

**26:2H-12.109a**  
**LEGISLATIVE HISTORY CHECKLIST**

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**LAWS OF:** 2023                    **CHAPTER:** 62

**NJSA:** 26:2H-12.109a Permits behavioral and mental health care providers to operate within homeless shelters.

**BILL NO:** A4755                    (Substituted for S3261 (2R))

**SPONSOR(S)** Lopez, Yvonne and others

**DATE INTRODUCED:** 10/3/2022

**COMMITTEE:**                    **ASSEMBLY:** Housing  
Human Services

**SENATE:** Health, Human Services & Senior Citizens

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE: ASSEMBLY:** 03/30/2023

**SENATE:** 03/30/2023

**DATE OF APPROVAL:** 5/15/2023

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (A4755 AcaSa (2R) enacted)                    Yes

**A4755**

**INTRODUCED BILL:** (Includes sponsor(s) statement)                    Yes

**COMMITTEE STATEMENT: ASSEMBLY:**                    Yes                    Housing  
Human Services

**SENATE:**                    Yes                    Health, Human Services & Senior Citizens

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**                    Yes

**LEGISLATIVE FISCAL ESTIMATE:**                    No

**S3261 (2R)**

**INTRODUCED BILL:** (Includes sponsor(s) statement)                    Yes

**COMMITTEE STATEMENT: ASSEMBLY:**                    No

**SENATE:**                    Yes                    Health, Human Services & Senior Citizens

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** Yes

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

Brent Johnson - For The Star-Ledger, 'Gov. signs law to help mentally ill homeless The move will make it easier to access mental health services.', *Star-Ledger, The* (online), 17 May 2023 015

CL/JA

P.L. 2023, CHAPTER 62, *approved May 15, 2023*  
Assembly, No. 4755 (*Second Reprint*)

1 AN ACT concerning homeless shelters and behavioral and mental  
2 health and supplementing Title 26 of the Revised Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. a. As used in this section:

8 "Behavioral health care" means procedures or services, other  
9 than primary health care services, which are provided by a health  
10 care practitioner to a patient for the treatment of a mental illness,  
11 emotional disorder, or drug or alcohol use disorder <sup>1</sup> [that is of mild  
12 to moderate severity. "Behavioral health care" shall not include  
13 procedures or services that are provided for the treatment of severe  
14 mental illness, severe emotional disorder, or severe drug or alcohol  
15 use disorder]<sup>1</sup>.

16 "Behavioral health care provider" means <sup>1</sup> [a provider licensed or  
17 approved by the Department of Human Services to render  
18 behavioral health care services] a psychiatrist, psychiatric  
19 <sup>2</sup> [advance] advanced<sup>2</sup> practice nurse, psychologist, clinical social  
20 worker, marriage and family therapist, <sup>2</sup> [or]<sup>2</sup> any other mental  
21 health or substance use disorder treatment provider licensed  
22 pursuant to Title 45 of the Revised Statutes<sup>1 2</sup>, a practitioner  
23 otherwise authorized to provide behavioral health care in the State, or  
24 a treatment provider who is licensed or otherwise authorized to  
25 provide behavioral health care in the State acting in the provider's  
26 capacity as an employee or contractor for a facility licensed by the  
27 Department of Health to provide behavioral health care<sup>2</sup>.

28 "Emergency shelter for the homeless" means a building or  
29 structure in which a public entity or a private, nonprofit  
30 organization provides shelter, or food and shelter, to individuals and  
31 families having neither a home nor the means to obtain a home or  
32 other temporary lodging.

33 <sup>1</sup> ["Mental health care professional" means a psychiatrist,  
34 psychologist, or clinical social worker licensed pursuant to Title 45  
35 of the Revised Statutes.]<sup>1</sup>

**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:**

<sup>1</sup>Assembly AHU committee amendments adopted December 8, 2022.

<sup>2</sup>Senate floor amendments adopted February 27, 2023.

