

SENATE, No. 528

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

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SYNOPSIS

Requires DOC and county correctional facilities to provide certain inmates with medication-assisted treatment.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning substance use disorder treatment for inmates,
2 supplementing Title 30 of the Revised Statutes, and amending
3 P.L.1986, c.71.
4

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

7
8 1. (New section) a. As used in this act:

9 “Medication-assisted treatment” means the use of any
10 medications approved by the federal Food and Drug Administration
11 to treat substance use disorders, including extended-release
12 naltrexone, methadone, and buprenorphine, in combination with
13 counseling and behavioral therapies, to provide a whole-patient
14 approach to the treatment of substance use disorders.

15 “Substance use disorder” is as defined by the American Psychiatric
16 Association in the Diagnostic and Statistical Manual of Mental
17 Disorders, Fifth Edition and any subsequent editions and shall include
18 substance use withdrawal.

19 b. The Commissioner of Corrections shall require each inmate to
20 be evaluated when initially admitted to a State-owned, operated, or
21 contracted correctional facility to identify whether the inmate is in
22 need of temporary or continued management of the inmate’s
23 substance use disorder by means of medication-assisted treatment.

24 c. An inmate determined to be in need of temporary or
25 continued management for a substance use disorder following an
26 evaluation pursuant to subsection b. of this section:

27 (1) shall be provided information regarding the medication
28 options utilized in medication-assisted treatment; and

29 (2) may voluntarily agree to receive medication-assisted
30 treatment in the substance use disorder treatment program
31 established pursuant to paragraph (5) of subsection a. of section 2 of
32 P.L.1986, c.71 (C.30:4-82.2).

33 d. Each inmate who voluntarily agrees to receive medication-
34 assisted treatment shall have access to:

35 (1) withdrawal management services prior to the administration
36 of the medication;

37 (2) behavioral health counseling for inmates diagnosed with a
38 substance use disorder that shall be consistent with current
39 therapeutic standards in a community setting; and

40 (3) a health care practitioner who shall provide access to
41 medications approved by the federal Food and Drug Administration.

42 e. In administering the medication-assisted treatment pursuant
43 to this section, a State-owned, operated, or contracted correctional
44 facility shall adhere to the program established by the
45 Commissioner of Human Services and Commissioner of
46 Corrections pursuant to paragraph (5) of subsection a. of section 2
47 of P.L.1986, c.71 (C.30:4-82.2).

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 2. (New section) a. As used in this act:

2 “Medication-assisted treatment” means the use of any
3 medications approved by the federal Food and Drug Administration
4 to treat substance use disorders, including extended-release
5 naltrexone, methadone, and buprenorphine, in combination with
6 counseling and behavioral therapies, to provide a whole-patient
7 approach to the treatment of substance use disorders.

8 “Substance use disorder” is as defined by the American Psychiatric
9 Association in the Diagnostic and Statistical Manual of Mental
10 Disorders, Fifth Edition and any subsequent editions and shall include
11 substance use withdrawal.

12 b. The warden, keeper, or administrator of a county
13 correctional facility shall require each inmate to be evaluated when
14 initially admitted to a county correctional facility to identify
15 whether the inmate is in need of temporary or continued
16 management of the inmate’s substance use disorder by means of a
17 medication-assisted treatment.

18 c. An inmate determined to be in need of temporary or
19 continued management for a substance use disorder following an
20 evaluation pursuant to subsection b. of this section:

21 (1) shall be provided information regarding the medication
22 options utilized in medication-assisted treatment; and

23 (2) may voluntarily agree to receive medication-assisted
24 treatment in the substance use disorder treatment program
25 established pursuant to subsection e. of this section.

26 d. Each inmate who voluntarily agrees to receive medication-
27 assisted treatment shall have access to:

28 (1) withdrawal management services prior to the administration
29 of the medication;

30 (2) behavioral health counseling for inmates diagnosed with a
31 substance use disorder that shall be consistent with current
32 therapeutic standards in a community setting; and

33 (3) a health care practitioner who shall provide access to
34 medications approved by the federal Food and Drug Administration.

35 e. The Commissioner of Human Services and the
36 Commissioner of Corrections shall formulate a program to provide
37 medication-assisted treatment to county inmates pursuant to this
38 section which shall be consistent with the program established for
39 inmates in State-owned, operated, or contracted correctional
40 facilities pursuant to paragraph (5) of subsection a. of section 2 of
41 P.L.1986, c.71 (C.30:4-82.2).

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43 3. Section 2 of P.L.1986, c.71 (C.30:4-82.2) is amended to read as
44 follows:

45 2. a. The Commissioner of Human Services and the
46 Commissioner of Corrections shall formulate a plan to provide
47 adequate and appropriate mental health and substance use disorder

1 services to inmates in all State-owned, operated, or contracted
2 correctional facilities.

