

# 30:4-3.23

## LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

**LAWS OF:** 2009                    **CHAPTER:** 161

**NJSA:** 30:4-3.23            (Requires DHS to report physical assaults and deaths at State psychiatric hospitals on its website and report deaths to Public Advocate)

**BILL NO:** A2949 (Substituted for S2494)

**SPONSOR(S)** Oliver and Others

**DATE INTRODUCED:** June 12, 2008

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

**SENATE:** ---

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**            **ASSEMBLY:** June 25, 2009

**SENATE:** June 25, 2009

**DATE OF APPROVAL:** November 20, 2009

### FOLLOWING ARE ATTACHED IF AVAILABLE:

#### FINAL TEXT OF BILL (First reprint enacted)

##### A2949

**SPONSOR'S STATEMENT:** (Begins on page 3 of original bill) Yes

**COMMITTEE STATEMENT:**                            **ASSEMBLY:** Yes

**SENATE:** No

(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

##### S2494

**SPONSOR'S STATEMENT:** (Begins on page 3 of original bill) Yes

**COMMITTEE STATEMENT:**                            **ASSEMBLY:** No

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL NOTE:** No

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW/RWH

[First Reprint]

**ASSEMBLY, No. 2949**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED JUNE 12, 2008

**Sponsored by:**

**Assemblywoman SHEILA Y. OLIVER**

**District 34 (Essex and Passaic)**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Camden)**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Camden)**

**Assemblywoman SANDRA LOVE**

**District 4 (Camden and Gloucester)**

**Assemblywoman NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

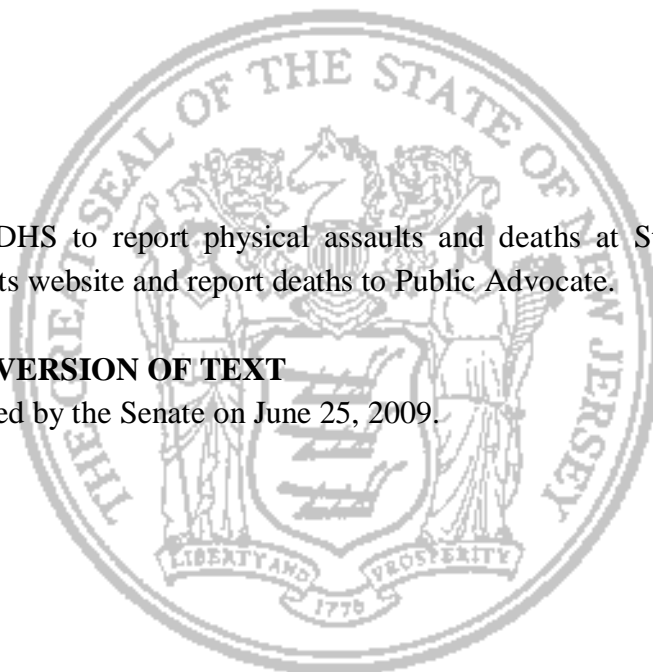
**Assemblyman Giblin, Assemblywomen Angelini, Evans, Assemblymen Ramos, Schaer, Chivukula, Connors, Senators Codey and Singer**

**SYNOPSIS**

Requires DHS to report physical assaults and deaths at State psychiatric hospitals on its website and report deaths to Public Advocate.

**CURRENT VERSION OF TEXT**

As amended by the Senate on June 25, 2009.



**(Sponsorship Updated As Of: 6/26/2009)**

1 AN ACT concerning State psychiatric hospitals and supplementing  
2 chapter 4 of Title 30 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. As used in this act:

8 “Commissioner” means the Commissioner of Human Services.

9 “Department” means the Department of Human Services.

10 “Major injury” means an injury that requires treatment that can  
11 only be performed at a general or special hospital licensed pursuant  
12 to P.L.1971, c.136 (C.26:2H-1 et seq.), and may include admission  
13 to the hospital for additional treatment or observation.

14 “Moderate injury” means an injury that requires treatment  
15 beyond basic first aid that can only be performed by a health care  
16 professional at the office of a physician, at a hospital emergency  
17 room, or by a physician at a State psychiatric hospital.