1 b. A behavioral health care provider <sup>1</sup>and a mental health care  
2 professional<sup>1</sup> shall be authorized to <sup>1</sup>jointly or separately<sup>1</sup>  
3 provide behavioral <sup>1</sup>or mental<sup>1</sup> health care services to homeless  
4 persons within an emergency shelter for the homeless, <sup>2</sup>in a  
5 manner to be determined by the Commissioners of Community  
6 Affairs and Human Services, the State Board of Medical Examiners,  
7 the State Board of Psychological Examiners, and the State Board of  
8 Social Work Examiners<sup>1</sup> on the condition that:

9 (1) the services are made available to all residents to whom such  
10 services are applicable;

11 (2) the services are provided in an environment that ensures, to the  
12 extent feasible given the layout and structure of the shelter, ongoing  
13 visual and auditory privacy for individual or group counseling  
14 services;

15 (3) in the case of residents not receiving behavioral health care and  
16 to the extent feasible given the layout and structure of the shelter, the  
17 privacy and the right not to be disturbed of such residents are  
18 protected; and

19 (4) participation in any behavioral health care program is not made  
20 mandatory for any person residing within the shelter<sup>2</sup>.

21 A behavioral health care provider <sup>1</sup>or mental health care  
22 professional<sup>1</sup> may provide the services authorized pursuant to this  
23 section in response to emergencies, on a part-time or full-time basis,  
24 and within a temporary or permanent location within the emergency  
25 shelter for the homeless that is exclusively used by the behavioral  
26 health care provider <sup>1</sup>or mental health care professional<sup>1</sup> <sup>2</sup>to  
27 provide such services within the shelter<sup>1</sup>. The shelter shall set forth  
28 a schedule designating the days and hours that the services may be  
29 provided. Nothing in this section shall be construed to prohibit the  
30 provision of behavioral health care, if necessary, on an emergency  
31 basis outside the designated days and hours.

32 c. The Commissioner of Human Services shall apply for such  
33 State plan amendments or waivers to provide behavioral health care, as  
34 described in this section, and secure federal financial participation for  
35 the associated State Medicaid expenditures under the federal Medicaid  
36 program<sup>2</sup>.

37  
38 2. The <sup>2</sup>Commissioners of Community Affairs and Human  
39 Services, the State Board of Medical Examiners, the State Board of  
40 Psychological Examiners, and the State Board of Social Work  
41 Examiners<sup>1</sup> Commissioner of Community Affairs, in consultation  
42 with the Commissioners of Children and Families, Health, and Human  
43 Services, and the Director of the Division of Consumer Affairs in the  
44 Department of Law and Public Safety,<sup>2</sup> shall jointly or separately  
45 adopt rules and regulations, in accordance with the “Administrative  
46 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as are  
47 necessary to effectuate the provisions of this act.

1       3. This act shall take effect immediately.

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6       Permits behavioral and mental health care providers to operate  
7 within homeless shelters.

# ASSEMBLY, No. 4755

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED OCTOBER 3, 2022

**Sponsored by:**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Assemblyman WILLIAM F. MOEN, JR.**

**District 5 (Camden and Gloucester)**

**Assemblywoman SHANIQUE SPEIGHT**

**District 29 (Essex)**

**Co-Sponsored by:**

**Assemblyman Stanley, Assemblywoman McKnight, Assemblymen  
Conaway, Daniels, Assemblywomen Quijano, Murphy, Assemblymen  
Atkins and Sampson**

**SYNOPSIS**

Permits behavioral and mental health care providers to operate within homeless shelters.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/8/2022)**

1 AN ACT concerning homeless shelters and behavioral and mental  
2 health and supplementing Title 26 of the Revised Statutes.

