

ASSEMBLY, No. 2718

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 3, 1997

By Assemblywoman FRISCIA

1 AN ACT concerning the operations 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
36 closing or reduction of a facility. This report shall be prepared after
37 the public hearings required in subsection b. of this section have been

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

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

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

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

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

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

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46 4. This act shall take effect immediately.

STATEMENT

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3 The purpose of this bill is to require the Commissioner of Human
4 Services to provide public notice and obtain public input through a
5 minimum of three public hearings Statewide before implementing a
6 decision to close or significantly reduce the number of patients
7 residing in a State psychiatric hospital or the the number of residents
8 residing in a State developmental center. The commissioner is also
9 required to have an independent public or private agency or
10 organization prepare a report evaluating the impact of patients or
11 residents who were previously discharged from facilities during the
12 two-year period preceding a decision by the commissioner to close or
13 reduce a facility.

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

34 The bill also provides that the commissioner may not close a facility
35 without an amendment to R.S.30:1-7, the statute which lists these
36 specific institutions, which deletes the facility from that list.

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