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LAW/RWH

[Second Reprint]

**ASSEMBLY, No. 3582**

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

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INTRODUCED JANUARY 13, 2009

**Sponsored by:**

**Assemblyman JOSEPH CRYAN**

**District 20 (Union)**

**Assemblyman JOSEPH VAS**

**District 19 (Middlesex)**

**Assemblyman ALBERT COUTINHO**

**District 29 (Essex and Union)**

**Assemblywoman NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

**Assemblywomen Quijano, Jasey, Wagner, Vainieri Huttle, Senators  
Codey, Gordon, Assemblywomen Rodriguez and Greenstein**

**SYNOPSIS**

Requires DHS to develop procedures to enable hospitals to promptly transfer emergency department patients with mental illness to appropriate treatment setting.

**CURRENT VERSION OF TEXT**

As reported by the Senate Health, Human Services and Senior Citizens Committee on November 23, 2009, with amendments.

**(Sponsorship Updated As Of: 1/12/2010)**

1 AN ACT concerning mental health services and supplementing Title  
2 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. a. The <sup>2</sup>[Division of Mental Health Services in the]<sup>2</sup>  
8 Department of Human Services shall develop the following  
9 procedures to enable emergency departments in general hospitals to  
10 obtain emergency relief from the <sup>2</sup>[division] department<sup>2</sup> in the  
11 case of patients in need of behavioral health services who remain in  
12 the emergency department for 24 hours or longer awaiting  
13 placement in an appropriate behavioral health setting:

14 (1) designate staff in the <sup>2</sup>[division] department<sup>2</sup> who shall be  
15 notified by a general hospital when the hospital has a patient who  
16 has been awaiting placement in an appropriate behavioral health  
17 setting for 24 hours or longer;

18 (2) provide for clinical facilitators <sup>1</sup>[who are available 24 hours  
19 per day, seven days per week,]<sup>1</sup> whose purpose is to review the  
20 clinical needs of the patient awaiting placement so that the patient  
21 can be transferred to a behavioral health setting that best meets the  
22 clinical needs of the patient as determined by the psychiatric team  
23 that evaluated the patient;

24 (3) provide for a mechanism that will enable the <sup>2</sup>[division]  
25 department<sup>2</sup> to conduct ongoing assessments of patient flow and  
26 access to care; and

27 (4) set forth objective criteria for identifying resources that are  
28 needed to ensure timely implementation of the procedures required  
29 under this subsection.

30 b. The <sup>2</sup>[Assistant Commissioner of the Division of Mental  
31 Health Services] Commissioner of Human Services<sup>2</sup> shall establish  
32 a mechanism to coordinate <sup>2</sup>[its] the department's<sup>2</sup> procedures and  
33 policies with <sup>2</sup>[the Division of Child Behavioral Health in the  
34 Department of Children and Families, the Divisions of  
35 Developmental Disabilities and Addiction Services in the  
36 Department of Human Services,]<sup>2</sup> the Department of Corrections,  
37 the Department of Health and Senior Services, and such other  
38 governmental agencies and task forces that address the needs of  
39 consumers of mental health services and their families, as the  
40 <sup>2</sup>[Assistant Commissioner of the Division of Mental Health  
41 Services] commissioner<sup>2</sup> deems appropriate.

42 c. The <sup>2</sup>[assistant]<sup>2</sup> commissioner shall consult with the New  
43 Jersey Hospital Association, the Hospital Alliance of New Jersey,

**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 May 11, 2009.

<sup>2</sup>Senate SHH committee amendments adopted November 23, 2009.

1 the New Jersey Council of Teaching Hospitals, <sup>1</sup>**[and]**<sup>1</sup> community  
2 mental health advocacy organizations<sup>1</sup>, and a mental health  
3 consumer<sup>1</sup> in developing the procedures required pursuant to this  
4 section. The <sup>2</sup>**[assistant]**<sup>2</sup> commissioner shall also seek input for  
5 the procedures from Statewide organizations that advocate for  
6 persons with mental illness and their families.

