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SYNOPSIS

“Behavioral Health Crisis Mobile Response Act.”

CURRENT VERSION OF TEXT

As reported by the Assembly Human Services Committee on June 9, 2021,
with amendments.



(Sponsorship Updated As Of: 5/5/2021)

1 AN ACT concerning crisis response for adults with disabilities who
2 are undergoing a behavioral health crisis¹ **[,]** and¹ supplementing
3 Title 30 of the Revised Statutes¹ **[,]** and making an
4 appropriation¹.

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

8
9 1. This act shall be known, and may be cited, as the
10 “Behavioral Health Crisis Mobile Response Act.”

11
12 2. As used in this act:
13 “Adult in crisis” means an adult with disabilities who is
14 experiencing a behavioral health crisis.

15 “Behavioral health crisis” means an emergency or crisis situation
16 in which an adult with a disability experiences mental, emotional,
17 or behavioral health challenges that endanger the health, safety, or
18 wellbeing of the disabled adult, or of other persons interacting with
19 the disabled adult, and which cannot be controlled, or otherwise
20 properly addressed or stabilized by the adult, or by the adult’s
21 family members, attendant caregivers, or direct care staff members,
22 without professional assistance.

23 “Crisis bed” means an available bed in a temporary stabilization
24 unit that is used, when needed, for the temporary placement, not
25 exceeding seven days, and stabilization of an adult in crisis.

26 “Crisis response” means face-to-face emergency response, which
27 is provided by a mobile crisis response team under this act, with the
28 assistance of a temporary stabilization unit, where needed, and
29 which is available 24 hours a day, 365 days a year, to de-escalate
30 and stabilize any behavioral health crisis being experienced by an
31 adult with disabilities.

32 “Crisis response services” means services that are provided
33 during the initial crisis response period, either by a mobile crisis
34 response team, or by a temporary stabilization unit, to stabilize the
35 adult in crisis.

36 “Department” means the Department of Human Services.

37 “Direct care staff member” means a person 18 years of age or
38 older who is employed by a group home, and who may come into
39 direct contact with group home residents.

40 “Disability” means an intellectual or developmental disability, or
41 a mental illness.

42 “Group home” means the same as that term is defined by section
43 1 of P.L.2017, c.238 (C.30:6D-9.1).

44 “Home” means a private residence or a community-based

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHU committee amendments adopted June 9, 2021.

1 residential facility, such as a group home or halfway house, where
2 an adult in crisis is a resident.

3 “Individualized crisis stabilization plan (ICSP)” means an
4 individualized service plan, developed by a mobile crisis response
5 team for an adult in crisis, which identifies target behaviors to be
6 addressed in, desired outcomes to be attained by, and necessary
7 mental or behavioral health services to be provided to, the adult in
8 crisis, both during the initial crisis response period and, if indicated,
9 during a subsequent stabilization management period lasting up to
10 eight weeks thereafter, as necessary to ensure the stabilization of
11 the adult in crisis and minimize or eliminate the dangers stemming
12 from the crisis.

13 “Initial 72-hour mobile response period” means the initial period
14 of time, lasting 72 hours, over a four-day span of time, during
15 which a mobile crisis response team is required to provide mobile
16 crisis response services to an adult in crisis, while at the adult’s
17 home or at another place where the adult is located, as provided by
18 section 5 of this act. “Initial 72-hour mobile response period” does
19 not include any time during which the adult in crisis is housed in a
20 temporary stabilization unit.

21 “Initial crisis response period” means the initial 72-hour mobile
22 response period, and any additional period of time, lasting up to
23 seven days, during which the adult in crisis is housed in a
24 temporary stabilization unit. “Initial crisis response period” shall
25 include the period of time during which an adult in crisis is being
26 transported by a mobile crisis response unit from the person’s
27 home, or other place where the person is located, to a temporary
28 stabilization unit.

29 “Mental health care professional” means a psychiatrist,
30 professional counselor, practicing psychologist, psychoanalyst,
31 clinical social worker, or psychiatric nurse practitioner licensed
32 pursuant to Title 45 of the Revised Statutes.

33 “Mobile crisis response agency” means an entity that is approved
34 and authorized, pursuant to subsection a. of section 4 of this act, to
35 provide mobile crisis response services and stabilization
36 management services to adults in crisis.

