

30:4-71

LEGISLATIVE HISTORY CHECKLIST

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(Developmental Disabilities--
medical treatment)

NJSA: 30:4-7.1

LAWS OF: 1997 CHAPTER: 208

BILL NO: S566

SPONSOR(S): Bassano

DATE INTRODUCED: January 29, 1996

COMMITTEE: ASSEMBLY: Community Services

SENATE: Human Services

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
First reprint enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 19, 1997

SENATE: March 18, 1996

DATE OF APPROVAL: August 18, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[Corrected Copy]

[First Reprint]

SENATE, No. 566

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senator BASSANO

1 AN ACT concerning consent for treatment for persons with
2 developmental disabilities and amending P.L.1969, c.181.

3

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

6

7 1. Section 1 of P.L.1969, c.181 (C.30:4-7.1) is amended to read as
8 follows:

9 1. It is hereby declared to be the public policy of this State to make
10 maximum provision for the health, safety and welfare of incompetent
11 patients and residents in State and county institutions for the mentally
12 ill and **[mentally retarded]** developmentally disabled, for
13 developmentally disabled residents in community-based alternate living
14 arrangements in the State or in private facilities both in and outside the
15 State, and for inmates under age **[21]** ¹18 in State and county penal
16 and correctional institutions, by permitting the chief executive officer
17 of such institution or the regional administrator of a Division of
18 Developmental Disabilities community services region to consent to
19 the utilization of appropriate medical, psychiatric, surgical and dental
20 treatment for such patients **[and],** inmates and residents where
21 prescribed by a licensed physician or dentist as provided for herein.
22 (cf: P.L.1969, c.181, s.1)

23

24 2. Section 2 of P.L.1969, c.181 (C.30:4-7.2) is amended to read as
25 follows:

26 2. The chief executive officer of a State or county institution for
27 the mentally ill **[, mentally retarded]** or developmentally disabled
28 ¹**[or]** ¹ of a State or county penal or correctional institution ¹ of a

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHU committee amendments adopted March 7, 1996.

1 juvenile facility or detention center¹ , or the regional administrator of
2 a Division of Developmental Disabilities community services region
3 is hereby authorized to give consent for medical, psychiatric, surgical
4 or dental treatment to incompetent patients, **[or]** inmates ¹or
5 juveniles¹ under age **[21]** 18, or residents, hospitalized **[or]**, confined
6 **[therein]** or placed by the Division of Developmental Disabilities in
7 community-based alternate living arrangements in the State or in
8 private facilities both in and outside the State, under circumstances
9 where it appears that

10 (a) Such patients **[or]**, inmates ¹, juveniles¹ or residents, because
11 of incompetency or nonage, are legally prevented from giving consent
12 to such treatment, and

13 (b) Either:

14 (i) there is no parent or guardian known to such officer or
15 administrator, after reasonable inquiry, who is competent to give
16 consent for the treatment of **[mental]** patients, **[or of]** inmates under
17 the age of **[21]** 18 or residents, or

18 (ii) where a parent or guardian, after reasonable notice of the
19 proposed treatment and a request for consent, and prior to the date
20 fixed in such notice for the rendering of said treatment, refuses or
21 neglects to execute and submit to such officer or administrator a
22 writing expressing either the grant or denial of such consent, and

23 (c) Where a licensed physician, psychiatrist, surgeon or dentist
24 certifies that the treatment to be performed is essential and beneficial
25 to the general health and welfare of such patient **[or]**, inmate or
26 resident, or will improve his opportunity for recovery or prolong or
27 save his life.

28 (cf: P.L.1969, c.181, s.2)

29

30 3. Section 3 of P.L.1969, c.181 (C.30:4-7.3) is amended to read as
31 follows:

32 3. In a case certified by a licensed physician, surgeon, psychiatrist
33 or dentist to be one of grave emergency and to require immediate
34 surgical intervention or other treatment in order to prevent the death
35 of, or serious consequences to such patient **[or]**, inmate or resident,
36 the chief executive officer or regional administrator is hereby
37 authorized to consent to such medical, psychiatric, surgical or dental
38 treatment to such patient **[or]**, inmate or resident as recommended
39 and prescribed by such certification.

40 (cf: P.L.1969, c.181, s.3)

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42 4. Section 4 of P.L.1969, c.181 (C.30:4-7.4) is amended to read as
43 follows:

44 4. Notice of required treatment shall be given to a parent or
45 guardian of such patient **[or]**, inmate ¹, juvenile¹ or resident by

1 certified mail to the last known address with a request for consent, and
2 such notice shall contain sufficient information to indicate the precise
3 nature of the illness and the proposed treatment and the date same will
4 be performed, and shall be sent at least 10 days in advance of the date
5 recommended for such treatment unless the case is one certified to be
6 emergent, as provided hereinabove, in which case the parent or
7 guardian shall be given the maximum advance notice possible under
8 the circumstances. For the purposes of this act, such notice shall be
9 deemed reasonable notice.

