

SENATE, No. 945

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Requires involuntary commitment of certain individuals who have been administered opioid antidotes.

CURRENT VERSION OF TEXT

As introduced.



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

3

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

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

9 2. As used in P.L.1987, c.116 (C.30:4-27.1 et seq.) and
10 P.L.2009, 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
16 the person who is subject to commitment within three days of
17 presenting the person for involuntary commitment to treatment, and
18 which states that the person is in need of involuntary commitment
19 to treatment. The form shall also state the specific facts upon which
20 the examining physician has based his conclusion and shall be
21 certified in accordance with the Rules of the Court. A clinical
22 certificate may not be executed by a person who is a relative by
23 blood or marriage to the person who is being screened.

24 c. "Clinical director" means the person who is designated by
25 the 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.

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
39 the person has threatened or attempted suicide or serious bodily
40 harm, has been administered an opioid antidote for the emergency
41 treatment of an apparent opioid overdose, or has behaved in such a
42 manner as to indicate that the person is unable to satisfy his need
43 for nourishment, essential medical care or shelter, so that it is
44 probable that substantial bodily injury, serious physical harm or
45 death will result within the reasonably foreseeable future; however,

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 no person shall be deemed to be unable to satisfy his need for
2 nourishment, essential medical care or shelter if he is able to satisfy
3 such needs with the supervision and assistance of others who are
4 willing and available. This determination shall take into account a
5 person's history, recent behavior and any recent act, threat or
6 serious psychiatric deterioration. An individual who has recently
7 been administered an opioid antidote for the emergency treatment
8 of an apparent opioid overdose shall be determined to be dangerous
9 to self.

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

17 j. "Department" means the Department of Human Services.

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

21 l. "Division" means the Division of Mental Health Services in
22 the Department of Human Services.

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

32 n. "Institution" means any State or county facility providing
33 inpatient care, supervision and treatment for persons with
34 developmental disabilities; except that with respect to the
35 maintenance provisions of Title 30 of the Revised Statutes,
36 institution also means any psychiatric facility for the treatment of
37 persons with mental illness.

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

41 p. "Mental health screener" means a psychiatrist, psychologist,
42 social worker, registered professional nurse or other individual
43 trained to do outreach only for the purposes of psychological
44 assessment who is employed by a screening service and possesses
45 the license, academic training or experience, as required by the
46 commissioner pursuant to regulation; except that a psychiatrist and
47 a State licensed clinical psychologist who meet the requirements for

1 mental health screener shall not have to comply with any additional
2 requirements adopted by the commissioner.

3 q. "Mental hospital" means, for the purposes of the payment
4 and maintenance provisions of Title 30 of the Revised Statutes, a
5 psychiatric facility.

6 r. "Mental illness" means a current, substantial disturbance of
7 thought, mood, perception or orientation which significantly
8 impairs judgment, capacity to control behavior or capacity to
9 recognize reality, but does not include simple alcohol intoxication,
10 transitory reaction to drug ingestion, organic brain syndrome or
11 developmental disability unless it results in the severity of
12 impairment described herein. The term mental illness is not limited
13 to "psychosis" or "active psychosis," but shall include all conditions
14 that result in the severity of impairment described herein.

15 s. "Patient" means a person over the age of 18 who has been
16 admitted to, but not discharged from a short-term care or
17 psychiatric facility, or who has been assigned to, but not discharged
18 from an outpatient treatment provider.

19 t. "Physician" means a person who is licensed to practice
20 medicine in any one of the United States or its territories, or the
21 District of Columbia.

22 u. "Psychiatric facility" means a State psychiatric hospital
23 listed in R.S.30:1-7, a county psychiatric hospital, or a psychiatric
24 unit of a county hospital.

25 v. "Psychiatrist" means a physician who has completed the
26 training requirements of the American Board of Psychiatry and
27 Neurology.

28 w. "Psychiatric unit of a general hospital" means an inpatient
29 unit of a general hospital that restricts its services to the care and
30 treatment of persons with mental illness who are admitted on a
31 voluntary basis.

32 x. "Psychologist" means a person who is licensed as a
33 psychologist by the New Jersey Board of Psychological Examiners.

34 y. "Screening certificate" means a clinical certificate executed
35 by a psychiatrist or other physician affiliated with a screening
36 service.

37 z. "Screening service" means a public or private ambulatory
38 care service designated by the commissioner, which provides
39 mental health services including assessment, emergency and referral
40 services to persons with mental illness in a specified geographic
41 area.

42 aa. "Screening outreach visit" means an evaluation provided by
43 a mental health screener wherever the person may be when
44 clinically relevant information indicates the person may need
45 involuntary commitment to treatment and is unable or unwilling to
46 come to a screening service.

47 bb. "Short-term care facility" means an inpatient, community
48 based mental health treatment facility which provides acute care

1 and assessment services to a person with mental illness whose
2 mental illness causes the person to be dangerous to self or
3 dangerous to others or property. A short-term care facility is so
4 designated by the commissioner and is authorized by the
5 commissioner to serve persons from a specified geographic area. A
6 short-term care facility may be a part of a general hospital or other
7 appropriate health care facility and shall meet certificate of need
8 requirements and shall be licensed and inspected by the Department
9 of Health and Senior Services pursuant to P.L.1971, c.136
10 (C.26:2H-1 et seq.) and in accordance with standards developed
11 jointly with the Commissioner of Human Services.

12 cc. "Special psychiatric hospital" means a public or private
13 hospital licensed by the Department of Health and Senior Services
14 to provide voluntary and involuntary mental health services,
15 including assessment, care, supervision, treatment and rehabilitation
16 services to persons with mental illness.

17 dd. "Treatment team" means one or more persons, including at
18 least one psychiatrist or physician, and may include a psychologist,
19 social worker, nurse and other appropriate services providers. A
20 treatment team provides mental health services to a patient of a
21 screening service, outpatient treatment provider, or short-term care
22 or psychiatric facility.

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

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

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

41 hh. "Outpatient treatment" means clinically appropriate care
42 based on proven or promising treatments directed to wellness and
43 recovery, provided by a member of the patient's treatment team to a
44 person not in need of inpatient treatment. Outpatient treatment may
45 include, but shall not be limited to, day treatment services, case
46 management, residential services, outpatient counseling and
47 psychotherapy, and medication treatment.

(cf: P.L.2009, c.112, s.2)

2. This act shall take effect immediately.

Under current law, section 2 of P.L.1987, c.116 (C.30:4-27.2), "dangerous to self" means that "by reason of mental illness the person has threatened or attempted suicide or serious bodily harm, or has behaved in such a manner as to indicate that the person is unable to satisfy his need for nourishment, essential medical care or shelter, so that it is probable that substantial bodily injury, serious physical harm or death will result within the reasonably foreseeable future; however, no person shall be deemed to be unable to satisfy his need for nourishment, essential medical care or shelter if he is

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