

ASSEMBLY, No. 1241

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Concerns expansion of services provided by DOH mental health screening services.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning screening services and amending and
2 supplementing P.L.1987, c.116.

3

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

6

7 1. Section 2 of P.L.1987, c.116 (C.30:4-27.2) is amended to read
8 as follows:

9 2. As used in P.L.1987, c.116 (C.30:4-27.1 et seq.) and P.L.2009,
10 c.112:

11 a. "Chief executive officer" means the person who is the chief
12 administrative officer of an institution or psychiatric facility.

13 b. "Clinical certificate" means a form prepared by the division
14 and approved by the Administrative Office of the Courts, that is
15 completed by the psychiatrist or other physician who has examined the
16 person who is subject to commitment within three days of presenting
17 the person for involuntary commitment to treatment, and which states
18 that the person is in need of involuntary commitment to treatment.
19 The form shall also state the specific facts upon which the examining
20 physician has based his conclusion and shall be certified in accordance
21 with the Rules of the Court. A clinical certificate may not be executed
22 by a person who is a relative by blood or marriage to the person who is
23 being screened.

24 c. "Clinical director" means the person who is designated by the
25 director or chief executive officer to organize and supervise the
26 clinical services provided in a screening service, short-term care or
27 psychiatric facility. The clinical director shall be a psychiatrist **[,]** ;
28 however, those persons currently serving in the capacity will not be
29 affected by this provision. This provision shall not alter any current
30 civil service laws designating the qualifications of such position.

31 d. "Commissioner" means the Commissioner of **【Human**
32 **Services】** Health.

33 e. "County counsel" means the chief legal officer or advisor of
34 the governing body of a county.

35 f. "Court" means the Superior Court or a municipal court.

36 g. "Custody" means the right and responsibility to ensure the
37 provision of care and supervision.

38 h. "Dangerous to self" means that by reason of mental illness the
39 person has threatened or attempted suicide or serious bodily harm, or
40 has behaved in such a manner as to indicate that the person is unable to
41 satisfy his need for nourishment, essential medical care or shelter, so
42 that it is probable that substantial bodily injury, serious physical harm,
43 or death will result within the reasonably foreseeable future; however,
44 no person shall be deemed to be unable to satisfy his need for
45 nourishment, essential medical care, or shelter if he is able to satisfy

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 such needs with the supervision and assistance of others who are
2 willing and available. This determination shall take into account a
3 person's history, recent behavior, and any recent act, threat, or serious
4 psychiatric deterioration.

5 i. "Dangerous to others or property" means that by reason of
6 mental illness there is a substantial likelihood that the person will
7 inflict serious bodily harm upon another person or cause serious
8 property damage within the reasonably foreseeable future. This
9 determination shall take into account a person's history, recent
10 behavior, and any recent act, threat, or serious psychiatric
11 deterioration.

12 j. "Department" means the Department of **Human Services**
13 Health.

14 k. "Director" means the chief administrative officer of a screening
15 service, short-term care facility, or special psychiatric hospital.

16 l. "Division" means the Division of Mental Health and Addiction
17 Services in the Department of **Human Services** Health.

18 m. "In need of involuntary commitment" or "in need of
19 involuntary commitment to treatment" means that an adult with mental
20 illness, whose mental illness causes the person to be dangerous to self
21 or dangerous to others or property and who is unwilling to accept
22 appropriate treatment voluntarily after it has been offered, needs
23 outpatient treatment or inpatient care at a short-term care or psychiatric
24 facility or special psychiatric hospital because other services are not
25 appropriate or available to meet the person's mental health care needs.

26 n. "Institution" means any State or county facility providing
27 inpatient care, supervision, and treatment for persons with
28 developmental disabilities; except that with respect to the maintenance
29 provisions of Title 30 of the Revised Statutes, institution also means
30 any psychiatric facility for the treatment of persons with mental
31 illness.

32 o. "Mental health agency or facility" means a legal entity which
33 receives funds from the State, county, or federal government to
34 provide mental health services.

35 p. "Mental health screener" means a psychiatrist, psychologist,
36 social worker, registered professional nurse, licensed marriage and
37 family therapist, or other individual trained to do outreach only for
38 the purposes of psychological assessment who is employed by a
39 screening service and possesses the license, academic training or
40 experience, as required by the commissioner pursuant to regulation;
41 except that a psychiatrist and a State licensed clinical psychologist
42 who meet the requirements for mental health screener shall not have to
43 comply with any additional requirements adopted by the
44 commissioner.

45 q. "Mental hospital" means, for the purposes of the payment and
46 maintenance provisions of Title 30 of the Revised Statutes, a
47 psychiatric facility.

