

SENATE, No. 528

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

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District 20 (Union)

SYNOPSIS

Requires DOC and county correctional facilities to provide certain inmates with medication-assisted treatment.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee with technical review.



1 **AN ACT** concerning substance use disorder treatment for inmates,
2 supplementing Title 30 of the Revised Statutes, and amending
3 P.L.1986, c.71.

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

7
8 1. (New section) a. As used in this act:

9 “Medication-assisted treatment” means the use of any
10 medications approved by the federal Food and Drug Administration
11 to treat substance use disorders, including extended-release
12 naltrexone, methadone, and buprenorphine, in combination with
13 counseling and behavioral therapies, to provide a whole-patient
14 approach to the treatment of substance use disorders.

15 “Substance use disorder” is as defined by the American Psychiatric
16 Association in the Diagnostic and Statistical Manual of Mental
17 Disorders, Fifth Edition and any subsequent editions and shall include
18 substance use withdrawal.

19 b. The Commissioner of Corrections shall require each inmate to
20 be evaluated when initially admitted to a State-owned, operated, or
21 contracted correctional facility to identify whether the inmate is in
22 need of temporary or continued management of the inmate’s
23 substance use disorder by means of medication-assisted treatment.

24 c. An inmate determined to be in need of temporary or
25 continued management for a substance use disorder following an
26 evaluation pursuant to subsection b. of this section:

27 (1) shall be provided information regarding the medication
28 options utilized in medication-assisted treatment; and

29 (2) may voluntarily agree to receive medication-assisted
30 treatment in the substance use disorder treatment program
31 established pursuant to paragraph (5) of subsection a. of section 2 of
32 P.L.1986, c.71 (C.30:4-82.2).

33 d. Each inmate who voluntarily agrees to receive medication-
34 assisted treatment shall have access to:

35 (1) withdrawal management services prior to the administration
36 of the medication;

37 (2) behavioral health counseling for inmates diagnosed with a
38 substance use disorder that shall be consistent with current
39 therapeutic standards in a community setting; and

40 (3) a health care practitioner who shall provide access to
41 medications approved by the federal Food and Drug Administration.

42 e. In administering the medication-assisted treatment pursuant
43 to this section, a State-owned, operated, or contracted correctional
44 facility shall adhere to the program established by the
45 Commissioner of Human Services and the Commissioner of

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 Corrections pursuant to paragraph (5) of subsection a. of section 2
2 of P.L.1986, c.71 (C.30:4-82.2).

3

4 2. (New section) a. As used in this act:

5 “Medication-assisted treatment” means the use of any
6 medications approved by the federal Food and Drug Administration
7 to treat substance use disorders, including extended-release
8 naltrexone, methadone, and buprenorphine, in combination with
9 counseling and behavioral therapies, to provide a whole-patient
10 approach to the treatment of substance use disorders.

11 “Substance use disorder” is as defined by the American Psychiatric
12 Association in the Diagnostic and Statistical Manual of Mental
13 Disorders, Fifth Edition and any subsequent editions and shall include
14 substance use withdrawal.

15 b. The warden, keeper, or administrator of a county
16 correctional facility shall require each inmate to be evaluated when
17 initially admitted to a county correctional facility to identify
18 whether the inmate is in need of temporary or continued
19 management of the inmate’s substance use disorder by means of
20 medication-assisted treatment.

21 c. An inmate determined to be in need of temporary or
22 continued management for a substance use disorder following an
23 evaluation pursuant to subsection b. of this section:

24 (1) shall be provided information regarding the medication
25 options utilized in medication-assisted treatment; and

26 (2) may voluntarily agree to receive medication-assisted
27 treatment in the substance use disorder treatment program
28 established pursuant to subsection e. of this section.

29 d. Each inmate who voluntarily agrees to receive medication-
30 assisted treatment shall have access to:

31 (1) withdrawal management services prior to the administration
32 of the medication;

33 (2) behavioral health counseling for inmates diagnosed with a
34 substance use disorder that shall be consistent with current
35 therapeutic standards in a community setting; and

36 (3) a health care practitioner who shall provide access to
37 medications approved by the federal Food and Drug Administration.