37 “Mobile crisis response services” means services, as described in
38 subsection b. of section 5 of this act, which are provided by a
39 mobile crisis response team during the initial 72-hour mobile
40 response period.

41 “Mobile crisis response team” means a mobile team of mental
42 health care professionals who are qualified to assess and stabilize a
43 behavioral health crisis situation, and address the immediate needs
44 of an adult with disabilities who is in crisis.

45 “Stabilization,” “initial stabilization,” or “stabilize” means the
46 initial stabilization of an adult in crisis, which is effectuated by a
47 mobile crisis response team or staff at a temporary stabilization unit
48 during the initial crisis response period, and prior to any

1 stabilization management period, and which effectively calms and
2 stabilizes the behavior of the adult in crisis, and removes the
3 immediate potential for danger arising out of the crisis situation.

4 “Stabilization management period” means a period of time,
5 lasting no more than eight weeks, and commencing at the end of the
6 initial 72-hour mobile response period, or at the time that the adult
7 is discharged from a temporary stabilization unit, whichever is later,
8 during which the mobile crisis response team provides ongoing
9 stabilization management services to the adult with disabilities in
10 the adult’s home.

11 “Stabilization management services” means the ongoing
12 provision, monitoring, and coordination of, and referral to, services
13 and supports identified in the ICSP, in accordance with section 6 of
14 this act, for up to eight weeks immediately following the
15 completion of the initial crisis response period, as necessary for the
16 mobile crisis response team to ensure the long-term stabilization of
17 the crisis situation.

18 “Temporary stabilization unit” means a facility, or a part of a
19 facility, which is licensed pursuant to section 9 of this act, and
20 which is authorized to provide a safe, non-clinical, and non-punitive
21 inpatient space to be used to stabilize an adult in crisis, for a period
22 of no more than seven days, in cases where the responding mobile
23 crisis response team has determined that the adult is in need of a
24 crisis bed.

25

26 3. a. The Commissioner of Human Services, in consultation
27 with the Commissioner of Health, and the Directors of the Division
28 of Mental Health and Addiction Services, and the Division of
29 Developmental Disabilities in the Department of Human Services,
30 shall establish a Statewide mobile crisis response system, in
31 accordance with the provisions of this section, which shall be
32 designed to provide immediate crisis response services, and
33 ongoing stabilization management services, upon request, to adults
34 with disabilities who are experiencing a behavioral health crisis,
35 and their families and attendant caregivers or other staff.

36 b. The mobile crisis response system established pursuant to
37 this section shall:

38 (1) be designed to prevent the hospitalization of adults in crisis,
39 and to provide for the stabilization of adults in crisis in the least
40 restrictive environment; and

41 (2) be implemented on a Statewide basis, with at least one
42 mobile crisis response agency available to provide crisis response
43 services and stabilization management services, and at least one
44 temporary stabilization unit available to provide temporary crisis
45 beds, in each of the Northern, Central, and Southern regions of the
46 State.

1 c. An adult with a disability shall be eligible to receive crisis
2 response services and stabilization management services, as
3 provided in this act, if:

4 (1) the adult is covered under the Medicaid or NJ FamilyCare
5 programs, or the adult is ineligible for coverage under the Medicaid
6 or NJ FamilyCare programs, but is receiving services for a
7 disability from the Division of Developmental Disabilities, or from
8 the Division of Mental Health and Addiction Services, in the
9 department;

10 (2) in the case of crisis response services, the services are
11 deemed to be necessary, either by the department, or by the mobile
12 crisis response team that is authorized to assess the need for those
13 services; and

14 (3) in the case of stabilization management services, the services
15 are deemed to be necessary by both the mobile crisis response team
16 and the department, and are approved by the department pursuant to
17 subsection b. of section 6 of this act.

18

19 4. a. Any person, group, or entity wishing to provide mobile
20 crisis response services or stabilization management services,
21 pursuant to this act, shall:

22 (1) submit an application to the Department of Human Services,
23 and be approved and contracted by the department as a mobile
24 response agency; and

25 (2) submit an application to, and be approved by, the New
26 Jersey Medicaid and NJ FamilyCare fee-for-service program as a
27 mobile response agency.