18 “Physical assault” means an act upon a person that results in a  
19 major or moderate injury that occurs at a State psychiatric hospital.

20 “State psychiatric hospital” means a psychiatric hospital listed in  
21 R.S.30:1-7.

22 “Unexpected death” means a death that was not medically  
23 anticipated, including, but not limited to suicide, homicide or  
24 unanticipated death due to an unforeseen medical complication or  
25 other circumstance.

26

27 2. a. The department shall establish a reporting system for  
28 compiling information about physical assaults and unexpected  
29 deaths that occur at State psychiatric hospitals, and shall summarize  
30 the information in a report which, at a minimum, shall separately  
31 identify for each State psychiatric hospital:

32 (1) the number of major and moderate injuries among patients;

33 (2) the number of major and moderate injuries between patients  
34 and staff members; and

35 (3) the number of unexpected deaths.

36 b. The report prepared pursuant to this section shall not contain  
37 any identifying information about a patient or staff member.

38 c. The report shall be considered a public or government record  
39 under P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404  
40 (C.47:1A-5 et al.), and shall be posted on the official website of the  
41 department and updated quarterly.

42

43 <sup>1</sup>3. The department shall notify the Public Advocate within 24  
44 hours after an unexpected death occurs at a State psychiatric  
45 hospital and shall promptly notify the Public Advocate of any death

**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>Senate floor amendments adopted June 25, 2009.

1 of which the department has knowledge that occurs within seven  
2 days after a patient was discharged from a State psychiatric  
3 hospital.<sup>1</sup>

4

5 <sup>1</sup>[3.] 4.<sup>1</sup> Pursuant to the “Administrative Procedure Act,”  
6 P.L.1968, c.410 (C.52:14B-1 et seq.), the commissioner shall adopt  
7 rules and regulations necessary to effectuate the purposes of this  
8 act.

9

10 <sup>1</sup>[4.] 5.<sup>1</sup> This act shall take effect on the first day of the third  
11 month next following the date of enactment.

**ASSEMBLY, No. 2949**

---

**STATE OF NEW JERSEY**

**213th LEGISLATURE**

---

INTRODUCED JUNE 12, 2008

**Sponsored by:**

**Assemblywoman SHEILA Y. OLIVER**

**District 34 (Essex and Passaic)**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Camden)**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Camden)**

**Assemblywoman SANDRA LOVE**

**District 4 (Camden and Gloucester)**

**Assemblywoman NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

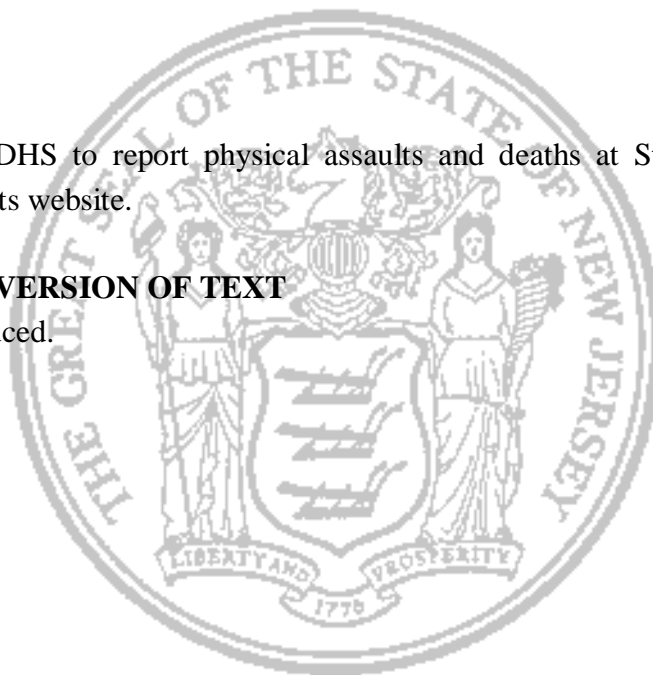
**Assemblyman Giblin, Assemblywomen Angelini, Evans, Assemblymen Ramos, Schaer, Chivukula, Conners, Senators Codey and Singer**

**SYNOPSIS**

Requires DHS to report physical assaults and deaths at State psychiatric hospitals on its website.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/26/2009)**

1 AN ACT concerning State psychiatric hospitals and supplementing  
2 chapter 4 of Title 30 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. As used in this act:

8 “Commissioner” means the Commissioner of Human Services.