3

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

6

7 1. a. As used in this section:

8 "Behavioral health care" means procedures or services, other  
9 than primary health care services, which are provided by a health  
10 care practitioner to a patient for the treatment of a mental illness,  
11 emotional disorder, or drug or alcohol use disorder that is of mild to  
12 moderate severity. "Behavioral health care" shall not include  
13 procedures or services that are provided for the treatment of severe  
14 mental illness, severe emotional disorder, or severe drug or alcohol  
15 use disorder.

16 "Behavioral health care provider" means a provider licensed or  
17 approved by the Department of Human Services to render  
18 behavioral health care services.

19 "Emergency shelter for the homeless" means a building or  
20 structure in which a public entity or a private, nonprofit  
21 organization provides shelter, or food and shelter, to individuals and  
22 families having neither a home nor the means to obtain a home or  
23 other temporary lodging.

24 "Mental health care professional" means a psychiatrist,  
25 psychologist, or clinical social worker licensed pursuant to Title 45  
26 of the Revised Statutes.

27 b. A behavioral health care provider and a mental health care  
28 professional shall be authorized to jointly or separately provide  
29 behavioral or mental health care services to homeless persons  
30 within an emergency shelter for the homeless, in a manner to be  
31 determined by the Commissioners of Community Affairs and  
32 Human Services, the State Board of Medical Examiners, the State  
33 Board of Psychological Examiners, and the State Board of Social  
34 Work Examiners. A behavioral health care provider or mental  
35 health care professional may provide the services authorized  
36 pursuant to this section in response to emergencies, on a part-time  
37 or full-time basis, and within a temporary or permanent location  
38 within the emergency shelter for the homeless that is exclusively  
39 used by the behavioral health care provider or mental health care  
40 professional to provide such services within the shelter.

41

42 2. The Commissioners of Community Affairs and Human  
43 Services, the State Board of Medical Examiners, the State Board of  
44 Psychological Examiners, and the State Board of Social Work  
45 Examiners shall jointly or separately adopt rules and regulations, in  
46 accordance with the "Administrative Procedure Act," P.L.1968,  
47 c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the  
48 provisions of this act.

1       3. This act shall take effect immediately.

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STATEMENT

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6       This bill permits behavioral and mental health care providers to  
7 operate within homeless shelters.

8       Under the bill, a behavioral health care provider and a mental  
9 health care professional are to be authorized to jointly or separately  
10 provide behavioral or mental health care services to homeless  
11 persons within an emergency shelter for the homeless. A  
12 behavioral health care provider or mental health care professional  
13 may provide such services in response to emergencies, on a part-  
14 time or full-time basis, and within a temporary or permanent  
15 location within the emergency shelter for the homeless that is  
16 exclusively used by the behavioral health care provider or mental  
17 health care professional.

18       The bill defines "behavioral health care provider" to mean a  
19 provider licensed or approved by the Department of Human  
20 Services to render behavioral health care services. "Behavioral  
21 health care" means procedures or services, other than primary  
22 health care services, which are provided by a health care  
23 practitioner to a patient for the treatment of a mental illness,  
24 emotional disorder, or drug or alcohol use disorder that is of mild to  
25 moderate severity. "Behavioral health care" does not include  
26 procedures or services that are provided for the treatment of severe  
27 mental illness, severe emotional disorder, or severe drug or alcohol  
28 use disorder. "Mental health care professional" means a  
29 psychiatrist, psychologist, or clinical social worker licensed  
30 pursuant to Title 45 of the Revised Statutes.

# ASSEMBLY HOUSING COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 4755

# STATE OF NEW JERSEY

DATED: OCTOBER 13, 2022

The Assembly Housing Committee reports favorably Assembly Bill No. 4755.

This bill permits behavioral and mental health care providers to operate within homeless shelters.

Under the bill, a behavioral health care provider and a mental health care professional are to be authorized to jointly or separately provide behavioral or mental health care services to homeless persons within an emergency shelter for the homeless. A behavioral health care provider or mental health care professional may provide such services in response to emergencies, on a part-time or full-time basis, and within a temporary or permanent location within the emergency shelter for the homeless that is exclusively used by the behavioral health care provider or mental health care professional.