- 1 r. "Mental illness" means a current, substantial disturbance of
2 thought, mood, perception, or orientation which significantly impairs
3 judgment, capacity to control behavior, or capacity to recognize
4 reality, but does not include simple alcohol intoxication, transitory
5 reaction to drug ingestion, organic brain syndrome, or developmental
6 disability unless it results in the severity of impairment described
7 herein. The term mental illness is not limited to "psychosis" or "active
8 psychosis," but shall include all conditions that result in the severity of
9 impairment described herein.
- 10 s. "Patient" means a person over the age of 18 who has been
11 admitted to, but not discharged from a short-term care or psychiatric
12 facility, or who has been assigned to, but not discharged from an
13 outpatient treatment provider.
- 14 t. "Physician" means a person who is licensed to practice
15 medicine in any one of the United States or its territories, or the
16 District of Columbia.
- 17 u. "Psychiatric facility" means a State psychiatric hospital listed
18 in R.S.30:1-7, a county psychiatric hospital, or a psychiatric unit of a
19 county hospital.
- 20 v. "Psychiatrist" means a physician who has completed the
21 training requirements of the American Board of Psychiatry and
22 Neurology.
- 23 w. "Psychiatric unit of a general hospital" means an inpatient unit
24 of a general hospital that restricts its services to the care and treatment
25 of persons with mental illness who are admitted on a voluntary basis.
- 26 x. "Psychologist" means a person who is licensed as a
27 psychologist by the New Jersey Board of Psychological Examiners.
- 28 y. "Screening certificate" means a clinical certificate executed by
29 a psychiatrist or other physician affiliated with a screening service.
- 30 z. "Screening service" means a public or private ambulatory care
31 service, whether or not affiliated with a hospital, designated by the
32 commissioner, which provides mental health services including
33 assessment, emergency, and referral services to persons with mental
34 illness in a specified geographic area.
- 35 aa. "Screening outreach visit" means an evaluation provided by a
36 mental health screener wherever the person may be when clinically
37 relevant information indicates the person may need involuntary
38 commitment to treatment and is unable or unwilling to come to a
39 screening service.
- 40 bb. "Short-term care facility" means an inpatient, community based
41 mental health treatment facility which provides acute care and
42 assessment services to a person with mental illness whose mental
43 illness causes the person to be dangerous to self or dangerous to others
44 or property. A short-term care facility is so designated by the
45 commissioner and is authorized by the commissioner to serve persons
46 from a specified geographic area. A short-term care facility may be a
47 part of a general hospital or other appropriate health care facility and
48 shall meet certificate of need requirements and shall be licensed and

1 inspected by the Department of Health **【and Senior Services】** pursuant
2 to P.L.1971, c.136 (C.26:2H-1 et seq.) **【and in accordance with**
3 standards developed jointly with the Commissioner of Human
4 Services**】**.

5 cc. "Special psychiatric hospital" means a public or private
6 hospital licensed by the Department of Health **【and Senior Services】**
7 to provide voluntary and involuntary mental health services, including
8 assessment, care, supervision, treatment, and rehabilitation services to
9 persons with mental illness.

10 dd. "Treatment team" means one or more persons, including at
11 least one psychiatrist or physician, and may include a psychologist,
12 social worker, nurse, licensed marriage and family therapist, and other
13 appropriate services providers. A treatment team provides mental
14 health services to a patient of a screening service, outpatient treatment
15 provider, or short-term care or psychiatric facility.

16 ee. "Voluntary admission" means that an adult with mental illness,
17 whose mental illness causes the person to be dangerous to self or
18 dangerous to others or property and is willing to be admitted to a
19 facility voluntarily for care, needs care at a short-term care or
20 psychiatric facility because other facilities or services are not
21 appropriate or available to meet the person's mental health needs. A
22 person may also be voluntarily admitted to a psychiatric facility if his
23 mental illness presents a substantial likelihood of rapid deterioration in
24 functioning in the near future, there are no appropriate community
25 alternatives available, and the psychiatric facility can admit the person
26 and remain within its rated capacity.

27 ff. "County adjuster" means the person appointed pursuant to
28 R.S.30:4-34.

29 gg. "Least restrictive environment" means the available setting and
30 form of treatment that appropriately addresses a person's need for care
31 and the need to respond to dangers to the person, others, or property
32 and respects, to the greatest extent practicable, the person's interests in
33 freedom of movement and self-direction.

34 hh. "Outpatient treatment" means clinically appropriate care based
35 on proven or promising treatments directed to wellness and recovery,
36 provided by a member of the patient's treatment team to a person not
37 in need of inpatient treatment. Outpatient treatment may include, but
38 shall not be limited to, day treatment services, case management,
39 residential services, outpatient counseling and psychotherapy, and
40 medication treatment.

