

[Passed Both Houses]

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2180

STATE OF NEW JERSEY

ADOPTED MARCH 3, 1997

Sponsored by Assemblyman BAGGER, Assemblywomen
VANDERVALK, Weinberg, Assemblymen Gusciora, Felice,
Wolfe, Holzappel, Senators Bassano, Codey, Palaia, Ciesla,
Matheussen and Connors

1 AN ACT concerning funding for community mental health and
2 developmental disability services and supplementing Title 30 of the
3 Revised Statutes.

4

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

7

8 1. This act shall be known and may be cited as the "Community
9 Mental Health and Developmental Disability Services Investment Act."

10

11 2. The Legislature finds and declares that:

12 a. It is desirable for persons with serious mental illness, including
13 children and adolescents with serious emotional disturbances, as well
14 as persons with developmental disabilities, to receive treatment in their
15 home community;

16 b. The availability of a range of community-based services will
17 enable many persons who might otherwise require continued
18 institutionalization to return to the community and allow the State to
19 reduce its longstanding reliance on State inpatient care for adults with
20 serious mental illness, and children and adolescents with serious
21 emotional disturbances, as well as persons with developmental
22 disabilities. As more services are provided at the local level, there is

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted May 8, 1997.

1 a compelling State interest in assuring that these services are
2 coordinated and that resources are provided throughout the State; and

3 c. As expenditures for State inpatient resources are reduced,
4 additional funding should be invested in community-based mental
5 health services for persons with serious mental illness, including
6 children and adolescents with serious emotional disturbances, as well
7 as community-based services for persons with developmental
8 disabilities.

9

10 3. As used in this act:

11 "Children and adolescents with serious emotional disturbances"
12 means individuals under 18 years of age who meet criteria established
13 by the commissioner, which shall include children and adolescents who
14 are in psychiatric crisis, or children and adolescents who have a
15 designated diagnosis of mental illness under the most recent edition of
16 the Diagnostic and Statistical Manual of Mental Disorders and whose
17 severity and duration of mental illness result in substantial functional
18 disability.

19 "Commissioner" means the Commissioner of Human Services.

20 "Community mental health and developmental disability services"
21 means ¹the following¹ services for persons with serious mental illness,
22 or for persons with developmental disabilities ¹[; including:] , as
23 appropriate:¹

24 a. ¹emergency and crisis services provided in programs licensed
25 or approved by the commissioner;

26 b. case management services;

27 c. outpatient services which provide an adequate level of
28 treatment and rehabilitation to persons with serious mental illness;

29 d. residential services, other than inpatient services, provided in
30 programs licensed or approved by the commissioner and in long-term
31 health care facilities licensed by the Department of Health and Senior
32 Services, including, but not limited to, assisted living residences,
33 comprehensive personal care homes and residential health care
34 facilities;

35 e. psychiatric rehabilitation services, including, but not limited to,
36 supported employment, supported living, psychosocial clubhouse and
37 other partial care modalities;

38 f. other community support services, including, but not limited to,
39 consumer advocacy, consumer operated self-help activities, drop-in
40 centers, and family education and support services;

41 g.¹ services which are directed toward the alleviation of a
42 developmental disability or mental illness, or toward the social,
43 personal, physical or economic habilitation or rehabilitation of a
44 person with a developmental disability or mental illness, and provided
45 by an agency or program approved by the commissioner; and

46 ¹[b.] h. ¹ other services as approved by the commissioner.

1 "Department" means the Department of Human Services.

2 "Developmental disability" means a developmental disability as
3 defined in the "Developmentally Disabled Rights Act," P.L.1977, c.82
4 (C.30:6D-1 et seq.).

5 "Facility" means a State psychiatric hospital or developmental
6 center operated by the department.

7 "Persons with serious mental illness" means individuals who meet
8 criteria established by the commissioner, which shall include persons
9 who are in psychiatric crisis, or persons who have a designated
10 diagnosis of mental illness under the most recent edition of the
11 Diagnostic and Statistical Manual of Mental Disorders and whose
12 severity and duration of mental illness result in substantial functional
13 disability. Persons with serious mental illness shall include children
14 and adolescents with serious emotional disturbances.

15

16 4. a. The commissioner shall take such actions as are necessary
17 to ensure that ¹[when] as¹ a mental health facility closes that all funds
18 be redirected to services in the community ¹[or other institution]¹
19 thereby increasing the State's financial support to community ¹[and
20 institutional]¹ mental health services for its citizens¹ , except for
21 money already earmarked for institutional use through the Marlboro
22 Redirection Plan¹ .

23 b. ¹[The commissioner shall develop a plan to ensure distribution
24 of funding between community and institutional programs is adequate
25 to meet the needs of those discharged to community programs or
26 transferred to other State facilities.

27 c.]¹ The commissioner shall ensure that when individuals with a
28 developmental disability move into the community from a
29 developmental center affected by a significant service reduction,
30 funding utilized for the individual in the developmental center shall be
31 used to fund the individual's community placement.

32 ¹[d.] c.¹ Any funding from the developmental center placement
33 not needed to fully fund the community placement for that individual
34 shall be directed toward the reduction of the waiting list for services
35 in the Division of Developmental Disabilities in the department.

36

37 5. All monies received by the State from the sale of facility
38 property shall be earmarked exclusively for capital and equipment
39 costs associated with the development of community placement for
40 persons with serious mental illness or developmental disabilities,
41 according to criteria to be established by the commissioner.

42

43 6. The commissioner, pursuant to the "Administrative Procedure
44 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
45 regulations to effectuate the purposes of this act.

46

1 7. This act shall take effect immediately.

2

3

4

5

6 "Community Mental Health and Developmental Disability Services

7 Investment Act."