7 d. The <sup>2</sup>**[assistant]**<sup>2</sup> commissioner shall issue a report of his  
8 findings and recommendations, including a summary of the  
9 procedures developed pursuant to this section, to the Governor and  
10 to the Senate Health, Human Services and Senior Citizens  
11 Committee and the Assembly Human Services Committee no later  
12 than 12 months after the effective date of this act.

13 <sup>2</sup>e. The provisions of this act shall not apply to any patient who  
14 is under 18 years of age.<sup>2</sup>

15

16 2. This act shall take effect immediately and shall expire 18  
17 months after the effective date.

**ASSEMBLY, No. 3582**

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**STATE OF NEW JERSEY**

**213th LEGISLATURE**

---

INTRODUCED JANUARY 13, 2009

**Sponsored by:**

**Assemblyman JOSEPH CRYAN**

**District 20 (Union)**

**Assemblyman JOSEPH VAS**

**District 19 (Middlesex)**

**Assemblyman ALBERT COUTINHO**

**District 29 (Essex and Union)**

**Assemblywoman NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

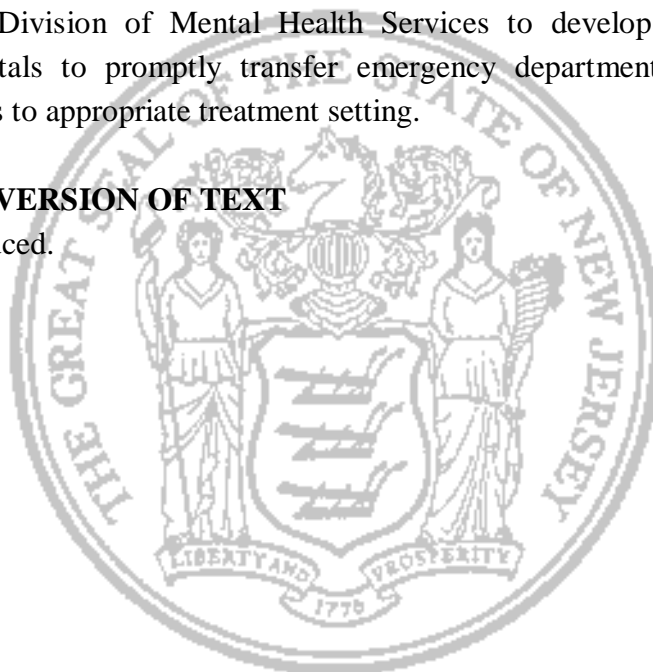
**Assemblywomen Quijano and Jasey**

**SYNOPSIS**

Requires Division of Mental Health Services to develop procedures to enable hospitals to promptly transfer emergency department patients with mental illness to appropriate treatment setting.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/12/2009)**

1 AN ACT concerning mental health services and supplementing Title  
2 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. a. The Division of Mental Health Services in the  
8 Department of Human Services shall develop the following  
9 procedures to enable emergency departments in general hospitals to  
10 obtain emergency relief from the division in the case of patients in  
11 need of behavioral health services who remain in the emergency  
12 department for 24 hours or longer awaiting placement in an  
13 appropriate behavioral health setting:

14 (1) designate staff in the division who shall be notified by a  
15 general hospital when the hospital has a patient who has been  
16 awaiting placement in an appropriate behavioral health setting for  
17 24 hours or longer;

18 (2) provide for clinical facilitators who are available 24 hours  
19 per day, seven days per week, whose purpose is to review the  
20 clinical needs of the patient awaiting placement so that the patient  
21 can be transferred to a behavioral health setting that best meets the  
22 clinical needs of the patient as determined by the psychiatric team  
23 that evaluated the patient;

24 (3) provide for a mechanism that will enable the division to  
25 conduct ongoing assessments of patient flow and access to care; and

26 (4) set forth objective criteria for identifying resources that are  
27 needed to ensure timely implementation of the procedures required  
28 under this subsection.

29 b. The Assistant Commissioner of the Division of Mental  
30 Health Services shall establish a mechanism to coordinate its  
31 procedures and policies with the Division of Child Behavioral  
32 Health in the Department of Children and Families, the Divisions of  
33 Developmental Disabilities and Addiction Services in the  
34 Department of Human Services, the Department of Corrections, the  
35 Department of Health and Senior Services, and such other  
36 governmental agencies and task forces that address the needs of  
37 consumers of mental health services and their families, as the  
38 Assistant Commissioner of the Division of Mental Health Services  
39 deems appropriate.

