ASSEMBLY, No. 3212

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Requires psychiatrists to complete screening certificates no later than 12 hours after completion of screening documents.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning involuntary commitment to treatment and amending P.L.1987, c.116.

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

1. Section 5 of P.L.1987, c.116 (C.30:4-27.5) is amended to read as follows:

5. The commissioner shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) regarding a screening service and its staff that effectuate the following purposes and procedures:

a. A screening service shall serve as the facility in the public mental health care treatment system wherein a person believed to be in need of involuntary commitment to outpatient treatment, a short-term care facility, psychiatric facility or special psychiatric hospital undergoes an assessment to determine what mental health services are appropriate for the person and where those services may be most appropriately provided in the least restrictive environment.

The screening service may provide emergency and consensual treatment to the person receiving the assessment and may transport the person or detain the person up to 24 hours for the purposes of providing the treatment and conducting the assessment.

b. When a person is assessed by a mental health screener and involuntary commitment to treatment seems necessary, the screener shall provide, on a screening document prescribed by the division, information regarding the person's history and available alternative facilities and services that are deemed inappropriate for the person. When appropriate and available, and as permitted by law, the screener shall make reasonable efforts to gather information from the person's family or significant others for the purposes of preparing the screening document. If a psychiatrist, in consideration of this document and in conjunction with the psychiatrist's own complete assessment, concludes that the person is in need of commitment to treatment, the psychiatrist shall complete the screening certificate. <u>The screening certificate shall be completed no later than 12 hours after a screening document has been prepared by a mental health screener.</u> The screening certificate shall be completed by a psychiatrist except in those circumstances where the division's contract with the screening service provides that another physician may complete the certificate.

Upon completion of the screening certificate, screening service staff shall determine, in consultation with the psychiatrist or another physician, as appropriate, the least restrictive environment for the

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 <u>thus</u> is new matter.

appropriate treatment to which the person shall be assigned or admitted, taking into account the person's prior history of hospitalization and treatment and the person's current mental health condition. Screening service staff shall designate:

(1) inpatient treatment for the person if he is immediately or imminently dangerous or if outpatient treatment is deemed inadequate to render the person unlikely to be dangerous to self, others or property within the reasonably foreseeable future; and

(2) outpatient treatment for the person when outpatient treatment is deemed sufficient to render the person unlikely to be dangerous to self, others or property within the reasonably foreseeable future.

If the screening service staff determines that the person is in need of involuntary commitment to outpatient treatment, the screening service staff shall consult with an outpatient treatment provider to arrange, if possible, for an appropriate interim plan of outpatient treatment in accordance with section 9 of P.L.2009, c.112 (C.30:4-27.8a).

If a person has been admitted three times or has been an inpatient for 60 days at a short-term care facility during the preceding 12 months, consideration shall be given to not placing the person in a short-term care facility.

The person shall be admitted to the appropriate facility or assigned to the appropriate outpatient treatment provider, as appropriate for treatment, as soon as possible. Screening service staff are authorized to coordinate initiation of outpatient treatment or transport the person or arrange for transportation of the person to the appropriate facility.

c. If the mental health screener determines that the person is not in need of assignment or commitment to an outpatient treatment provider, or admission or commitment to a short-term care facility, psychiatric facility or special psychiatric hospital, the screener shall refer the person to an appropriate community mental health or social services agency or appropriate professional or inpatient care in a psychiatric unit of a general hospital.

d. A mental health screener shall make a screening outreach visit if the screener determines, based on clinically relevant information provided by an individual with personal knowledge of the person subject to screening, that the person may need involuntary commitment to treatment and the person is unwilling or unable to come to the screening service for an assessment.

e. If the mental health screener pursuant to this assessment determines that there is reasonable cause to believe that a person is in need of involuntary commitment to treatment, the screener shall so certify the need on a form prepared by the division.

(cf: P.L2009, c.112, s.5)

2. This act shall take effect immediately.

STATEMENT

If a person is referred for psychiatric treatment by a screening facility, that person may be admitted to a psychiatric facility, for no more than 72 hours after the referral. Prior to admittance to the psychiatric facility, the screening facility may detain the person for 24 hours. During the 24-hour time period, the person is assessed by a mental health screener and a screening document is prepared. The facility may also institute an action for a temporary order for involuntary commitment to treatment by filing with the court, a screening certificate completed by a psychiatrist affiliated with the screening facility.

Currently, a screening certificate is required to be completed within 72 hours of the preparation of the screening document by a mental health screener. Once the screening certificate is completed, the person is transferred to a psychiatric facility for treatment and the facility can initiate an action for involuntary commitment.

This bill amends section 5 of P.L.1987, c.116 (C.30:4-27.5) to require that when a person is assessed by a mental health screener at a screening facility, and the person is found to be in need of involuntary commitment to treatment, a psychiatrist will complete a screening certificate no later than 12 hours after a screening document has been prepared.

This bill was drafted in response to the sponsor's concerns that if a screening certificate is not signed immediately after a mental health screener has prepared a screening document, a person could be indefinitely detained at a screening center. This could result in the person not being admitted to a psychiatric facility within the statutorily mandated 72-hour time period.