9 “Department” means the Department of Human Services.

10 “Major injury” means an injury that requires treatment that can  
11 only be performed at a general or special hospital licensed pursuant  
12 to P.L.1971, c.136 (C.26:2H-1 et seq.), and may include admission  
13 to the hospital for additional treatment or observation.

14 “Moderate injury” means an injury that requires treatment  
15 beyond basic first aid that can only be performed by a health care  
16 professional at the office of a physician, at a hospital emergency  
17 room, or by a physician at a State psychiatric hospital.

18 “Physical assault” means an act upon a person that results in a  
19 major or moderate injury that occurs at a State psychiatric hospital.

20 “State psychiatric hospital” means a psychiatric hospital listed in  
21 R.S.30:1-7.

22 “Unexpected death” means a death that was not medically  
23 anticipated, including, but not limited to suicide, homicide or  
24 unanticipated death due to an unforeseen medical complication or  
25 other circumstance.

26

27 2. a. The department shall establish a reporting system for  
28 compiling information about physical assaults and unexpected  
29 deaths that occur at State psychiatric hospitals, and shall summarize  
30 the information in a report which, at a minimum, shall separately  
31 identify for each State psychiatric hospital:

32 (1) the number of major and moderate injuries among patients;

33 (2) the number of major and moderate injuries between patients  
34 and staff members; and

35 (3) the number of unexpected deaths.

36 b. The report prepared pursuant to this section shall not contain  
37 any identifying information about a patient or staff member.

38 c. The report shall be considered a public or government record  
39 under P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404  
40 (C.47:1A-5 et al.), and shall be posted on the official website of the  
41 department and updated quarterly.

42

43 3. Pursuant to the “Administrative Procedure Act,” P.L.1968,  
44 c.410 (C.52:14B-1 et seq.), the commissioner shall adopt rules and  
45 regulations necessary to effectuate the purposes of this act.

46

47 4. This act shall take effect on the first day of the third month  
48 next following the date of enactment.

STATEMENT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

This bill requires the Department of Human Services (DHS) to establish a reporting system and issue a report about the number of physical assaults and unexpected deaths that occur at the State psychiatric hospitals (Ancora Psychiatric Hospital, Ann Klein Forensic Center, Greystone Park Psychiatric Hospital, Senator Garrett W. Hagedorn Psychiatric Hospital, and Trenton Psychiatric Hospital). The report would be a public record, posted on the official DHS website, and updated quarterly, but shall not contain any identifying information about patients or staff members.

The bill defines “physical assault” as an act upon a person that results in a major or moderate injury that occurs at a State psychiatric hospital. In addition, a “major injury” is defined as an injury that requires treatment that can only be performed at a hospital, and may include admission to the hospital for additional treatment or observation. “Moderate injury” means an injury that requires treatment beyond basic first aid that can only be performed by a health care professional at a physician’s office, at a hospital emergency room, or by a physician at a State psychiatric hospital.

Under the bill, the report would, at a minimum, separately identify for each State psychiatric hospital:

- the number of major and moderate injuries among patients;
- the number of major and moderate injuries between patients and staff members; and
- the number of unexpected deaths.

Lastly, the bill has a delayed effective date of the first day of the third month following the date of enactment to allow time for gathering and reporting the information on the DHS website.



# ASSEMBLY HUMAN SERVICES COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2949

# STATE OF NEW JERSEY

DATED: JUNE 12, 2008

The Assembly Human Services Committee reports favorably Assembly Bill No. 2949.