10 (cf: P.L.1969, c.181, s.4)

11
12 5. Section 5 of P.L.1969, c.181 (C.30:4-7.5) is amended to read as
13 follows:

14 5. Under all of the foregoing circumstances, the chief executive
15 officer or regional administrator, granting such consent in the exercise
16 of his discretion, upon the recommendation contained in the medical,
17 psychiatric, surgical or dental certification, shall be exempt from
18 personal liability in the performance of such public duty.

19 (cf: P.L.1969, c.181, s.5)

20
21 6. Section 6 of P.L.1969, c.181 (C.30:4-7.6) is amended to read as
22 follows:

23 6. Nothing herein shall be so construed as to give authority to the
24 chief executive officer of any institution or the regional administrator
25 of a Division of Developmental Disabilities community services region
26 to supervise, regulate or control the remedial care or treatment of
27 individual patients, inmates or residents who are adherents of any well
28 recognized church or religious denomination which subscribes to the
29 art of healing by prayer and the principles of which are opposed to
30 medical treatment.

31 (cf: P.L.1969, c.181, s.6)

32
33 7. This act shall take effect immediately.

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38 Permits regional administrator of a Division of Developmental
39 Disabilities community services region to consent to treatment for
40 residents under certain circumstances.

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2 (cf: P.L.1969, c.181, s.4)

3

4 5. Section 5 of P.L.1969, c.181 (C.30:4-7.5) is amended to read as
5 follows:

6 5. Under all of the foregoing circumstances, the chief executive
7 officer or regional administrator, granting such consent in the exercise
8 of his discretion, upon the recommendation contained in the medical,
9 psychiatric, surgical or dental certification, shall be exempt from
10 personal liability in the performance of such public duty.

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13 6. Section 6 of P.L.1969, c.181 (C.30:4-7.6) is amended to read as
14 follows:

15 6. Nothing herein shall be so construed as to give authority to the
16 chief executive officer of any institution or the regional administrator
17 of a Division of Developmental Disabilities community services region
18 to supervise, regulate or control the remedial care or treatment of
19 individual patients, inmates or residents who are adherents of any well
20 recognized church or religious denomination which subscribes to the
21 art of healing by prayer and the principles of which are opposed to
22 medical treatment.

23 (cf: P.L.1969, c.181, s.6)

24

25 7. This act shall take effect immediately.

26

27

28 STATEMENT

29

30 This bill provides that a regional administrator of a Division of
31 Developmental Disabilities community services region may consent to
32 appropriate medical, psychiatric, surgical and dental treatment for
33 residents placed by the Division of Developmental Disabilities in
34 community-based alternate living arrangements in the State or in
35 private institutions both in and outside the State. This bill amends
36 P.L.1969, c.181 (C.30:4-7.1 et seq.) which currently allows the chief
37 executive officer of a State or county institution for the mentally ill or
38 developmentally disabled, or of a State or county penal or correctional
39 institution to provide the consent.

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44 Permits regional administrator of a Division of Developmental
45 Disabilities community services region to consent to treatment for
46 residents under certain circumstances.

ASSEMBLY COMMUNITY SERVICES COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 566

STATE OF NEW JERSEY

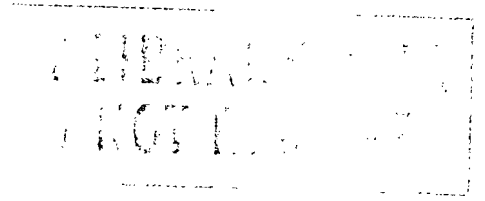
DATED: FEBRUARY 3, 1997

The Assembly Community Services Committee reports favorably Senate Bill No.566 (1R).

This bill provides that a regional administrator of a Division of Developmental Disabilities community services region may consent to appropriate medical, psychiatric, surgical and dental treatment for residents placed by the Division of Developmental Disabilities in community-based alternate living arrangements in the State or in private institutions both in and outside the State. This bill amends P.L.1969, c.181 (C.30:4-7.1 et seq.) which currently allows the chief executive officer of a State or county institution for the mentally ill or developmentally disabled, a State or county penal or correctional institution, or a juvenile facility or detention center to provide the consent. The bill also includes technical amendments to update the law to reflect changes made pursuant to P.L. 1995, c.280.

SENATE HUMAN SERVICES COMMITTEE

STATEMENT TO
SENATE, No. 566



with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 7, 1996

The Senate Human Service Committee favorably reports Senate Bill No. 566 with committee amendments.

As amended by committee, this bill provides that a regional administrator of a Division of Developmental Disabilities community services region may consent to appropriate medical, psychiatric, surgical and dental treatment for residents placed by the Division of Developmental Disabilities in community-based alternate living arrangements in the State or in private institutions both in and outside the State. This bill amends P.L.1969, c.181 (C.30:4-7.1 et seq.) which currently allows the chief executive officer of a State or county institution for the mentally ill or developmentally disabled, of a State or county penal or correctional institution, or of a juvenile facility or detention center to provide the consent.

This bill is similar to Senate Bill No. 2111 of 1995 (Bassano) which was reported by the Senate Human Services Committee during the last session.

The committee adopted technical amendments to update the law to reflect changes made pursuant to P.L. 1995, c.280.