The bill defines "behavioral health care provider" to mean a provider licensed or approved by the Department of Human Services to render behavioral health care services. "Behavioral health care" means procedures or services, other than primary health care services, which are provided by a health care practitioner to a patient for the treatment of a mental illness, emotional disorder, or drug or alcohol use disorder that is of mild to moderate severity. "Behavioral health care" does not include procedures or services that are provided for the treatment of severe mental illness, severe emotional disorder, or severe drug or alcohol use disorder. "Mental health care professional" means a psychiatrist, psychologist, or clinical social worker licensed pursuant to Title 45 of the Revised Statutes.

# ASSEMBLY HUMAN SERVICES COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 4755

with committee amendments

# STATE OF NEW JERSEY

DATED: DECEMBER 8, 2022

The Assembly Human Services Committee reports favorably and with committee amendments Assembly Bill No. 4755.

As amended by the committee, this bill permits behavioral health care providers to operate within homeless shelters.

As amended, under the bill, a behavioral health care provider is to be authorized to provide behavioral health care services to homeless persons within an emergency shelter for the homeless. A behavioral health care provider may provide such services in response to emergencies, on a part-time or full-time basis, and within a temporary or permanent location within the emergency shelter for the homeless that is exclusively used by the behavioral health care provider.

As amended, the bill defines “behavioral health care provider” to mean a psychiatrist, psychiatric advance practice nurse, psychologist, clinical social worker, marriage and family therapist, or any other mental health or substance use disorder treatment provider licensed pursuant to Title 45 of the Revised Statutes. The amended bill also defines, “behavioral health care” as procedures or services, other than primary health care services, which are provided by a health care practitioner to a patient for the treatment of a mental illness, emotional disorder, or drug or alcohol use disorder.

#### COMMITTEE AMENDMENTS

The committee amended the definition of “behavioral health care” to clarify that behavioral health care is not limited to the treatment of a mental illness, emotional disorder, or drug or alcohol use disorder of mild to moderate severity, as originally provided in the bill.

The committee amendments remove language that specified what the definition of “behavioral health care” would not include under the bill’s provisions.

The committee amendments revise the definition of “behavioral health care provider” to mean a psychiatrist, psychiatric advance practice nurse, psychologist, clinical social worker, marriage and family therapist, or any other mental health or substance use disorder treatment provider licensed pursuant to Title 45 of the Revised Statutes, delete the definition of “mental health care professional”, and remove references throughout the bill to “mental health care professional” and “mental health.”

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 4755**

**STATE OF NEW JERSEY**

DATED: JANUARY 19, 2023

The Senate Health, Human Services and Senior Citizens Committee reports favorably Assembly Bill No. 4755 (1R).

This bill permits behavioral health care providers to provide behavioral health care services to homeless persons within an emergency shelter for the homeless. A behavioral health care provider may provide such services in response to emergencies, on a part-time or full-time basis, and within a temporary or permanent location within the emergency shelter for the homeless that is exclusively used by the behavioral health care provider.

The bill defines "behavioral health care provider" to mean a psychiatrist, psychiatric advanced practice nurse, psychologist, clinical social worker, marriage and family therapist, or any other mental health or substance use disorder treatment provider licensed pursuant to Title 45 of the Revised Statutes. The bill also defines "behavioral health care" as procedures or services, other than primary health care services, which are provided by a health care practitioner to a patient for the treatment of a mental illness, emotional disorder, or drug or alcohol use disorder.

As reported by the committee, Assembly Bill No. 4755 (1R) is identical to Senate Bill No. 3261, which was also reported by the committee on this date, with amendments.

STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 4755**

with Assembly Floor Amendments  
(Proposed by Senator BURGESS)

ADOPTED: FEBRUARY 27, 2023

These floor amendments expands the definition of “behavioral health care provider” to include a practitioner otherwise authorized to provide behavioral health care in the State or a treatment provider who is licensed or otherwise authorized to provide behavioral health care in the State acting in provider’s capacity as an employee or contractor for a facility licensed by the Department of Health to provide behavioral health care.