38 e. The Commissioner of Human Services and the
39 Commissioner of Corrections shall formulate a program to provide
40 medication-assisted treatment to county inmates pursuant to this
41 section which shall be consistent with the program established for
42 inmates in State-owned, operated, or contracted correctional
43 facilities pursuant to paragraph (5) of subsection a. of section 2 of
44 P.L.1986, c.71 (C.30:4-82.2).

1 3. Section 2 of P.L.1986, c.71 (C.30:4-82.2) is amended to read as
2 follows:

3 2. a. The Commissioner of Human Services and the
4 Commissioner of Corrections shall formulate a plan to provide
5 adequate and appropriate mental health and substance use disorder
6 services to inmates in all State-owned, operated, or contracted
7 correctional facilities.

8 The plan shall include, but need not be limited to, the following:

9 (1) Procedures for identifying a person in need of mental health
10 and substance use disorder services when the person is initially
11 admitted to a State-owned, operated, or contracted correctional
12 facility, and while the person is confined therein;

13 (2) Procedures for providing a mental health and substance use
14 disorder evaluation to a person identified under subsection a. of this
15 section to determine whether the person is in need of mental health
16 or substance use disorder services;

17 (3) Procedures for providing adequate and appropriate mental
18 health or substance use disorder treatment to a person determined to
19 be in need under paragraph (2) of this subsection;

20 (4) Enumeration of the types of mental health and substance use
21 disorder treatment that may be provided to a person determined to
22 be in need under paragraph (2) of this subsection, which types of
23 treatment shall include, but need not be limited to, individual or
24 group counseling, treatment with prescription drugs, and increased
25 monitoring as needed to prevent harm to self or others, which may
26 include confinement in a secure hospital setting;

27 (5) Procedures **【for the provision of】** to provide medication-
28 assisted treatment in a substance use disorder treatment 【programs,
29 as appropriate and available】 program to inmates pursuant to
30 section 1 of P.L. , c. (C.) (pending before the Legislature
31 as this bill);

32 (6) Procedures for terminating the treatment provided under
33 paragraph (3) of this subsection when it is no longer needed by the
34 person receiving it;

35 (7) Identifying community mental health and substance use
36 disorder treatment providers and services to assist in a person's
37 community reintegration upon the person's discharge from a State-
38 owned, operated, or contracted correctional facility;

39 (8) Procedures for ensuring cooperation between the
40 Department of Corrections and the Department of Human Services
41 at all personnel levels and at every stage of identification,
42 evaluation, treatment, and termination of treatment so that adequate
43 and appropriate mental health and substance use disorder services
44 are provided;

45 (9) Procedures for maintaining the confidentiality of mental
46 health and substance use disorder treatment records; and

- 1 (10) Procedures for biennial review and revision of the plan
2 developed under this section.
- 3 b. Mental health and substance use disorder treatment services
4 in State-owned, operated, or contracted facilities, as appropriate,
5 shall be delivered by licensed provider organizations.
- 6 c. The Department of Human Services shall adopt rules and
7 regulations, pursuant to the "Administrative Procedure Act,"
8 P.L.1968, c.410 (C.52:14B-1 et seq.), to establish standards and
9 requirements for the licensure of substance use disorder treatment
10 programs operating within State-owned, operated, or contracted
11 correctional facilities, as appropriate. In developing regulations, the
12 department shall take into consideration the unique characteristics
13 of treatment programs operating within a correctional environment.
- 14 d. The Department of Human Services is authorized to develop
15 a plan to provide mental health and substance use disorder services
16 to inmates in county-operated correctional facilities, in consultation
17 with the county-designated individual or entity charged with the
18 planning of treatment services for county inmates.
19 (cf: P.L.2015, c.11, s.1)
20
- 21 4. This act shall take effect on the first day of the fourth month
22 following enactment.