40 c. The assistant commissioner shall consult with the New  
41 Jersey Hospital Association, the Hospital Alliance of New Jersey,  
42 the New Jersey Council of Teaching Hospitals, and community  
43 mental health advocacy organizations in developing the procedures  
44 required pursuant to this section. The assistant commissioner shall  
45 also seek input for the procedures from Statewide organizations that  
46 advocate for persons with mental illness and their families.

47 d. The assistant commissioner shall issue a report of his  
48 findings and recommendations, including a summary of the

1 procedures developed pursuant to this section, to the Governor and  
2 to the Senate Health, Human Services and Senior Citizens  
3 Committee and the Assembly Human Services Committee no later  
4 than 12 months after the effective date of this act.

5  
6 2. This act shall take effect immediately and shall expire 18  
7 months after the effective date.

8  
9  
10 STATEMENT

11  
12 This bill requires the Division of Mental Health Services in the  
13 Department of Human Services to develop the following procedures  
14 to enable emergency departments in general hospitals to obtain  
15 emergency relief from the division in the case of patients in need of  
16 behavioral health services who remain in the emergency department  
17 for 24 hours or longer awaiting placement in an appropriate  
18 behavioral health setting:

19 -- designate staff in the division who shall be notified by a  
20 general hospital when the hospital has a patient who has been  
21 awaiting placement in an appropriate behavioral health setting  
22 for 24 hours or longer;

23 -- provide for clinical facilitators who are available 24 hours per  
24 day, seven days per week, whose purpose is to review the  
25 clinical needs of the patient awaiting placement so that the  
26 patient can be transferred to a behavioral health setting that best  
27 meets the clinical needs of the patient as determined by the  
28 psychiatric team that evaluated the patient;

29 -- provide for a mechanism that will enable the division to  
30 conduct ongoing assessments of patient flow and access to care;  
31 and

32 -- set forth objective criteria for identifying resources that are  
33 needed to ensure timely implementation of the provisions of the  
34 required procedures.

35 In addition, the bill provides as follows:

- 36 • The Assistant Commissioner of the Division of Mental Health  
37 Services shall establish a mechanism to coordinate its procedures  
38 and policies with the Division of Child Behavioral Health in the  
39 Department of Children and Families, the Divisions of  
40 Developmental Disabilities and Addiction Services in the  
41 Department of Human Services, the Department of Corrections,  
42 the Department of Health and Senior Services, and such other  
43 governmental agencies and task forces that address the needs of  
44 consumers of mental health services and their families, as the  
45 assistant commissioner deems appropriate.
- 46 • The assistant commissioner shall consult with the New Jersey  
47 Hospital Association, the Hospital Alliance of New Jersey, the  
48 New Jersey Council of Teaching Hospitals, and community



**A3582 CRYAN, VAS**

4

- 1 mental health advocacy organizations in developing the  
2 procedures required pursuant to this bill. The assistant  
3 commissioner shall also seek input for the procedures from  
4 Statewide organizations that advocate for persons with mental  
5 illness and their families.
- 6 • The assistant commissioner shall issue a report of his findings  
7 and recommendations, including a summary of the procedures  
8 developed pursuant to this bill, to the Governor and to the Senate  
9 Health, Human Services and Senior Citizens Committee and the  
10 Assembly Human Services Committee no later than 12 months  
11 after the effective date of this bill.

# ASSEMBLY HUMAN SERVICES COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3582

with committee amendments

# STATE OF NEW JERSEY

DATED: MAY 11, 2009

The Assembly Human Services Committee reports favorably and with committee amendments, Assembly Bill No. 3582.

