

# ASSEMBLY, No. 820

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## STATE OF NEW JERSEY

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Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

**By Assemblymen ARNONE and CORODEMUS**

1   **AN ACT** concerning the operation of State psychiatric hospitals and  
2       developmental centers and supplementing Title 30 of the Revised  
3       Statutes.

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

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8       1. As used in this act:

9       "Commissioner" means the Commissioner of Human Services.

10      "Facility" means a State psychiatric hospital or a State  
11       developmental center listed in R.S.30:1-7.

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13      2. a. The commissioner shall not implement a decision to  
14       temporarily remove all patients or residents residing in a facility,  
15       permanently remove all patients or residents residing in a facility and  
16       close the facility, or reduce the number of patients or residents residing  
17       in a facility below two thirds of the capacity of the facility, unless the  
18       commissioner has complied with the procedures set forth in this act.

19      b. If the commissioner seeks to close or reduce the number of  
20       patients or residents residing in a facility, he shall conduct at least  
21       three public hearings in the northern, central and southern regions of  
22       the State to provide an opportunity for the public to submit testimony  
23       on the proposed closing or reduction. At least 30 days shall be  
24       required to elapse between the date of each hearing. A notice of the  
25       public hearings shall be published in at least two newspapers generally  
26       circulated in the region in which each hearing is to be held. The notice  
27       shall be published at least twice on two different days no later than one  
28       week, but no sooner than three weeks, before the date of each hearing.  
29       The commissioner shall select a publicly convenient location for the  
30       hearing and shall give all persons the opportunity to testify in person  
31       or to submit written testimony. The commissioner shall compile a  
32       report of the testimony received at the hearings for submission to the  
33       Governor and the Legislature.

34      c. The commissioner shall have an independent public or private  
35       agency or organization prepare a report on the impact of the proposed

1 closing or reduction of a facility. This report shall be prepared after  
2 the public hearings required in subsection b. of this section have been  
3 completed. The report shall include an evaluation of the reasons for  
4 the closing or reduction, its impact on the patients or residents, its  
5 effect on the persons employed at the facility, and its impact on the  
6 community in which the facility is located and the communities in  
7 which the patients or residents will be placed. The report shall also  
8 include a section of evaluation and comment on the testimony received  
9 during the public hearings.

10 d. In addition, the commissioner shall have an independent public  
11 or private agency or organization prepare a report on the impact of  
12 patients or residents who were previously discharged from facilities  
13 during the two-year period preceding a decision by the commissioner  
14 to close or reduce a facility. This report shall also be prepared after  
15 the public hearings required in subsection b. of this section have been  
16 completed.

17 With respect to a report concerning a State psychiatric hospital, the  
18 agency or organization shall solicit information, by municipality, from  
19 community mental health agencies, case managers and other  
20 community mental health personnel regarding the number of former  
21 patients of a facility discharged to the municipality; the ability of  
22 mental health, medical, residential and support services to provide  
23 access to needed services for those patients within 30 days of their  
24 discharge from a facility; the number of former patients receiving  
25 inadequate services; the rate of readmission to a facility among these  
26 persons; and the incidence of correctional detention or incarceration  
27 among these persons. The report shall also include data from  
28 community mental health agencies concerning their ability to provide  
29 needed services to patients discharged from a facility, including the  
30 number of patients served by the agency, the types of services  
31 provided, and the municipalities to which these services are provided.  
32 In addition, the agency or organization preparing the report shall  
33 receive from communities that have been impacted by the presence of  
34 patients discharged from a facility, information about the nature and  
35 extent of that impact.

36 e. The commissioner shall submit the reports prepared pursuant to  
37 subsections b., c. and d. of this section to the Governor and to each  
38 member of the Legislature for review.

39 f. The closing or reduction of a facility may commence on the first  
40 day of the third full month after the Governor and the Legislature  
41 receive the three reports.

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43 3. Subject to the provisions of section 2 of this act, a decision by  
44 the commissioner to close a facility shall take effect upon the  
45 enactment into law of legislation which amends R.S.30:1-7 to delete  
46 that facility from the list of facilities contained therein.

1        4. This act shall take effect immediately.

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## STATEMENT

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6 The purpose of this bill is to provide procedures with which the  
7 Commissioner of Human Services must comply prior to implementing  
8 a decision to temporarily remove all patients or residents residing in a  
9 State psychiatric hospital or development center, permanently remove  
10 all individuals residing in one of these facilities, or reduce the number  
11 of individuals residing in one of these facilities below two thirds of the  
12 capacity of the facility.

13        The bill requires the Commissioner of Human Services to provide  
14      public notice and obtain public input through a minimum of three  
15      public hearings Statewide before implementing a decision to close or  
16      significantly reduce the number of individuals residing in a State  
17      psychiatric hospital or development center. At least 30 days must  
18      elapse between the date of each hearing. The commissioner must give  
19      all persons the opportunity to testify in person or to submit written  
20      testimony. The commissioner will compile a report of the testimony  
21      received at the hearings for submission to the Governor and the  
22      Legislature.

The bill also requires that after the public hearings are completed, the commissioner have independent public or private agencies or organizations prepare two reports. The first report will include an evaluation of the reasons for the closing or reduction, its impact on the patients or residents, its effect on the persons employed at the facility, and its impact on the community in which the facility is located and the communities in which the patients or residents will be placed. The report will also include a section of evaluation and comment on the testimony received during the public hearings.

The second report will deal with the impact of individuals who were previously discharged from facilities during the two-year period preceding a decision by the commissioner to close or reduce a facility. The independent public or private agency or organization that prepares the report will solicit information, by municipality, from community mental health agencies, case managers and other community mental health personnel regarding: the number of former patients or residents of a facility discharged to the municipality; the ability of mental health, medical, residential and support services to provide access to needed services for those individuals within 30 days of their discharge from a facility; the number of former individuals receiving inadequate services; the rate of readmission to a facility among these persons; and the incidence of correctional detention or incarceration among these persons. The report shall also include data from community mental health agencies concerning their ability to provide needed services to

1 individuals discharged from a facility, including the number of patients  
2 and residents served by the agency, the types of services provided, and  
3 the municipalities to which these services are provided. The agency  
4 or organization preparing the report shall receive from communities  
5 that have been impacted by the presence of individuals discharged  
6 from a facility, information about the nature and extent of that impact.  
7 The commissioner will submit the two reports prepared by the  
8 independent public or private agencies or organizations to the  
9 Governor and each member of the Legislature.

10 The bill also provides that the commissioner may not close a facility  
11 without an amendment to R.S.30:1-7, the statute which lists the State  
12 psychiatric hospitals, which deletes the facility from that list

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17 Requires public hearings and study prior to closing of State psychiatric  
18 hospital or developmental center.