

SENATE, No. 495

STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1996

By Senator BENNETT

1 AN ACT concerning the operations of State psychiatric hospitals and
2 supplementing Title 30 of the Revised Statutes.

3

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

6

7 1. As used in this act:

8 "Commissioner" means the Commissioner of Human Services.

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

10

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

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

32 c. The commissioner shall have an independent public or private
33 agency or organization prepare a report on the impact of the proposed
34 closing or reduction of a facility. This report shall be prepared after
35 the public hearings required in subsection b. of this section have been
36 completed. The report shall include an evaluation of the reasons for
37 the closing or reduction, its impact on the patients, its effect on the

1 persons employed at the facility, and its impact on the community in
2 which the facility is located and the communities in which the patients
3 will be placed. The report shall also include a section of evaluation
4 and comment on the testimony received during the public hearings.

5 d. In addition, the commissioner shall have an independent public
6 or private agency or organization prepare a report on the impact of
7 patients who were previously discharged from facilities during the
8 two-year period preceding a decision by the commissioner to close or
9 reduce a facility. This report shall also be prepared after the public
10 hearings required in subsection b. of this section have been completed.
11 The agency or organization shall solicit information, by municipality,
12 from community mental health agencies, case managers and other
13 community mental health personnel regarding the number of former
14 patients of a facility discharged to the municipality; the ability of
15 mental health, medical, residential and support services to provide
16 access to needed services for those patients within 30 days of their
17 discharge from a facility; the number of former patients receiving
18 inadequate services; the rate of readmission to a facility among these
19 persons; and the incidence of correctional detention or incarceration
20 among these persons. The report shall also include data from
21 community mental health agencies concerning their ability to provide
22 needed services to patients discharged from a facility, including the
23 number of patients served by the agency, the types of services
24 provided, and the municipalities to which these services are provided.
25 In addition, the agency or organization preparing the report shall
26 receive from communities that have been impacted by the presence of
27 patients discharged from a facility, information about the nature and
28 extent of that impact.

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

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

35

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

40

41 4. This act shall take effect immediately.

42

43

44

STATEMENT

45

46 The purpose of this bill is to require the Commissioner of Human

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

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

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

31

32

33

34

35 Requires public hearings and study prior to closing of State psychiatric
36 hospital.