As amended by the committee, this bill requires the Division of Mental Health Services in the Department of Human Services to develop the following procedures to enable emergency departments in general hospitals to obtain emergency relief from the division in the case of patients in need of behavioral health services who remain in the emergency department for 24 hours or longer awaiting placement in an appropriate behavioral health setting:

-- designate staff in the division who shall be notified by a general hospital when the hospital has a patient who has been awaiting placement in an appropriate behavioral health setting for 24 hours or longer;

-- provide for clinical facilitators whose purpose is to review the clinical needs of the patient awaiting placement so that the patient can be transferred to a behavioral health setting that best meets the clinical needs of the patient as determined by the psychiatric team that evaluated the patient;

-- provide for a mechanism that will enable the division to conduct ongoing assessments of patient flow and access to care; and

-- set forth objective criteria for identifying resources that are needed to ensure timely implementation of the provisions of the required procedures.

In addition, the bill provides as follows:

- The Assistant Commissioner of the Division of Mental Health Services shall establish a mechanism to coordinate its procedures and policies with the Division of Child Behavioral Health in the Department of Children and Families, the Divisions of Developmental Disabilities and Addiction Services in the Department of Human Services, the Department of Corrections, the Department of Health and Senior Services, and such other governmental agencies and task forces that address the needs of consumers of mental health services and their families, as the assistant commissioner deems appropriate.

- The assistant commissioner shall consult with the New Jersey Hospital Association, the Hospital Alliance of New Jersey, the New Jersey Council of Teaching Hospitals, community mental health advocacy organizations, and a mental health consumer in developing the procedures required pursuant to this bill. The assistant commissioner shall also seek input for the procedures from Statewide organizations that advocate for persons with mental illness and their families.
- The assistant commissioner shall issue a report of his findings and recommendations, including a summary of the procedures developed pursuant to this bill, to the Governor and to the Senate Health, Human Services and Senior Citizens Committee and the Assembly Human Services Committee no later than 12 months after the effective date of this bill.

The bill is similar to Senate Bill No. 2444 (Codey) which is currently pending in the Senate Health, Human Services and Senior Citizens Committee.

#### COMMITTEE AMENDMENTS

The committee amended the bill to:

- eliminate the requirement that the Division of Mental Health Services provide for clinical facilitators who are available 24 hours a day, seven days per week; and
- require the assistant commissioner to consult with a mental health consumer, as well as other organizations specified in the bill, in developing the procedures required in the bill.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 3582**

with committee amendments

**STATE OF NEW JERSEY**

DATED: NOVEMBER 23, 2009

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments Assembly Bill No. 3582 (1R).

As amended by the committee, this bill requires the Department of Human Services (DHS) to develop the following procedures to enable emergency departments in general hospitals to obtain emergency relief from DHS when patients in need of behavioral health services remain in the emergency department for 24 hours or longer awaiting placement in an appropriate behavioral health setting:

- designate staff in DHS to be notified by a general hospital when the hospital has a patient who has been awaiting placement in an appropriate behavioral health setting for 24 hours or longer;
- provide for clinical facilitators whose purpose is to review the clinical needs of the patient awaiting placement so that the patient can be transferred to a behavioral health setting that best meets the clinical needs of the patient as determined by the psychiatric team that evaluated the patient;
- provide for a mechanism that will enable DHS to conduct ongoing assessments of patient flow and access to care; and
- set forth objective criteria for identifying resources that are needed to ensure timely implementation of the provisions of the required procedures.

In addition, the bill provides as follows:

- The Commissioner of Human Services shall establish a mechanism to coordinate DHS procedures and policies with the Department of Corrections, the Department of Health and Senior Services, and such other governmental agencies and task forces that address the needs of consumers of mental health services and their families, as the commissioner deems appropriate.
- The commissioner shall consult with the New Jersey Hospital Association, the Hospital Alliance of New Jersey, the New Jersey Council of Teaching Hospitals, community mental health advocacy

organizations, and a mental health consumer in developing the procedures required pursuant to this bill. The commissioner shall also seek input for the procedures from Statewide organizations that advocate for persons with mental illness and their families.

- The provisions of the bill shall not apply to any patient who is under 18 years of age.
- The commissioner shall issue a report of his findings and recommendations, including a summary of the procedures developed pursuant to this bill, to the Governor and to the Senate Health, Human Services and Senior Citizens Committee and the Assembly Human Services Committee no later than 12 months after the effective date of this bill.

