. "Least restrictive environment" means the available setting
38 and form of treatment that appropriately addresses a person's need
39 for care and the need to respond to dangers to the person, others,₁ or
40 property and respects, to the greatest extent practicable, the person's
41 interests in freedom of movement and self-direction.

42 hh. "Outpatient treatment" means clinically appropriate care
43 based on proven or promising treatments directed to wellness and
44 recovery, provided by a member of the patient's treatment team to a
45 person not in need of inpatient treatment. Outpatient treatment may
46 include, but shall not be limited to, day treatment services, case

1 management, residential services, outpatient counseling and
2 psychotherapy, and medication treatment.

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

8 jj. "Plan of outpatient treatment" means a plan for recovery
9 from mental illness approved by a court pursuant to section 17 of
10 P.L.2009, c.112 (C.30:4-27.15a) that is to be carried out in an
11 outpatient setting and is prepared by an outpatient treatment
12 provider for a patient who has a history of responding to treatment.
13 The plan may include medication as a component of the plan;
14 however, medication shall not be involuntarily administered in an
15 outpatient setting.

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

20 ll. "Geographic area" means a distinct area of the State that is
21 designated by the commissioner to be served by a screening service
22 and may be a county, portion of a county, or multi-county area.
23 (cf: P.L.2009, c.112, s.2)
24

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

27 4. a. The commissioner, in consultation with the appropriate
28 county mental health board and consistent with the approved county
29 mental health plan, shall designate one or more mental health
30 agencies or facilities in each **【county or multi-county region】**
31 geographic area in the State as a screening service. The
32 commissioner shall so designate an agency or facility only with the
33 approval of the agency's or facility's governing body.

34 b. In designating the screening services, the commissioner shall
35 ensure that screening services are accessible to all persons in the
36 State who need these services **【and】** . To ensure accessibility to
37 mental health services, the commissioner shall accept, on or after
38 the effective date of P.L. , c. (C.) (pending before the
39 Legislature as this bill), an application from a screening service to
40 expand services that are tailored to meet the needs of the persons in
41 its geographic area. The expanded services ¹**【shall】** ¹may¹ include,
42 but ¹need¹ not be limited to, establishing a satellite program that is
43 situated in a location separate from a screening service and ¹that¹
44 provides services ²**【that emphasize】** ²emphasizing² outreach and
45 early intervention.

46 c. The commissioner shall ensure that screening service
47 evaluation is the preferred process for entry into outpatient

1 treatment, short-term care facilities, or psychiatric facilities so that
2 appropriate consideration is given to less restrictive treatment
3 alternatives.

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

5

6 3. (New section) The department shall:

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

12 b. issue a report, within one year of a screening service
13 expanding its services pursuant to section 4 of P.L.1987, c.116
14 (C.30:4-27.4) and annually thereafter, to the Governor and pursuant
15 to section 2 of P.L.1991, c.164 (C.52:14-19.1) to the Legislature,
16 based on the information collected pursuant to subsection a. of this
17 section. The report shall include a review and analysis of the
18 collected data and any recommendations for improvements to the
19 expanded services.

20

21 4. The Commissioner of ¹**Health** Human Services¹ shall, in
22 accordance with the "Administrative Procedure Act," P.L.1968, c.410
23 (C.52:14B-1 et seq.), adopt any rules and regulations as the
24 commissioner deems necessary to carry out the provisions of this act.

25

26 5. This act shall take effect on the first day of the seventh month
27 next following the date of enactment, except the Commissioner of
28 ¹**Health** Human Services¹ may take any anticipatory administrative
29 action in advance as shall be necessary for the implementation of
30 this act.