

§§1-7
C. 30:4-3.15
To
30:4-3.21
§8
Note To §§1-7

P.L. 1997, CHAPTER 70, *approved April 16, 1997*
Senate, No. 1542 (*First Reprint*)

1 **AN ACT** establishing a system for reporting patient abuse and
2 professional misconduct at State psychiatric hospitals and
3 supplementing Title 30 of the Revised Statutes.

4

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

7

8 1. For the purposes of this act:

9 "Clinical treatment staff" means a physician, psychiatrist,
10 psychologist, physical therapist or social worker licensed pursuant to
11 Title 45 of the Revised Statutes, an occupational, recreation, art or
12 music therapist or a substance abuse counselor.

13 "Employee" means a person employed by the State to work at a
14 State psychiatric hospital or a person employed by a private entity
15 under contract with the State to provide contracted services at a State
16 psychiatric hospital.

17 "Nursing direct care staff" means a Human Services Assistant,
18 Human Services Technician, or a nurse licensed pursuant to Title 45
19 of the Revised Statutes.

20 "State psychiatric hospital" means a psychiatric hospital listed in
21 R.S.30:1-7.

22

23 2. a. Any employee of a State psychiatric hospital, who, as a result
24 of information obtained in the course of his employment, has
25 reasonable cause to suspect or believe that a patient is being or has
26 been abused by any other employee of the hospital, by another patient
27 in the hospital or by any other person, shall report the information in
28 a timely manner to the person designated by the Commissioner of
29 Human Services pursuant to this act to receive the report.

30 b. Any other person having reasonable cause to suspect or believe
31 that a patient is being or has been abused may report the information

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 Senate SHU committee amendments adopted November 7, 1996.

1 to the person designated by the Commissioner of Human Services
2 pursuant to this act to receive the report.

3 c. The report shall contain the name of the patient, the name of the
4 psychiatric hospital and the unit to which the patient is assigned, if
5 known, information regarding the nature of the suspected abuse and
6 any other information which might be helpful in an investigation of the
7 case and the protection of the patient.

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9 3. Any employee of a State psychiatric hospital who, as a result of
10 information obtained in the course of his employment, has reasonable
11 cause to suspect or believe that a clinical treatment staff or nursing
12 direct care staff member working at the hospital has or is engaging in
13 professional misconduct shall report the information to the person
14 designated by the Commissioner of Human Services pursuant to this
15 act to receive the report.

16 The report shall contain the name of the staff member, the name of
17 the psychiatric hospital and the unit to which the staff member is
18 assigned, information regarding the nature of the suspected
19 professional misconduct and any other information which might be
20 helpful in an investigation of the case.

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22 4. The Commissioner of Human Services shall establish a patient
23 abuse and professional misconduct reporting program for the State
24 psychiatric hospitals.

25 a. The program shall provide, at a minimum, that State psychiatric
26 hospital employees are:

27 (1) trained in recognizing probable incidents of or behavior that
28 constitutes patient abuse or professional misconduct and other abuse
29 prevention activities pursuant to P.L. , c. (C.)(pending before the
30 Legislature as Senate Bill No. ¹1543 or Assembly Bill No. 2427¹ of
31 1996);

32 (2) informed of the duty to report the suspected patient abuse or
33 professional misconduct pursuant to this act; and

34 (3) provided with the name and phone number of the person
35 designated by the commissioner who shall be notified of any suspected
36 patient abuse or professional misconduct.

37 b. The commissioner shall designate one or more employees of the
38 Department of Human Services who are not employees of any of the
39 State psychiatric hospitals to serve as a contact person for employees
40 of State psychiatric hospitals to notify in the event an employee has
41 reasonable cause to suspect that a patient is being or has been abused
42 by any other employee of the hospital, by another patient in the
43 hospital or by any other person, or has any information concerning
44 suspected professional misconduct by a clinical treatment staff or
45 nursing direct care staff member working at the hospital.

46 c. The designated contact person shall report all reported incidents

1 or allegations of patient abuse and professional misconduct to the
2 Director of the Division of Mental Health Services ¹, the
3 Commissioner of Human Services, or their designees.¹ The director
4 shall cause a prompt investigation of any report of patient abuse or
5 professional misconduct and notify the Commissioner of Human
6 Services of the results of the investigation.

7 d. The Director of the Division of Mental Health Services, in a case
8 in which professional misconduct is suspected, shall promptly notify
9 the appropriate State licensing or certifying authority or professional
10 board, if any, having jurisdiction over the person who has been
11 reported, of the report by the hospital employee and the results of the
12 director's investigation of the report.

13 e. The Director of the Division of Mental Health Services shall
14 promptly report all instances of suspected patient abuse, as determined
15 by the director's investigation of a report by an employee of a State
16 psychiatric hospital, to the county prosecutor of the county in which
17 the hospital is located. The report to the county prosecutor shall be
18 in accordance with regulations adopted by the Commissioner of
19 Human Services in consultation with the County Prosecutors
20 Association of New Jersey and the Attorney General.

21 f. Upon receipt of a report pursuant to subsection e. of this section,
22 the county prosecutor ¹[shall] may¹ conduct his own review of the
23 suspected patient abuse and take any appropriate action.

24 ¹g. Nothing in this section shall preclude the Human Services police
25 officers from conducting an investigation.¹

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27 5. a. The name of any person who reports suspected patient abuse
28 or professional misconduct pursuant to this act shall not be disclosed,
29 unless the person who reported the abuse or misconduct specifically
30 requests the disclosure or a judicial proceeding results from the report.

31 b. A person who reports suspected abuse or professional
32 misconduct pursuant to this act or who testifies in any administrative
33 or judicial proceeding arising from the report or testimony shall have
34 immunity from any civil or criminal liability on account of the report
35 or testimony, unless the person has acted in bad faith or with malicious
36 purpose.

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38 6. Any person required to report suspected patient abuse or
39 professional misconduct pursuant to this act who fails to make the
40 report shall be liable to a penalty of not more than \$5,000 ¹, after that
41 person has completed the abuse prevention program pursuant to
42 paragraph (2) of subsection c. of section 2 of P.L. , c. (C.)(pending
43 before the Legislature as Senate Bill No. 1543 or Assembly Bill No.
44 2427 of 1996.¹ The penalty shall be collected and enforced ¹[by
45 summary proceedings pursuant to "the penalty enforcement law,"
46 N.J.S.2A:58-1 et seq] pursuant to Title 11A of the New Jersey

1 Statutes.¹ Each violation of this act shall constitute a separate offense.

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3 7. The Commissioner of Human Services shall adopt regulations
4 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
5 (C.52:14B-1 et seq.), to carry out the purposes of this act.

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7 8. This act shall take effect 60 days after the date of enactment.

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12 Requires reporting of patient abuse and professional misconduct by
13 employees of State psychiatric hospitals and establishes reporting and
14 investigation program in DHS.