The bill, as introduced, defined a behavioral health care provider as a psychiatrist, psychiatric advanced practice nurse, psychologist, clinical social worker, marriage and family therapist, or any other mental health or substance use disorder treatment provider licensed pursuant to Title 45 of the Revised Statutes, but did not include other practitioners otherwise authorized to provide behavioral health care in the State or treatment providers licensed or otherwise authorized to provide behavioral health care in the State acting in their capacity as an employee or contractor for a facility licensed by the Department of Health to provide behavioral health care.

The floor amendments remove the requirement that a behavioral health care provider is authorized to provide behavioral health care to homeless persons within an emergency shelter for the homeless in a manner determined by to be determined by the Commissioners of Community Affairs and Human Services, the State Board of Medical Examiners, the State Board of Psychological Examiners, and the State Board of Social Work Examiners, and, instead, authorizes a behavioral health provider to provide behavioral health care on the condition that: (1) the services are made available to all residents to whom such services are applicable; (2) the services are provided in an environment that ensures, to the extent feasible given the layout and structure of the shelter, ongoing visual and auditory privacy for individual or group counseling services; (3) in the case of residents not receiving behavioral health care and to the extent feasible given the layout and structure of the shelter, the privacy and the right not to be disturbed of such residents are protected; and (4) participation in any behavioral health care program is not made mandatory for any person residing in the shelter.

The floor amendments require that a shelter set forth a schedule designating the days and hours that the services may be provided, but if necessary, the shelter may allow the provision of behavioral health care, on an emergency basis, outside the designated days and hours.

The bill, as introduced, did not require the shelter to establish a schedule designating the days and hours behavioral health care could be provided nor did the bill address the provision of such services outside the designated days and hours on an emergency basis, if necessary.

The floor amendments require the Commissioner of Community Affairs, in consultation with the Commissioners of Children and Families, Health, and Human Services, and the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, to jointly or separately adopt rules and regulations to effectuate the provisions of the bill, instead of the Commissioners of Community Affairs and Human Services, the State Board of Medical Examiners, the State Board of Psychological Examiners, and the State Board of Social Work Examiners, as originally provided in the bill.

The floor amendments require the Commissioner of Human Services to apply for State plan amendments or waivers necessary to provide behavioral health care, as described in the bill, to Medicaid-eligible homeless persons and to secure federal financial participation for the associated State Medicaid expenditures under the federal Medicaid program.

The bill, as introduced, did not address Medicaid coverage for the services provided under the provisions of the bill to Medicaid-eligible homeless persons. This amendment would require the commissioner to apply for any State plan amendments or waivers and to secure financial participation for Medicaid expenditures incurred by the State in providing behavioral health care, as described in the bill, to Medicaid-eligible homeless persons.

**SENATE, No. 3261**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

INTRODUCED OCTOBER 31, 2022

**Sponsored by:**

**Senator RENEE C. BURGESS**

**District 28 (Essex)**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Co-Sponsored by:**

**Senators Codey and Durr**

**SYNOPSIS**

Permits behavioral and mental health care providers to operate within homeless shelters.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/19/2023)**

1 AN ACT concerning homeless shelters and behavioral and mental  
2 health and supplementing Title 26 of the Revised Statutes.

3

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

6

7 1. a. As used in this section:

8 "Behavioral health care" means procedures or services, other  
9 than primary health care services, which are provided by a health  
10 care practitioner to a patient for the treatment of a mental illness,  
11 emotional disorder, or drug or alcohol use disorder that is of mild to  
12 moderate severity. "Behavioral health care" shall not include  
13 procedures or services that are provided for the treatment of severe  
14 mental illness, severe emotional disorder, or severe drug or alcohol  
15 use disorder.