3 The plan shall include, but need not be limited to, the following:

4 (1) Procedures for identifying a person in need of mental health
5 and substance use disorder services when the person is initially
6 admitted to a State-owned, operated, or contracted correctional
7 facility, and while the person is confined therein;

8 (2) Procedures for providing a mental health and substance use
9 disorder evaluation to a person identified under subsection a. of this
10 section to determine whether the person is in need of mental health
11 or substance use disorder services;

12 (3) Procedures for providing adequate and appropriate mental
13 health or substance use disorder treatment to a person determined to
14 be in need under paragraph (2) of this subsection;

15 (4) Enumeration of the types of mental health and substance use
16 disorder treatment that may be provided to a person determined to
17 be in need under paragraph (2) of this subsection, which types of
18 treatment shall include, but need not be limited to, individual or
19 group counseling, treatment with prescription drugs, and increased
20 monitoring as needed to prevent harm to self or others, which may
21 include confinement in a secure hospital setting;

22 (5) Procedures **【for the provision of】** to provide medication-
23 assisted treatment in a substance use disorder treatment 【programs,
24 as appropriate and available】 program to inmates pursuant to
25 section 1 of P.L. , c. (C.) (pending before the Legislature
26 as this bill);

27 (6) Procedures for terminating the treatment provided under
28 paragraph (3) of this subsection when it is no longer needed by the
29 person receiving it;

30 (7) Identifying community mental health and substance use
31 disorder treatment providers and services to assist in a person's
32 community reintegration upon the person's discharge from a State-
33 owned, operated, or contracted correctional facility;

34 (8) Procedures for ensuring cooperation between the
35 Department of Corrections and the Department of Human Services
36 at all personnel levels and at every stage of identification,
37 evaluation, treatment, and termination of treatment so that adequate
38 and appropriate mental health and substance use disorder services
39 are provided;

40 (9) Procedures for maintaining the confidentiality of mental
41 health and substance use disorder treatment records; and

42 (10) Procedures for biennial review and revision of the plan
43 developed under this section.

44 b. Mental health and substance use disorder treatment services
45 in State-owned, operated, or contracted facilities, as appropriate,
46 shall be delivered by licensed provider organizations.

47 c. The Department of Human Services shall adopt rules and

1 regulations, pursuant to the "Administrative Procedure Act,"
2 P.L.1968, c.410 (C.52:14B-1 et seq.), to establish standards and
3 requirements for the licensure of substance use disorder treatment
4 programs operating within State-owned, operated, or contracted
5 correctional facilities, as appropriate. In developing regulations, the
6 department shall take into consideration the unique characteristics
7 of treatment programs operating within a correctional environment.

8 d. The Department of Human Services is authorized to develop
9 a plan to provide mental health and substance use disorder services
10 to inmates in county-operated correctional facilities, in consultation
11 with the county-designated individual or entity charged with the
12 planning of treatment services for county inmates.
13 (cf: P.L.2015, c.11, s.1)

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15 4. This act shall take effect on the first day of the fourth month
16 following enactment.

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19 STATEMENT

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21 This bill requires medication-assisted treatment to be offered to
22 all State and county inmates who, following an initial evaluation upon
23 admission to a State or county correctional facility, are determined to
24 be in need of temporary or continued management of a substance
25 use disorder. An inmate determined to be in need of treatment may
26 voluntarily agree to receive medication-assisted treatment after
27 being provided options utilized in the treatment plan.

28 The bill defines "medication-assisted treatment" as the use of
29 any medications approved by the federal Food and Drug
30 Administration to treat substance use disorders, including extended-
31 release naltrexone, methadone, and buprenorphine, in combination
32 with counseling and behavioral therapies, to provide a whole-
33 patient approach to the treatment of substance use disorders.

34 Inmates who voluntarily agree to medication-assisted treatment
35 are to have access to withdrawal management services prior to the
36 administration of the medication; behavioral health counseling
37 consistent with current therapeutic standards in a community
38 setting; and a health care practitioner required to provide access to
39 medications approved by the federal Food and Drug Administration.

40 In addition, this bill requires the Commissioners of Human
41 Services and Corrections to include in their joint plan to provide
42 mental health and substance use disorder services a requirement that
43 all opioid addicted State and county inmates receive medication-
44 assisted treatment following a medical assessment upon being
45 admitted to a corrections facility.

46 Under current law, the Commissioners of Human Services and
47 Corrections are required to establish a joint plan to ensure the
48 provision of mental health and substance use disorder services, by

S528 VITALE, CRYAN

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1 licensed service provider organizations, to inmates housed in State-
2 owned, operated, or contracted correctional facilities, including prisons
3 and halfway houses. The plan, in part, requires the commissioners to
4 establish procedures for the provision of medication-assisted
5 treatment, as appropriate and available. This bill requires the
6 commissioners to establish a program to allow all designated State
7 and county inmates the opportunity to receive medication-assisted
8 treatment.