

ASSEMBLY, No. 828

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ARNONE

1 AN ACT concerning conditional discharge of persons involuntarily  
2 committed and amending and supplementing P.L.1987, c.116  
3 (C.30:4-27.1 et al.).  
4

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

7  
8 1. Section 15 of P.L.1987, c.116 (C.30:4-27.15) is amended to  
9 read as follows:

10 15. a. If the court finds by clear and convincing evidence that the  
11 patient needs continued involuntary commitment, it shall issue an order  
12 authorizing the involuntary commitment of the patient and shall  
13 schedule a subsequent court hearing in the event the patient is not  
14 administratively discharged pursuant to section 17 of [this act]  
15 P.L.1987, c.116 (C.30:4-27.17) prior thereto.

16 b. If the court finds that the patient does not need continued  
17 involuntary commitment, the court shall so order and the facility shall  
18 discharge the patient within 48 hours of the court's verbal order or by  
19 the end of the next working day, whichever is longer, with a discharge  
20 plan prepared pursuant to section 18 of [this act] P.L.1987, c.116  
21 (C.30:4-27.18).

22 c. If the court finds that the patient's history indicates a high risk  
23 of rehospitalization because of the patient's failure to comply with  
24 discharge plans, the court [may] shall discharge the patient subject to  
25 conditions recommended by the facility and coordinated with the  
26 mental health agency [staff] which will provide services to the patient  
27 and developed with the participation of the patient. The mental health  
28 agency shall provide follow-up care to the patient which shall include,  
29 but not be limited to, therapy, counseling, medications, daily living  
30 skills, and referral services, as appropriate. Conditions imposed on the  
31 patient shall be specific and their duration shall not exceed [90 days]  
32 six months. If the patient complies with the conditional discharge and

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 has had no readmissions, the patient shall be finally discharged.  
2 The designated mental health agency [staff person] providing  
3 services to the patient shall notify the court if the patient fails to meet  
4 the conditions of the discharge plan within 48 hours of that failure.  
5 The court shall determine, in conjunction with the [findings of a  
6 screening service, if the patient needs to be] recommendations of the  
7 mental health agency providing services to the patient, if the terms of  
8 the conditional discharge can be complied with or modified to ensure  
9 compliance. If so, the court shall order the continuance of the  
10 conditional discharge with revised conditions for a period of 90 days.  
11 If it is determined that the terms cannot be modified to ensure  
12 compliance or if the patient has demonstrated a pattern of  
13 noncompliance, the court shall order the patient rehospitized and[,  
14 if so,]the patient shall be returned to the discharging facility. The  
15 court shall hold a hearing within 20 days of the day the patient was  
16 returned to the facility to determine if the [order of conditional  
17 discharge should be vacated] involuntary commitment should be  
18 continued.

19 (cf: P.L.1987, c.116, s.15)

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21 2. Section 17 of P.L.1987, c.116 (C.30:4-27.17) is amended to  
22 read as follows:

23 17. a. The treatment team at a short-term care or psychiatric  
24 facility or special psychiatric hospital shall administratively discharge  
25 a patient from involuntary commitment status with a discharge plan  
26 prepared pursuant to section 18 of P.L.1987, c.116 (C.30:4-27.18) if  
27 the treatment team determines that the patient no longer needs  
28 involuntary commitment. [If a discharge plan has not been developed  
29 pursuant to section 18 of this act, it shall be developed forthwith.]

30 b. The treatment team at a short-term care or psychiatric facility or  
31 special psychiatric hospital shall administratively conditionally  
32 discharge a patient if the treatment team determines that the patient no  
33 longer needs involuntary commitment although the patient may be at  
34 risk of rehospitization because of previous failure to comply with  
35 discharge plans. The conditions of discharge shall be based on  
36 recommendations of the treatment team and coordinated with the  
37 mental health agency which will provide services to the patient and  
38 developed with the participation of the patient. The mental health  
39 agency shall provide follow-up care to the patient which shall include,  
40 but not be limited to therapy, counseling, medications, daily living  
41 skills, and referral services, as appropriate. Conditions imposed on the  
42 patient shall be specific and their duration shall not exceed six months.  
43 If the patient complies with the conditional discharge and has had no  
44 readmissions, the patient shall be finally discharged.

45 If the patient fails to meet the conditions of the conditional  
46 discharge, the mental health agency providing services to the patient

1 shall notify the Division of Mental Health and Hospitals in the Division  
2 of Human Services within 48 hours of that failure. The division and  
3 the mental health agency shall determine, as soon as practicable,  
4 whether the patient can comply with the terms of the conditional  
5 discharge or whether the terms can be modified to ensure compliance  
6 by the patient. If so, the conditions shall be continued and modified,  
7 as appropriate, for a period of 90 days. If it is determined that the  
8 terms cannot be modified to ensure compliance, or if the patient has  
9 indicated a pattern of noncompliance, the patient shall be  
10 rehospitalized and returned to the discharging facility.