16 "Behavioral health care provider" means a provider licensed or  
17 approved by the Department of Human Services to render  
18 behavioral health care services.

19 "Emergency shelter for the homeless" means a building or  
20 structure in which a public entity or a private, nonprofit  
21 organization provides shelter, or food and shelter, to individuals and  
22 families having neither a home nor the means to obtain a home or  
23 other temporary lodging.

24 "Mental health care professional" means a psychiatrist,  
25 psychologist, or clinical social worker licensed pursuant to Title 45  
26 of the Revised Statutes.

27 b. A behavioral health care provider and a mental health care  
28 professional shall be authorized to jointly or separately provide  
29 behavioral or mental health care services to homeless persons  
30 within an emergency shelter for the homeless, in a manner to be  
31 determined by the Commissioners of Community Affairs and  
32 Human Services, the State Board of Medical Examiners, the State  
33 Board of Psychological Examiners, and the State Board of Social  
34 Work Examiners. A behavioral health care provider or mental  
35 health care professional may provide the services authorized  
36 pursuant to this section in response to emergencies, on a part-time  
37 or full-time basis, and within a temporary or permanent location  
38 within the emergency shelter for the homeless that is exclusively  
39 used by the behavioral health care provider or mental health care  
40 professional to provide such services within the shelter.

41

42 2. The Commissioners of Community Affairs and Human  
43 Services, the State Board of Medical Examiners, the State Board of  
44 Psychological Examiners, and the State Board of Social Work  
45 Examiners shall jointly or separately adopt rules and regulations, in  
46 accordance with the "Administrative Procedure Act," P.L.1968,  
47 c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the  
48 provisions of this act.

1       3. This act shall take effect immediately.

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STATEMENT

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6       This bill permits behavioral and mental health care providers to  
7 operate within homeless shelters.

8       Under the bill, a behavioral health care provider and a mental  
9 health care professional are to be authorized to jointly or separately  
10 provide behavioral or mental health care services to homeless  
11 persons within an emergency shelter for the homeless. A  
12 behavioral health care provider or mental health care professional  
13 may provide such services in response to emergencies, on a part-  
14 time or full-time basis, and within a temporary or permanent  
15 location within the emergency shelter for the homeless that is  
16 exclusively used by the behavioral health care provider or mental  
17 health care professional.

18       The bill defines "behavioral health care provider" to mean a  
19 provider licensed or approved by the Department of Human  
20 Services to render behavioral health care services. "Behavioral  
21 health care" means procedures or services, other than primary  
22 health care services, which are provided by a health care  
23 practitioner to a patient for the treatment of a mental illness,  
24 emotional disorder, or drug or alcohol use disorder that is of mild to  
25 moderate severity. "Behavioral health care" does not include  
26 procedures or services that are provided for the treatment of severe  
27 mental illness, severe emotional disorder, or severe drug or alcohol  
28 use disorder. "Mental health care professional" means a  
29 psychiatrist, psychologist, or clinical social worker licensed  
30 pursuant to Title 45 of the Revised Statutes.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO  
**SENATE, No. 3261**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 19, 2023

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 3261.

As amended by the committee, this bill permits behavioral health care providers to provide behavioral health care services to homeless persons within an emergency shelter for the homeless. A behavioral health care provider may provide such services in response to emergencies, on a part-time or full-time basis, and within a temporary or permanent location within the emergency shelter for the homeless that is exclusively used by the behavioral health care provider.

As amended, the bill defines “behavioral health care provider” to mean a psychiatrist, psychiatric advanced practice nurse, psychologist, clinical social worker, marriage and family therapist, or any other mental health or substance use disorder treatment provider licensed pursuant to Title 45 of the Revised Statutes. The amended bill also defines “behavioral health care” as procedures or services, other than primary health care services, which are provided by a health care practitioner to a patient for the treatment of a mental illness, emotional disorder, or drug or alcohol use disorder.