41 ii. "Outpatient treatment provider" means a community-based
42 provider, designated as an outpatient treatment provider pursuant to
43 section 8 of P.L.1987, c.116 (C.30:4-27.8), that provides or
44 coordinates the provision of outpatient treatment to persons in need of
45 involuntary commitment to treatment.

46 jj. "Plan of outpatient treatment" means a plan for recovery from
47 mental illness approved by a court pursuant to section 17 of P.L.2009,
48 c.112 (C.30:4-27.15a) that is to be carried out in an outpatient setting

1 and is prepared by an outpatient treatment provider for a patient who
2 has a history of responding to treatment. The plan may include
3 medication as a component of the plan; however, medication shall not
4 be involuntarily administered in an outpatient setting.

5 kk. "Reasonably foreseeable future" means a time frame that may
6 be beyond the immediate or imminent, but not longer than a time
7 frame as to which reasonably certain judgments about a person's likely
8 behavior can be reached.

9 ll. "Geographic area" means a distinct area of the State that is
10 designated by the commissioner to be served by a screening service
11 and may be a county, portion of a county, or multi-county area.
12 (cf: P.L.2009, c.112, s.2)

13
14 2. Section 4 of P.L.1987, c.116 (C.30:4-27.4) is amended to
15 read as follows:

16 4. a. The commissioner, in consultation with the appropriate
17 county mental health board and consistent with the approved county
18 mental health plan, shall designate one or more mental health
19 agencies or facilities in each **【county or multi-county region】**
20 geographic area in the State as a screening service. The
21 commissioner shall so designate an agency or facility only with the
22 approval of the agency's or facility's governing body.

23 b. In designating the screening services, the commissioner shall
24 ensure that screening services are accessible to all persons in the
25 State who need these services **【and】** . To ensure accessibility to
26 mental health services, the commissioner shall accept, on or after
27 the effective date of P.L. , c. (C.) (pending before the
28 Legislature as this bill), an application from a screening service to
29 expand services that are tailored to meet the needs of the persons in
30 its geographic area. The expanded services shall include, but not be
31 limited to, establishing a satellite program that is situated in a
32 location separate from a screening service and provides services
33 that emphasize outreach and early intervention.

34 c. The commissioner shall ensure that screening service
35 evaluation is the preferred process for entry into outpatient
36 treatment, short-term care facilities, or psychiatric facilities so that
37 appropriate consideration is given to less restrictive treatment
38 alternatives.

39 (cf: P.L.2009, c.112, s.4)

40
41 3. (New section) The department shall:

42 a. collect, at a minimum, data about the expanded services
43 provided by a screening service pursuant to section 4 of P.L.1987,
44 c.116 (C.30:4-27.4), the utilization of these services, and the
45 services to which individuals were referred, if any, after receiving
46 the expanded services; and

47 b. issue a report, within one year of a screening service
48 expanding its services pursuant to section 4 of P.L.1987, c.116

1 (C.30:4-27.4) and annually thereafter, to the Governor and pursuant
2 to section 2 of P.L.1991, c.164 (C.52:14-19.1) to the Legislature,
3 based on the information collected pursuant to subsection a. of this
4 section. The report shall include a review and analysis of the
5 collected data and any recommendations for improvements to the
6 expanded services.

7
8 4. The Commissioner of Health shall, in accordance with the
9 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.),
10 adopt any rules and regulations as the commissioner deems necessary
11 to carry out the provisions of this act.

12
13 5. This act shall take effect on the first day of the seventh month
14 next following the date of enactment, except the Commissioner of
15 Health may take any anticipatory administrative action in advance as
16 shall be necessary for the implementation of this act.

17
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19 STATEMENT

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21 This bill provides for the Commissioner of Health to accept an
22 application from a screening service to provide expanded mental
23 health services. The expanded services would be tailored to meet
24 the needs of the persons in its geographic area and would include,
25 but not be limited to, establishing a satellite program that is situated
26 in a location separate from a screening service and provides
27 services that emphasize outreach and early intervention. Screening
28 services are public or private ambulatory care services that are
29 designated by the commissioner to provide mental health services
30 including assessment, emergency, and referral services to persons
31 with mental illness in a specified geographic area.

32 The bill also requires the Department of Health (DOH) to collect
33 data about the expanded services provided by a screening service,
34 the utilization of the services, and the services to which individuals
35 were referred, if any, after receiving the expanded services. DOH is
36 to issue annual reports, based on the collected data, which would
37 include a review and analysis of the expanded services and any
38 recommendations for improvements.

39 Finally, the bill revises the existing statutory definitions of
40 "mental health screener" and "treatment team" to expressly include
41 a licensed marriage and family therapist, and it revises the existing
42 definition of "screening service" to clarify that a screening service
43 may, but need not be, affiliated with a hospital.