This bill requires the Department of Human Services (DHS) to establish a reporting system and issue a report about the number of physical assaults and unexpected deaths that occur at the State psychiatric hospitals (Ancora Psychiatric Hospital, Ann Klein Forensic Center, Greystone Park Psychiatric Hospital, Senator Garrett W. Hagedorn Psychiatric Hospital, and Trenton Psychiatric Hospital). The report would be a public record, posted on the official DHS website, and updated quarterly, but shall not contain any identifying information about patients or staff members.

The bill defines “physical assault” as an act upon a person that results in a major or moderate injury that occurs at a State psychiatric hospital. In addition, a “major injury” is defined as an injury that requires treatment that can only be performed at a hospital, and may include admission to the hospital for additional treatment or observation. “Moderate injury” means an injury that requires treatment beyond basic first aid that can only be performed by a health care professional at a physician’s office, at a hospital emergency room, or by a physician at a State psychiatric hospital.

Under the bill, the report would, at a minimum, separately identify for each State psychiatric hospital:

- the number of major and moderate injuries among patients;
- the number of major and moderate injuries between patients and staff members; and
- the number of unexpected deaths.

Lastly, the bill has a delayed effective date of the first day of the third month following the date of enactment to allow time for gathering and reporting the information on the DHS website.

STATEMENT TO  
**ASSEMBLY, No. 2949**

with Senate Floor Amendments  
(Proposed by Senator CODEY)

ADOPTED: JUNE 25, 2009

These amendments require that the Department of Human Services (DHS) notify the Public Advocate within 24 hours after an unexpected death occurs at a State psychiatric hospital and promptly notify the Public Advocate of any death of which DHS has knowledge that occurs within seven days after a patient was discharged from a State psychiatric hospital.

These amendments make this bill identical to Senate Bill No. 2494.

**SENATE, No. 2494**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED JANUARY 13, 2009

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex)**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Mercer, Monmouth and Ocean)**

**SYNOPSIS**

Requires DHS to report physical assaults and deaths at State psychiatric hospitals on its website and report deaths to Public Advocate.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/15/2009)**

1 AN ACT concerning State psychiatric hospitals and supplementing  
2 chapter 4 of Title 30 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. As used in this act:

8 “Commissioner” means the Commissioner of Human Services.

9 “Department” means the Department of Human Services.

10 “Major injury” means an injury that requires treatment that can  
11 only be performed at a general or special hospital licensed pursuant  
12 to P.L.1971, c.136 (C.26:2H-1 et seq.), and may include admission  
13 to the hospital for additional treatment or observation.

14 “Moderate injury” means an injury that requires treatment  
15 beyond basic first aid that can only be performed by a health care  
16 professional at the office of a physician, at a hospital emergency  
17 room, or by a physician at a State psychiatric hospital.

18 “Physical assault” means an act upon a person that results in a  
19 major or moderate injury that occurs at a State psychiatric hospital.

20 “State psychiatric hospital” means a psychiatric hospital listed in  
21 R.S.30:1-7.

22 “Unexpected death” means a death that was not medically  
23 anticipated, including, but not limited to suicide, homicide or  
24 unanticipated death due to an unforeseen medical complication or  
25 other circumstance.

26

27 2. a. The department shall establish a reporting system for  
28 compiling information about physical assaults and unexpected  
29 deaths that occur at State psychiatric hospitals, and shall summarize  
30 the information in a report which, at a minimum, shall separately  
31 identify for each State psychiatric hospital:

32 (1) the number of major and moderate injuries among patients;

33 (2) the number of major and moderate injuries between patients  
34 and staff members; and

35 (3) the total number of deaths, and the number of unexpected  
36 deaths.

37 b. The report prepared pursuant to this section shall not contain  
38 any identifying information about a patient or staff member.

39 c. The report shall be considered a public or government record  
40 under P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404  
41 (C.47:1A-5 et al.), and shall be posted on the official website of the  
42 department and updated quarterly.

43

44 3. The department shall notify the Public Advocate within 24  
45 hours after an unexpected death occurs at a State psychiatric  
46 hospital and shall promptly notify the Public Advocate of any death  
47 of which the department has knowledge that occurs within seven

1 days after a patient was discharged from a State psychiatric  
2 hospital.