As reported by the committee with amendments, Senate Bill No. 3261 is identical to Assembly Bill No. 4755 (1R), which was also reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amendments revise the definition of “behavioral health care” to remove language limiting the term to the treatment of conditions of mild to moderate severity, as well as language specifying certain conditions that would not be included in the term.

The committee amendments revise the definition of “behavioral health care provider” to mean a psychiatrist, psychiatric advanced practice nurse, psychologist, clinical social worker, marriage and family therapist, or any other mental health or substance use disorder

treatment provider licensed pursuant to Title 45 of the Revised Statutes.

The committee amendments remove language throughout the bill referring to “mental health care professionals” and “mental health care services.”

STATEMENT TO  
[First Reprint]  
**SENATE, No. 3261**

with Senate Floor Amendments  
(Proposed by Senator BURGESS)

ADOPTED: FEBRUARY 27, 2023

These floor amendments expands the definition of “behavioral health care provider” to include a practitioner otherwise authorized to provide behavioral health care in the State or a treatment provider who is licensed or otherwise authorized to provide behavioral health care in the State acting in provider’s capacity as an employee or contractor for a facility licensed by the Department of Health to provide behavioral health care.

The bill, as introduced, defined a behavioral health care provider as a psychiatrist, psychiatric advanced practice nurse, psychologist, clinical social worker, marriage and family therapist, or any other mental health or substance use disorder treatment provider licensed pursuant to Title 45 of the Revised Statutes, but did not include other practitioners otherwise authorized to provide behavioral health care in the State or treatment providers licensed or otherwise authorized to provide behavioral health care in the State acting in their capacity as an employee or contractor for a facility licensed by the Department of Health to provide behavioral health care.

The floor amendments remove the requirement that a behavioral health care provider is authorized to provide behavioral health care to homeless persons within an emergency shelter for the homeless in a manner determined by to be determined by the Commissioners of Community Affairs and Human Services, the State Board of Medical Examiners, the State Board of Psychological Examiners, and the State Board of Social Work Examiners, and, instead, authorizes a behavioral health provider to provide behavioral health care on the condition that: (1) the services are made available to all residents to whom such services are applicable; (2) the services are provided in an environment that ensures, to the extent feasible given the layout and structure of the shelter, ongoing visual and auditory privacy for individual or group counseling services; (3) in the case of residents not receiving behavioral health care and to the extent feasible given the layout and structure of the shelter, the privacy and the right not to be disturbed of such residents are protected; and (4) participation in any behavioral health care program is not made mandatory for any person residing in the shelter.

The floor amendments require that a shelter set forth a schedule designating the days and hours that the services may be provided, but if necessary, the shelter may allow the provision of behavioral health care, on an emergency basis, outside the designated days and hours.

The bill, as introduced, did not require the shelter to establish a schedule designating the days and hours behavioral health care could be provided nor did the bill address the provision of such services outside the designated days and hours on an emergency basis, if necessary.

The floor amendments require the Commissioner of Community Affairs, in consultation with the Commissioners of Children and Families, Health, and Human Services, and the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, to jointly or separately adopt rules and regulations to effectuate the provisions of the bill, instead of the Commissioners of Community Affairs and Human Services, the State Board of Medical Examiners, the State Board of Psychological Examiners, and the State Board of Social Work Examiners, as originally provided in the bill.

The floor amendments require the Commissioner of Human Services to apply for State plan amendments or waivers necessary to provide behavioral health care, as described in the bill, to Medicaid-eligible homeless persons and to secure federal financial participation for the associated State Medicaid expenditures under the federal Medicaid program.

The bill, as introduced, did not address Medicaid coverage for the services provided under the provisions of the bill to Medicaid-eligible homeless persons. This amendment would require the commissioner to apply for any State plan amendments or waivers and to secure financial participation for Medicaid expenditures incurred by the State in providing behavioral health care, as described in the bill, to Medicaid-eligible homeless persons.