28 b. Each mobile crisis response agency approved pursuant to
29 this section shall employ one or more mobile crisis response teams
30 to:

31 (1) provide mobile crisis response services in the home of a
32 person in crisis, or at another community location where a person in
33 crisis is located, as described in section 5 of this act;

34 (2) when deemed to be appropriate, transport the adult in crisis
35 to a temporary stabilization unit established and licensed pursuant
36 to section 9 of this act; and

37 (3) provide ongoing stabilization management services to the
38 adult in crisis, in the adult's home, when authorized to do so
39 pursuant to section 6 of this act.

40 c. Mobile crisis response services and stabilization
41 management services, which are provided by a mobile crisis
42 response team under this act, shall be delivered directly by, or under
43 the supervision of, a licensed psychiatrist who, at a minimum, has
44 three and a half years of applicable clinical and supervisory
45 experience, and has the authority to directly provide, or to supervise
46 the provision of, these services within the scope of the psychiatrist's
47 authorized practice, as defined by law. Any other staff member on
48 a mobile crisis response team shall have, at a minimum, a master's

1 degree in behavioral health or a related human services field, such
2 as social work, counseling, or psychology; or shall have a
3 bachelor's degree in a behavioral health or a related human services
4 field, and a minimum of one year of related field work experience.

5 d. Any person seeking to deliver crisis response services or
6 stabilization management services, pursuant to this act, as a member
7 of a mobile crisis response team, or as a staff member at a
8 temporary stabilization unit, shall be deemed to be a "community
9 agency employee," as defined by section 1 of P.L.1999, c.358
10 (C.30:6D-63), and shall be required to comply with the criminal
11 history record background check requirements established by
12 P.L.1999, c.358 (C.30:6D-63 et seq.) as a condition of the person's
13 employment with the mobile crisis response agency or temporary
14 stabilization unit.

15

16 5. a. Mobile crisis response services under this act shall be
17 provided by a mobile crisis response team to an eligible adult in
18 crisis for a period of up to 72 hours per episode, over the course of
19 up to a four-day period, immediately following the initial referral or
20 dispatch, and shall be designed to stabilize the presenting behaviors
21 and crisis situation, with the goal of preventing a disruption of the
22 current living arrangement, and avoiding inappropriate psychiatric
23 hospitalization or residential placement, of the adult in crisis. Each
24 referral to, or dispatch of, a mobile crisis response team shall be
25 registered with the department within 24 hours after the team
26 receives notice thereof.

27 b. Mobile crisis response services provided by a mobile crisis
28 response team shall include, but need not be limited to:

29 (1) mobile outreach and face-to-face contact with the adult in
30 crisis, which face-to-face contact shall occur within 24 hours
31 following the initial referral or dispatch, except in situations
32 requiring an immediate response, in which case, face-to-face
33 contact shall occur within one hour after the initial referral or
34 dispatch, unless a delay is requested by the family of the adult in
35 crisis, in order to meet the family's needs;

36 (2) the immediate assessment and evaluation of the presenting
37 crisis, which shall include an assessment of the safety of, or danger
38 to, the adult in crisis, other residents of the home, and members of
39 the community, as well as an assessment of caregiver culpability
40 and clinical and environmental factors that contributed to the crisis;

41 (3) the immediate use of clinical and therapeutic interventions to
42 stabilize the presenting crisis;

43 (4) the development of an individualized crisis stabilization
44 plan, as provided by subsection d. of this section; and

45 (5) the provision of relevant information, crisis training, and
46 program and service referrals to the family members or caregivers
47 of the adult in crisis.

1 c. (1) If, at any time during the initial 72-hour mobile response
2 period, the mobile crisis response team determines that the
3 presenting crisis can only be stabilized through the temporary
4 placement of the adult in a temporary stabilization unit, the crisis
5 response team shall transport the adult in crisis to a temporary
6 stabilization unit, and the adult shall be admitted to the unit, for a
7 period not exceeding seven days, as necessary to facilitate the initial
8 stabilization of the crisis.

