

ASSEMBLY, No. 689

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Establishes Office of the Independent Monitor of State Psychiatric Hospitals.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the independent monitoring of conduct
 2 occurring at psychiatric hospitals and supplementing Title 30 of
 3 the Revised Statutes.

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

7
 8 1. a. There is established in, but not of, the Department of the
 9 Treasury, the Office of the Independent Monitor of State
 10 Psychiatric Hospitals. For the purpose of complying with the
 11 provisions of Article V, Section IV, paragraph 1 of the New Jersey
 12 Constitution, the Office of the Independent Monitor of State
 13 Psychiatric Hospitals is allocated within the Department of the
 14 Treasury, but notwithstanding this allocation, the office shall be
 15 independent of any supervision or control by the department or any
 16 board or officer thereof, or by any other cabinet-level department,
 17 board, or officer. The purpose of the office shall be to identify and
 18 investigate incidents of corruption, criminal activity, conflicts of
 19 interest, and unethical or unprofessional conduct occurring at
 20 psychiatric hospitals in the State, and to work with relevant State
 21 departments and psychiatric hospital staff to reduce or eliminate,
 22 and appropriately respond to, instances of such offensive conduct.

23 b. The Governor shall appoint an Independent Monitor of State
 24 Psychiatric Hospitals, who shall be qualified by training and
 25 experience to perform the duties and effectuate the purposes of the
 26 office. The independent monitor shall be a person of recognized
 27 judgment, integrity, and objectivity, and shall be skilled in
 28 communication, conflict resolution, and professionalism.

29 c. The Independent Monitor of State Psychiatric Hospitals shall
 30 organize and direct the work of the office, including the work of
 31 professional and clerical staff, as may be necessary to carry out the
 32 duties and effectuate the purposes of the office.

33 d. As used in this act, “psychiatric hospital” means a
 34 psychiatric hospital listed in R.S.30:1-7.

35
 36 2. a. The Office of the Independent Monitor of State
 37 Psychiatric Hospitals shall have the duty to:

38 (1) identify, record, and investigate all incidents of corrupt
 39 behavior, criminal activity, conflicts of interest, and unethical or
 40 unprofessional conduct occurring at State psychiatric hospitals;

41 (2) solicit and receive reports from relevant State actors and
 42 agencies, and from members of the public, regarding alleged
 43 incidents of corrupt behavior, criminal activity, conflicts of interest,
 44 or unethical or unprofessional conduct occurring at State psychiatric
 45 hospitals;

46 (3) develop and implement an electronic system to enable and
 47 facilitate the sharing of relevant data, reports, and records by and
 48 among the State agencies that are responsible either for overseeing

1 and monitoring various aspects of psychiatric hospital operations
2 and care, or for enforcing the law as it applies to psychiatric
3 hospitals and psychiatric hospital staff, including the Departments
4 of Health, Human Services, and Law and Public Safety; and ensure
5 that such entities timely input appropriate data into the electronic
6 system following the receipt of any allegation or evidence of
7 corruption, criminal activity, conflict of interest, or unethical or
8 unprofessional conduct occurring at a psychiatric hospital in the
9 State;

10 (4) fully investigate, or facilitate the full investigation of, each
11 alleged incident of corruption, criminal activity, conflict of interest,
12 or unethical or unprofessional conduct occurring at a State
13 psychiatric hospital, as necessary to verify the facts surrounding
14 each incident and determine the incident's causes, effects, and level
15 of severity; and

16 (5) undertake appropriate remedial actions to mitigate the
17 effects, or to reduce or eliminate the causes, of verified incidents of
18 corruption, criminal activity, conflict of interest, or unethical or
19 unprofessional conduct occurring at State psychiatric hospitals.
20 Such remedial actions may include, but need not be limited to: (a)
21 requiring a psychiatric hospital to implement a plan of corrective
22 action as necessary to address and mitigate the factors that led to
23 the verified incident and otherwise prevent the future occurrence of
24 similar incidents; (b) referring an offending staff member to a
25 professional licensing board, or to law enforcement, for appropriate
26 disciplinary action or the initiation of criminal proceedings; or (c)
27 recommending that the psychiatric hospital suspend or terminate an
28 offending staff member from professional duties.

29 b. The office shall work in consultation and cooperation with
30 the Departments of Health, Human Services, and Law and Public
31 Safety, and with other appropriate State agencies, as may be
32 necessary to carry out the duties, and effectuate the purposes, of the
33 office. Using the electronic system established pursuant to
34 paragraph (3) of subsection a. of this section, or as otherwise
35 prescribed by the independent monitor, the Departments of Health,
36 Human Services, and Law and Public Safety, and any other relevant
37 agencies identified by the office shall regularly provide the office
38 with the following information:

39 (1) data and information that is necessary to enable the office to
40 identify, fully investigate, and otherwise respond to, new
41 allegations of corruption, criminality, conflicts of interest, or
42 unethical or unprofessional conduct occurring at a psychiatric
43 hospital; and

44 (2) data and information that is necessary for the office to
45 understand the results of any investigation of alleged corruption,
46 criminality, conflicts of interests, unethical or unprofessional
47 conduct, or patient abuse or neglect that has been undertaken by the
48 reporting State agency.

1 c. To the extent practicable, the independent monitor shall
2 ensure that there is no duplication or overlap between investigations
3 that are undertaken by the office and investigations that are
4 undertaken by another State agency. In order to avoid any such
5 duplication and overlap, the office shall immediately review the
6 data that is shared by State agencies pursuant to subsection b. of
7 this section, and shall work in close consultation with relevant State
8 agencies in responding to allegations of improper conduct.