# Governor Murphy Signs Legislation Allowing Mental Health Care Providers to Play a Crucial Role within Homeless Shelters

05/15/2023

**TRENTON** – As part of ongoing efforts to address the mental health needs of New Jersey residents, Governor Phil Murphy today signed a bill (A-4755) to permit mental and behavioral health care providers to operate within emergency shelters that serve people experiencing homelessness.

“The stress individuals often face when experiencing homelessness can unfortunately lead to or exacerbate existing mental health challenges,” said **Governor Murphy**. “This law reflects my Administration’s belief that every New Jerseyan deserves access to the mental health care they need and builds upon our work to expand these services throughout our state. Allowing mental and behavioral health care providers to offer critical services within shelters will provide much-needed care directly to more New Jerseyans.”

“People experiencing homelessness can face multiple barriers to safe and stable housing, including health challenges. This legislation makes it easier for people in emergency shelters to receive care, if they so choose, from behavioral and mental health care providers because it brings the care right to them,” said **Lt. Governor Sheila Oliver, who serves as Commissioner of the Department of Community Affairs**. “We’re hopeful that facilitating access to health care can improve the health of people experiencing homelessness and help them obtain long-term housing.”

“Mental illness and housing insecurity can often go hand-in-hand,” said **Human Services Commissioner Sarah Adelman**. “I thank the Governor for signing this legislation and commending the bill sponsors. Making behavioral health care accessible for unhoused individuals will make a meaningful difference in their lives and in our communities - and will help build better futures.”

Under the new law, licensed psychiatrists, psychologists, clinical social workers, marriage/family therapists, substance use disorder treatment providers and other practitioners otherwise authorized to provide mental or behavioral health care are allowed to provide services to individuals in these settings on a part-time or full-time basis, in addition to emergency circumstances.

Behavioral health care services in emergency shelters would not be mandatory, but, if made available, must be made available to any resident in the shelter in need of these services. The services must also be provided at a location within the shelter that offers privacy for the residents receiving this care.

Sponsors of the bill include Senator Renee Burgess and Assemblywoman Yvonne Lopez, as well as Senate President Nicholas Scutari and Assembly members Bill Moen and Shan Speight.

“Greater access to mental and behavioral healthcare programs for residents with disabilities, mental health concerns, or substance use disorders will help to address underlying issues that contribute to homelessness,” said **Assemblywoman Lopez**. “Enabling homeless shelters to provide these services will allow us to meet the pressing needs of our residents. This measure aims to promote housing stability for New Jersey residents with coordinated steps to bridge the gaps in critical healthcare services.”

“The byproducts of homelessness affect every aspect of a person’s life, including their mental and emotional health. A greater emphasis needs to be placed on the provision of behavioral health services to homeless persons in order to create and maintain permanent solutions,” said **Senator Burgess**. “This law is a crucial first step to opening the door for service providers to work within shelters; but, it is even more critical because the law provides homeless persons with the choice and access to efficient and holistic care.”

“This legislation is an important step in the right direction to provide the wraparound services people experiencing homelessness throughout our state so desperately need,” said **Cathy Mercer, CEO of NJ Coalition to End Homelessness**. “Addressing the mental health needs of individuals in emergency shelters will ultimately give them a greater opportunity to thrive and become more independent members of society. We thank Assemblywoman Lopez, Governor Murphy, Senator Burgess and the other legislative sponsors for recognizing the importance of these services and working to help vulnerable New Jersey residents.”

“We applaud the passage and signing of A-4755 which allows mental health providers to offer services within a shelter setting,” said **Taiisa Kelly, CEO of Monarch Housing Associates**. “If we as a state are truly committed to ending homelessness, as I believe we are, it is important we eliminate barriers people face trying to access the supports that they need. Whether we are talking about accessing shelter, mental health services, or a stable home, this legislation moves us closer to our efforts to create opportunity for all and end homelessness in New Jersey. We look forward to continued efforts to support our neighbors in recovery and stability as they work to secure a permanent place to call home.”