9 (2) Whenever an adult is placed in a crisis bed in a temporary
10 stabilization unit pursuant to this subsection, the need for such
11 placement shall be reviewed and documented by the mobile crisis
12 response team on a daily basis during such placement, and the adult
13 shall be immediately discharged from such placement upon a
14 determination by the team that continued placement is no longer
15 necessary.

16 d. The individualized crisis stabilization plan developed under
17 paragraph (4) of subsection b. of this section shall be prepared after
18 the mobile crisis response team has made initial face-to-face contact
19 with the adult in crisis and the family members or caregivers
20 thereof, and shall be registered with the department within 24 hours
21 after such contact. At a minimum, the ICSP shall:

22 (1) identify the mental health diagnoses of the adult in crisis;

23 (2) identify the environmental, situational, mental, physical, and
24 other factors that contributed to the presenting crisis;

25 (3) identify appropriate clinical and therapeutic interventions to
26 be used in addressing and stabilizing the presenting crisis;

27 (4) include a plan to ensure the stabilization of the adult in crisis
28 in the least restrictive environment, which plan shall: (a) provide
29 for the adult in crisis to remain in the home, if the initial
30 stabilization of the crisis can be effectuated in the home within the
31 initial 72-hour mobile response period; (b) provide for the adult in
32 crisis to be transported, and temporarily admitted to, a temporary
33 stabilization unit, at any time during the initial 72-hour mobile
34 response period, and for a period of not more than seven days, if the
35 team determines, at any time, that initial stabilization of the crisis
36 cannot be achieved while at the home; (c) provide for the immediate
37 discharge of the adult from a temporary stabilization unit to their
38 home following a determination by the team, under paragraph (2) of
39 subsection c. of this section, that such placement is no longer
40 necessary; and (d) provide for the at-home provision of ongoing
41 stabilization management services, as deemed by the mobile crisis
42 response team to be appropriate, and as approved by the department
43 pursuant to subsection b. of section 6 of this act, for a period of up
44 to eight weeks following initial stabilization;

45 (5) a description of services that will be provided to the adult in
46 crisis, and the adult's family and attendant caregivers and staff,
47 during the stabilization management period, in cases where the
48 ongoing provision of stabilization management services is deemed

1 by the team to be appropriate and is approved by the department
2 pursuant to subsection b. of section 6 of this act; and

3 (6) a transition plan that links the adult in crisis to clinical and
4 therapeutic mental and behavioral health services, formal and
5 informal community supports, and appropriate system partners that
6 can be used as resources following the completion of the
7 stabilization management period.

8
9 6. a. If a crisis is not sufficiently stabilized during the initial
10 72-hour mobile response period, or during a related stay at a
11 temporary stabilization unit, the mobile crisis response team shall
12 provide the adult in crisis with ongoing stabilization management
13 services, in the home, for a period of up to eight weeks following
14 the completion of the initial crisis response period, as provided in
15 this section.

16 b. Stabilization management services shall not be provided
17 under this section, unless the mobile crisis response team obtains
18 prior approval from the department authorizing the provision of
19 such services to the adult in crisis. The department may authorize
20 the mobile crisis response team to provide stabilization management
21 services for a period of up to eight weeks, as deemed by the
22 department to be appropriate.

23 c. During the stabilization management period, a designated
24 representative of the mobile crisis response team shall, on at least a
25 weekly basis, review the ICSP, in order to ensure that the services
26 included therein are effectively addressing the presenting crisis and
27 any factors that contributed to the crisis. Any necessary
28 amendments to the ICSP shall be registered with the department
29 within 24 hours after each review is concluded pursuant to this
30 subsection.

31 d. The following stabilization management services may be
32 provided during the stabilization management period:

33 (1) necessary mental or behavioral health intervention services
34 to maintain the stabilization of the crisis and minimize or eliminate
35 the factors that contributed to the crisis, including, but not limited
36 to, psychiatric or psychological services, medication management
37 services, community-based mental health rehabilitation services,
38 such as behavioral assistance services and intensive in-community
39 services, and any other formal or informal community-based mental
40 health or behavioral health rehabilitation services; and

41 (2) continued advocacy, networking, and support by the mobile
42 crisis response team, as may be necessary to provide linkages and
43 referrals to appropriate community-based services, and to assist the
44 adult in crisis, and the family members or caregivers thereof, in
45 accessing other benefits or assistance programs for which they may
46 be eligible.