The committee amended the bill to:

- provide that the directives in the bill apply to DHS and the Commissioner of Human Services, rather than to the Division of Mental Health Services and the Assistant Commissioner of that division;
- provide that the bill's provisions shall not apply to any patient under 18 years of age; and
- eliminate the requirement that the commissioner coordinate procedures and policies with the Division of Child Behavioral Health in the Department of Children and Families.

As amended by the committee, this bill is identical to Senate Bill No. 2444 (SCA) (Codey), which the committee also reported favorably on this date.

**SENATE, No. 2444**

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

INTRODUCED DECEMBER 15, 2008

**Sponsored by:**  
**Senator RICHARD J. CODEY**  
**District 27 (Essex)**

**SYNOPSIS**

Requires Division of Mental Health Services to develop procedures to enable hospitals to promptly transfer emergency department patients with mental illness to appropriate treatment setting.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning mental health services and supplementing Title  
2 30 of the Revised Statutes.

3

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

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7 1. a. The Division of Mental Health Services in the  
8 Department of Human Services shall develop the following  
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10 obtain emergency relief from the division in the case of patients in  
11 need of behavioral health services who remain in the emergency  
12 department for 24 hours or longer awaiting placement in an  
13 appropriate behavioral health setting:

14 (1) designate staff in the division who shall be notified by a  
15 general hospital when the hospital has a patient who has been  
16 awaiting placement in an appropriate behavioral health setting for  
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18 (2) provide for clinical facilitators who are available 24 hours  
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21 can be transferred to a behavioral health setting that best meets the  
22 clinical needs of the patient as determined by the psychiatric team  
23 that evaluated the patient;

24 (3) provide for a mechanism that will enable the division to  
25 conduct ongoing assessments of patient flow and access to care; and

26 (4) set forth objective criteria for identifying resources that are  
27 needed to ensure timely implementation of the procedures required  
28 under this subsection.

29 b. The Assistant Commissioner of the Division of Mental  
30 Health Services shall establish a mechanism to coordinate its  
31 procedures and policies with the Division of Child Behavioral  
32 Health in the Department of Children and Families, the Divisions of  
33 Developmental Disabilities and Addiction Services in the  
34 Department of Human Services, the Department of Corrections, the  
35 Department of Health and Senior Services, and such other  
36 governmental agencies and task forces that address the needs of  
37 consumers of mental health services and their families, as the  
38 Assistant Commissioner of the Division of Mental Health Services  
39 deems appropriate.

40 c. The assistant commissioner shall consult with the New  
41 Jersey Hospital Association, the Hospital Alliance of New Jersey,  
42 the New Jersey Council of Teaching Hospitals, and community  
43 mental health advocacy organizations in developing the procedures  
44 required pursuant to this section. The assistant commissioner shall  
45 also seek input for the procedures from Statewide organizations that  
46 advocate for persons with mental illness and their families.

47 d. The assistant commissioner shall issue a report of his  
48 findings and recommendations, including a summary of the

1 procedures developed pursuant to this section, to the Governor and  
2 to the Senate Health, Human Services and Senior Citizens  
3 Committee and the Assembly Human Services Committee no later  
4 than 12 months after the effective date of this act.

5  
6 2. This act shall take effect immediately and shall expire 18  
7 months after the effective date.

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10 STATEMENT

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13 Department of Human Services to develop the following procedures  
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15 emergency relief from the division in the case of patients in need of  
16 behavioral health services who remain in the emergency department  
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20 general hospital when the hospital has a patient who has been  
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23 -- provide for clinical facilitators who are available 24 hours per  
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25 clinical needs of the patient awaiting placement so that the  
26 patient can be transferred to a behavioral health setting that best  
27 meets the clinical needs of the patient as determined by the  
28 psychiatric team that evaluated the patient;

29 -- provide for a mechanism that will enable the division to  
30 conduct ongoing assessments of patient flow and access to care;  
31 and

32 -- set forth objective criteria for identifying resources that are  
33 needed to ensure timely implementation of the provisions of the  
34 required procedures.