3

4 4. Pursuant to the “Administrative Procedure Act,” P.L.1968,  
5 c.410 (C.52:14B-1 et seq.), the commissioner shall adopt rules and  
6 regulations necessary to effectuate the purposes of this act.

7

8 5. This act shall take effect on the first day of the third month  
9 next following the date of enactment.

10

11

12

### STATEMENT

13

14 This bill requires the Department of Human Services (DHS) to  
15 establish a reporting system and issue a report about the number of  
16 physical assaults and deaths (total deaths and those which were  
17 unexpected) that occur at the State psychiatric hospitals (Ancora  
18 Psychiatric Hospital, Ann Klein Forensic Center, Greystone Park  
19 Psychiatric Hospital, Senator Garrett W. Hagedorn Psychiatric  
20 Hospital, and Trenton Psychiatric Hospital). The report would be a  
21 public record, posted on the official DHS website, and updated  
22 quarterly, but shall not contain any identifying information about  
23 patients or staff members.

24

25 In addition, the bill requires that DHS notify the Public Advocate  
26 within 24 hours after an unexpected death occurs at a State  
27 psychiatric hospital and promptly notify the Public Advocate of any  
28 death of which DHS has knowledge that occurs within seven days  
29 after a patient was discharged from a State psychiatric hospital.

30

31 The bill defines “physical assault” as an act upon a person that  
32 results in a major or moderate injury that occurs at a State  
33 psychiatric hospital. In addition, a “major injury” is defined as an  
34 injury that requires treatment that can only be performed at a  
35 hospital, and may include admission to the hospital for additional  
36 treatment or observation. “Moderate injury” means an injury that  
37 requires treatment beyond basic first aid that can only be performed  
38 by a health care professional at a physician’s office, at a hospital  
39 emergency room, or by a physician at a State psychiatric hospital.

38

39 Under the bill, the report would, at a minimum, separately  
40 identify for each State psychiatric hospital:

40

41

42

43

44

- the number of major and moderate injuries among patients;
- the number of major and moderate injuries between patients  
and staff members; and
- the total number of deaths, and the number of unexpected  
deaths.

45

46

47

Lastly, the bill has a delayed effective date of the first day of the  
third month following the date of enactment to allow time for  
gathering and reporting the information on the DHS website.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 2494**

**STATE OF NEW JERSEY**

DATED: MAY 18, 2009

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 2494.

This bill requires the Department of Human Services (DHS) to establish a reporting system and issue a report about the number of physical assaults and deaths (total deaths and those which were unexpected) that occur at the State psychiatric hospitals (Ancora Psychiatric Hospital, Ann Klein Forensic Center, Greystone Park Psychiatric Hospital, Senator Garrett W. Hagedorn Psychiatric Hospital, and Trenton Psychiatric Hospital). The report would be a public record, posted on the official DHS website, and updated quarterly, but shall not contain any identifying information about patients or staff members.

In addition, the bill requires that DHS notify the Public Advocate within 24 hours after an unexpected death occurs at a State psychiatric hospital and promptly notify the Public Advocate of any death of which DHS has knowledge that occurs within seven days after a patient was discharged from a State psychiatric hospital.

The bill defines “physical assault” as an act upon a person that results in a major or moderate injury that occurs at a State psychiatric hospital. In addition, a “major injury” is defined as an injury that requires treatment that can only be performed at a hospital, and may include admission to the hospital for additional treatment or observation. “Moderate injury” means an injury that requires treatment beyond basic first aid that can only be performed by a health care professional at a physician’s office, at a hospital emergency room, or by a physician at a State psychiatric hospital.

Under the bill, the report would, at a minimum, separately identify for each State psychiatric hospital:

- the number of major and moderate injuries among patients;
- the number of major and moderate injuries between patients and staff members; and
- the total number of deaths, and the number of unexpected deaths.

Lastly, the bill has a delayed effective date of the first day of the third month following the date of enactment to allow time for gathering and reporting the information on the DHS website.

This bill is similar to Assembly Bill No. 2949 (Oliver/Lampit/Greenwald/Love/Cruz-Perez), which is pending in the Assembly.