1 7. a. (1) Reimbursement for services provided during the
2 initial crisis response period shall be paid on a fee-for-service basis,
3 and shall cover the costs of all the services provided during this
4 time period, including the costs of services provided by the mobile
5 crisis response team during the initial 72-hour mobile response
6 period, and the costs of services provided by a temporary
7 stabilization unit during any temporary placement therein.
8 Reimbursement for services provided by a temporary stabilization
9 unit shall be paid directly to the temporary stabilization unit, and
10 reimbursement for other services provided during the initial 72-hour
11 mobile response period shall be paid to the mobile crisis response
12 team that provided the services.

13 (2) Reimbursement for stabilization management services,
14 which are provided for a period of up to eight weeks following the
15 initial crisis response period, shall be paid on a fee-for-service
16 basis, but shall cover only the mobile crisis response team's
17 monitoring and management of the ICSP. Each unit of service shall
18 be for 15 minutes of continuous services provided directly to, or on
19 behalf of, the adult in crisis, including collateral contacts and
20 activities that are necessary to develop, implement, coordinate,
21 monitor, and support the ICSP. A provider may bill for a maximum
22 of 64 units (16 hours) over the eight-week maximum stabilization
23 management period, as authorized by the department. Each
24 provider shall bill only for the amount of time actually provided for
25 stabilization management on each date of service.

26 (3) Reimbursement for services rendered by an individual
27 Medicaid or NJ FamilyCare provider, in accordance with an ICSP
28 developed under this act, shall be paid in accordance with the
29 provider-specific rules relative to the respective type of provider,
30 including, but not limited to, provider qualification, prior
31 authorization, and service delivery requirements.

32 b. (1) If an adult in crisis is not provided with ongoing
33 stabilization management services in response to a crisis episode,
34 and the mobile crisis response team, within three days after the
35 termination of the initial crisis response period, receives another
36 referral or dispatch request for another crisis episode involving the
37 same adult, the mobile crisis response team shall provide mobile
38 crisis response services to the adult in crisis without additional
39 reimbursement.

40 (2) If an adult in crisis is provided with stabilization
41 management services, and the mobile crisis response team,
42 following the completion of the stabilization management period,
43 receives a subsequent referral or dispatch request for another crisis
44 episode involving the same adult, the mobile crisis response team
45 shall initiate a new course of treatment, beginning with an initial
46 72-hour mobile crisis response period, and shall be reimbursed
47 accordingly.

- 1 8. a. Each mobile crisis response agency shall maintain an
2 individual service record for each adult served thereby.
- 3 b. Each individual service record shall contain, at a minimum,
4 the following information:
- 5 (1) the name and address of the adult in crisis who has received
6 services from the mobile crisis response agency;
- 7 (2) the mental health diagnosis of the adult in crisis;
- 8 (3) the ISCP developed by the mobile crisis response team for
9 each separate crisis episode involving the same adult, and all
10 approved amendments to each such ISCP;
- 11 (4) weekly quantifiable progress notes toward the defined goals
12 stipulated in each ISCP;
- 13 (5) documentation of any and all crisis or emergency situations
14 that have occurred during the provision of stabilization management
15 services to the adult, including a summary of the corrective action
16 that was taken to resolve each such situation;
- 17 (6) the total number of care hours, across episodes, that the adult
18 in crisis has received from the mobile crisis response agency; and
- 19 (7) for each distinct crisis episode: (a) the date on which the
20 initial 72-hour mobile response period was commenced, and the
21 date and time on which initial face-to-face contact actually
22 occurred; (b) the exact dates and times when, and locations where,
23 mobile crisis response services and stabilization management
24 services, if any, were provided to the adult in crisis; (c) the stated
25 reason for the team's involvement; (d) the total amount of face-to-
26 face contact engaged in, and the type of services provided, during
27 the initial 72-hour mobile response period; (e) whether the adult in
28 crisis was temporarily placed in a crisis stabilization unit, and the
29 length of the person's stay in such unit; (f) whether the adult in
30 crisis was approved for ongoing stabilization management services
31 following the initial crisis response period; and (g) the types of
32 stabilization management services, if any, that were provided to the
33 adult in crisis, and the manner in which such services were
34 consistent with, and supportive of, the goals specified in the ICSP.
35
- 36 9. a. Within 180 days after the effective date of this act, the
37 Commissioner of Health shall provide for the establishment and
38 licensure of a sufficient number of temporary stabilization units
39 throughout the State to handle the behavioral health crisis needs of
40 adults with disabilities, as provided by this act. At a minimum, at
41 least one temporary stabilization unit shall be licensed to operate in
42 each of the northern, central and southern regions of the State. No
43 person shall operate a temporary stabilization unit, unless the
44 person has applied for, and has obtained, a license pursuant to this
45 section.
- 46 b. A temporary stabilization unit approved and licensed
47 pursuant to this section shall:

1 (1) provide a calming, non-clinical, and non-punitive
2 environment for the stabilization of adults in crisis;

3 (2) be staffed by properly credentialed mental health
4 professionals who are capable of, and have expertise in, calming
5 and stabilizing crisis situations in adults with disabilities;

6 (3) have a sufficient number of crisis beds to meet the
7 behavioral health crisis needs of citizens in the region in which the
8 unit is situated; and

9 (4) be situated separately and apart from any other clinical or
10 mental health care unit or facility. If the temporary stabilization
11 unit is a part of a separately licensed health care facility or hospital,
12 the temporary stabilization unit shall be unconnected to, and shall
13 be located separately from, any emergency department or other
14 department or unit of medicine, and shall utilize an entrance that is
15 separate from the entrance that is used by patients of, and visitors
16 to, such other departments or units.

17 c. On at least a biennial basis, the Commissioner of Health
18 shall perform an on-site inspection of each temporary stabilization
19 unit licensed pursuant to this section, in order to ensure that each
20 such unit is complying with the provisions of this section and all
21 other applicable laws or regulations.

22 d. If the commissioner finds, based on a facility inspection or
23 other information, that a temporary stabilization unit is violating the
24 provisions of this section or any other applicable laws or
25 regulations, the commissioner shall undertake appropriate
26 disciplinary action, including, but not limited to, ordering the
27 temporary stabilization unit to undertake corrective action,
28 imposing an appropriate administrative penalty, or suspending or
29 revoking the unit's license.

30
31 10. a. The Commissioner of Human Services shall require all
32 direct care staff members providing services at a group home for
33 individuals with intellectual or developmental disabilities to
34 successfully complete a course of training on:

35 (1) the de-escalation and stabilization of crisis episodes in adults
36 with disabilities;

37 (2) behavioral analysis and management; and

38 (3) behavioral health crisis recognition and identification.

39 b. The training provided under this section shall also inform
40 direct care staff members of the provisions of this act and the
41 procedures that may be used under this act to obtain assistance from
42 a mobile crisis response team whenever a group home resident is
43 experiencing a behavioral health crisis.

44
45 ¹11. a. There shall be appropriated, from the General Fund, a
46 sum of \$2.5 million to effectuate the purposes of this act. The
47 Commissioner of Human Services shall apply for matching federal
48 funds, and shall take all other appropriate actions to obtain federal

1 financial participation in the mobile crisis response program
2 established under this act.

3 b. Funds appropriated under this section shall be used for the
4 following purposes:

5 (1) to facilitate the provision of crisis response services in the
6 home of an adult in crisis, or in a temporary stabilization unit, and
7 the provision of ongoing, home-based stabilization management
8 services to such adults, as provided by this act, in order to avoid
9 costly and traumatic hospitalizations; and

10 (2) to provide for the training of direct care staff members
11 employed by group homes, as provided by section 10 of this act. **】**¹

12

13 **¹【12.】 11.**¹ The Commissioners of Health and Human Services
14 shall each adopt rules and regulations, in accordance with each
15 agency's respective jurisdiction, and pursuant to the
16 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
17 seq.), as may be necessary to implement the provisions of this act.

18

19 **¹【13.】 12.**¹ This act shall take effect on the first day of the sixth
20 month next following the date of enactment, except that the
21 Commissioner of Human Services and the Commissioner of Health
22 may each take anticipatory administrative action, in advance of the
23 effective date, as may be necessary to implement the provisions of
24 this act.