9
10 3. a. The office shall annually submit a written report to the
11 Governor, and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
12 19.1), to the Legislature, describing the actions it has undertaken
13 and the data it has collected pursuant to this act. The office shall
14 contemporaneously forward a copy of each annual report to the
15 Departments of Health and Human Services.

16 b. Each annual report shall include, at a minimum, the
17 following information:

18 (1) a summary of services that are provided by the State's
19 psychiatric hospitals;

20 (2) de-personalized statistical information indicating: (a) the
21 total number of alleged incidents of corruption, criminal activity,
22 conflicts of interest, and unethical or unprofessional conduct
23 occurring at the State's psychiatric hospitals over the course of the
24 reporting period; (b) the number and percentage of alleged incidents
25 that were investigated by the office; (c) the number and percentage
26 of alleged incidents that were investigated by another State agency;
27 (d) the number and percentage of alleged incidents that were
28 verified following investigation, and the nature and severity of
29 those verified incidents; and (e) the actions that were undertaken by
30 the office, by another State agency, or by the psychiatric hospital, in
31 response to each such verified incident;

32 (3) an indication as to how the data reported pursuant to this
33 section has changed over time, including an indication of any
34 documented reduction in incident frequency, any significant change
35 in the type of incidents being reported, and any other relevant
36 changes that are evident from the incident data, as reported over
37 time; and

38 (4) recommendations for executive, legislative, or other action
39 that may be necessary to further address, mitigate, or prevent the
40 occurrence of corruption, criminal activity, conflicts of interest, or
41 unethical or unprofessional conduct occurring in the State's
42 psychiatric hospitals.

43
44 4. This act shall take effect immediately.

STATEMENT

This bill would establish the Office of the Independent Monitor of State Psychiatric Hospitals in, but not of, the Department of the Treasury. The purpose of the office would be to identify and investigate incidents of corruption, criminal activity, conflicts of interest, and unethical or unprofessional conduct occurring at psychiatric hospitals in the State, and to work with relevant State departments and psychiatric hospital staff to reduce or eliminate, and appropriately respond to, instances of such offensive conduct.

The bill provides for the Independent Monitor of State Psychiatric Hospitals to be appointed by the Governor. The independent monitor is to be qualified by training and experience to perform the duties and effectuate the purposes of the office; and will be responsible for organizing and directing the work of the office, including the work of professional and clerical staff.

Under the bill's provisions, the Office of the Independent Monitor of State Psychiatric Hospitals will have the duty to: 1) identify, record, and investigate all incidents of corrupt behavior, criminal activity, conflicts of interest, and unethical or unprofessional conduct occurring at State psychiatric hospitals; 2) solicit and receive reports from relevant State actors and agencies, and from members of the public, regarding alleged incidents of corrupt behavior, criminal activity, conflicts of interest, or unethical or unprofessional conduct occurring at State psychiatric hospitals; 3) develop and implement an electronic system to enable and facilitate the sharing of relevant data, reports, and records by and among the State agencies that are responsible for overseeing or monitoring various aspects of psychiatric hospital operations and care, or for enforcing the law as applied to psychiatric hospitals and hospital staff, including the Departments of Health, Human Services, and Law and Public Safety; 4) ensure that such persons and entities timely input appropriate data into the electronic system following the receipt of any allegation or evidence of corruption, criminal activity, conflict of interest, or unethical or unprofessional conduct occurring at a psychiatric hospital in the State; 5) fully investigate, or facilitate the full investigation of, each alleged incident of corruption, criminal activity, conflict of interest, or unethical or unprofessional conduct occurring at a State psychiatric hospital as necessary to verify the facts surrounding each incident and determine the incident's causes, effects, and level of severity; and 6) undertake appropriate remedial action, such as requiring a psychiatric hospital to implement a plan of correction, as necessary to mitigate the effects, or to reduce or eliminate the causes, of verified incidents of corruption, criminal activity, conflict of interest, or unethical or unprofessional conduct occurring therein.

The office will be required to work in consultation and cooperation with the Departments of Health, Human Services, and

1 Law and Public Safety, and with other appropriate State agencies,
2 as may be necessary to carry out its duties and effectuate its
3 purposes. Using the electronic system established pursuant to the
4 bill, or as otherwise prescribed by the independent monitor, the
5 Departments of Health, Human Services, and Law and Public
6 Safety, and other relevant agencies identified by the office will be
7 required to regularly provide the office with: 1) data and
8 information that is necessary to enable the office to identify, fully
9 investigate, and otherwise respond to, allegations of corruption,
10 criminality, conflicts of interest, or unethical or unprofessional
11 conduct occurring at a psychiatric hospital; and 2) data and
12 information that is necessary for the office to understand the results
13 of any investigation of alleged corruption, criminality, conflicts of
14 interest, unethical or unprofessional conduct, or patient abuse or
15 neglect, which has been undertaken by the reporting State agency.

16 To the extent practicable, the independent monitor will be
17 required to ensure that there is no duplication or overlap between
18 investigations that are undertaken by the office and investigations
19 that are undertaken by another State department. In order to avoid
20 such duplication and overlap, the office will be required to
21 immediately review the data that is shared by State agencies under
22 the bill, and work in close consultation with those agencies when
23 responding to allegations of improper conduct.

24 The office will be required to annually provide the Governor and
25 Legislature with a written report describing the actions it has
26 undertaken and the data it has collected pursuant to the bill's
27 provisions. A copy of each annual report is also to be
28 contemporaneously forwarded to the Departments of Health and
29 Human Services.