11 (cf: P.L.1987, c.116, s.17)

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13 3. Section 18 of P.L.1987, c.116 (C.30:4-27.18) is amended to  
14 read as follows:

15 18. [A] a. Except in the case of conditional discharge, a person  
16 discharged either by the court or administratively from a short-term  
17 care or psychiatric facility or special psychiatric hospital shall have a  
18 discharge plan prepared by the treatment team at the facility pursuant  
19 to this section. The treatment team shall give the patient an  
20 opportunity to participate in the formulation of the discharge plan. In  
21 the case of patients committed to short-term care or psychiatric  
22 facilities, a community agency designated by the commissioner shall  
23 participate in the formulation of the plan. The facility shall advise the  
24 mental health agency of the date of the patient's discharge. The mental  
25 health agency shall provide follow-up care to the patient pursuant to  
26 regulations adopted by the commissioner. This section does not  
27 preclude discharging a patient to an appropriate professional who shall  
28 provide services in accordance with the discharge plan.

29 b. Psychiatric facilities shall give notice of the conditional or final  
30 discharge to the county adjuster of the county in which the patient has  
31 legal settlement.

32 (cf: P.L.1987, c.116, s.18)

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34 4. (New section) The Department of Human Services shall ensure  
35 that a person who is conditionally discharged either by the court or  
36 administratively shall be visited at least monthly by a case manager  
37 employed by the department.

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39 5. (New section) a. The Division of Mental Health and Hospitals  
40 in the Department of Human Services shall monitor the mental health  
41 agencies which provide services to patients who are conditionally  
42 discharged. The division shall provide an annual performance report  
43 to the commissioner regarding the effectiveness of these agencies in  
44 caring for conditionally discharged patients.

45 b. The mental health agency providing services to patients who are  
46 conditionally discharged shall file a quarterly report with the division

1 which shall include, but not be limited to, an indication of the number  
2 of conditionally discharged patients served by the agency; the number  
3 of patients who have successfully completed the conditions of  
4 discharge and have been finally discharged; and the number of patients  
5 who have been unsuccessful in their conditional discharge and the  
6 reasons therefor.

7 c. Any funding to a mental health agency which provides services  
8 to patients who are conditionally discharged shall be contingent upon  
9 the demonstrated success of the agency in providing services to these  
10 patients.

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12 6. This act shall take effect immediately.

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#### STATEMENT

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17 This bill provides for the conditional discharge, by a court or  
18 administratively, of persons who are involuntarily committed. The bill  
19 provides that a person who is no longer in need of involuntary  
20 commitment but has a high risk of rehospitalization shall be discharged  
21 subject to certain conditions for a period of six months. If the patient  
22 complies with the conditions of discharge and has had no  
23 readmissions, the bill provides that the patient shall be finally  
24 discharged.

25 The bill also provides that if the patient fails to meet the conditions  
26 of the discharge, the mental health agency providing services to the  
27 patient shall notify the court or the Division of Mental Health and  
28 Hospitals (DMHH), as appropriate, within 48 hours. The court or the  
29 division and the mental health agency shall then determine whether the  
30 patient can comply with the terms of the conditional discharge or  
31 whether the terms could be modified to ensure compliance by the  
32 patient. If so, the conditions shall be continued and modified, as  
33 appropriate, for a period of 90 days. If not, or if the patient has  
34 indicated a pattern of noncompliance, he shall be rehospitalized and  
35 returned to the discharging facility.

36 The bill requires the Department of Human Services to ensure that  
37 a person conditionally discharged shall be visited at least monthly by  
38 a department case manager. The bill also requires the DMHH to  
39 monitor the mental health agencies which provide services to  
40 conditionally discharged patients and to provide an annual report to  
41 the commissioner regarding the effectiveness of these agencies in  
42 caring for conditionally discharged patients.

43 The bill also requires the mental health agencies to file quarterly  
44 reports with the division which shall include, but not be limited to, an  
45 indication of the number of patients served; the number who have  
46 successfully completed the conditions of discharge and have been

1 finally discharged; and the number who have been unsuccessful and the  
2 reasons therefor. Finally, the bill directs that any funding to these  
3 agencies shall be contingent upon their demonstrated success in  
4 providing services to conditionally discharged patients.

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8 Provides for conditional discharge of persons involuntarily committed.