35 In addition, the bill provides as follows:

36 • The Assistant Commissioner of the Division of Mental Health  
37 Services shall establish a mechanism to coordinate its procedures  
38 and policies with the Division of Child Behavioral Health in the  
39 Department of Children and Families, the Divisions of  
40 Developmental Disabilities and Addiction Services in the  
41 Department of Human Services, the Department of Corrections,  
42 the Department of Health and Senior Services, and such other  
43 governmental agencies and task forces that address the needs of  
44 consumers of mental health services and their families, as the  
45 assistant commissioner deems appropriate.

46 • The assistant commissioner shall consult with the New Jersey  
47 Hospital Association, the Hospital Alliance of New Jersey, the  
48 New Jersey Council of Teaching Hospitals, and community



**S2444 CODEY**

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- 1     mental health advocacy organizations in developing the  
2     procedures required pursuant to this bill. The assistant  
3     commissioner shall also seek input for the procedures from  
4     Statewide organizations that advocate for persons with mental  
5     illness and their families.
- 6     • The assistant commissioner shall issue a report of his findings  
7     and recommendations, including a summary of the procedures  
8     developed pursuant to this bill, to the Governor and to the Senate  
9     Health, Human Services and Senior Citizens Committee and the  
10    Assembly Human Services Committee no later than 12 months  
11    after the effective date of this bill.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 2444**

with committee amendments

**STATE OF NEW JERSEY**

DATED: NOVEMBER 23, 2009

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments Senate Bill No. 2444.

As amended by the committee, this bill requires the Department of Human Services (DHS) to develop the following procedures to enable emergency departments in general hospitals to obtain emergency relief from DHS when patients in need of behavioral health services remain in the emergency department for 24 hours or longer awaiting placement in an appropriate behavioral health setting:

- designate staff in DHS to be notified by a general hospital when the hospital has a patient who has been awaiting placement in an appropriate behavioral health setting for 24 hours or longer;
- provide for clinical facilitators whose purpose is to review the clinical needs of the patient awaiting placement so that the patient can be transferred to a behavioral health setting that best meets the clinical needs of the patient as determined by the psychiatric team that evaluated the patient;
- provide for a mechanism that will enable DHS to conduct ongoing assessments of patient flow and access to care; and
- set forth objective criteria for identifying resources that are needed to ensure timely implementation of the provisions of the required procedures.

In addition, the bill provides as follows:

- The Commissioner of Human Services shall establish a mechanism to coordinate DHS procedures and policies with the Department of Corrections, the Department of Health and Senior Services, and such other governmental agencies and task forces that address the needs of consumers of mental health services and their families, as the commissioner deems appropriate.
- The commissioner shall consult with the New Jersey Hospital Association, the Hospital Alliance of New Jersey, the New Jersey Council of Teaching Hospitals, community mental health advocacy organizations, and a mental health consumer in developing the

procedures required pursuant to this bill. The commissioner shall also seek input for the procedures from Statewide organizations that advocate for persons with mental illness and their families.

- The provisions of the bill shall not apply to any patient who is under 18 years of age.
- The commissioner shall issue a report of his findings and recommendations, including a summary of the procedures developed pursuant to this bill, to the Governor and to the Senate Health, Human Services and Senior Citizens Committee and the Assembly Human Services Committee no later than 12 months after the effective date of this bill.

The committee amended the bill to:

- eliminate the requirement that DHS provide for clinical facilitators who are available 24 hours a day, seven days per week;
- require the commissioner to consult with a mental health consumer, as well as other organizations specified in the bill, in developing the procedures required in the bill;
- eliminate the requirement that the commissioner coordinate procedures and policies with the Division of Child Behavioral Health in the Department of Children and Families;
- provide that the bill's provisions shall not apply to any patient under 18 years of age; and
- provide that the directives in the bill apply to DHS and the Commissioner of Human Services, rather than to the Division of Mental Health Services and the Assistant Commissioner of that division.

As amended by the committee, this bill is identical to Assembly Bill No. 3582 (1R) (SCA) (Cryan/Vas/Coutinho/Cruz-Perez), which the committee also reported favorably on this date.