

30:9A-1

LEGISLATIVE HISTORY CHECKLIST
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(Community mental health agencies)

NJSA: 30:9A-1

LAWS OF: 1995 **CHAPTER:** 321

BILL NO: S1200

SPONSOR(S): Singer

DATE INTRODUCED: June 6, 1994

COMMITTEE: **ASSEMBLY** Health and Human Services; Appropriations
SENATE: Health

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

DATE OF PASSAGE: **ASSEMBLY:** December 21, 1995
SENATE: October 27, 1995

DATE OF APPROVAL: January 5, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes 3-27-95 & 12-14-95
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[FIRST REPRINT]
SENATE, No. 1200

STATE OF NEW JERSEY

INTRODUCED JUNE 6, 1994

By Senator SINGER

1 AN ACT concerning ¹[community]¹ mental health ¹[agencies]
2 programs¹ and supplementing P.L.1957, c.146 (C.30:9A-1 et
3 seq.) and ¹[chapters 1A and] chapter¹ 2H of Title 26 of the
4 Revised Statutes.

5

6 BE IT ENACTED *by the Senate and General Assembly of the*
7 *State of New Jersey:*

8 1. As used in sections 1 through 4 of this act:

9 "Commissioner" means the Commissioner of Human Services.

10 ¹["Community mental health agency" means an agency,
11 organization or other entity which provides one or more
12 community-based mental health programs or services in
13 accordance with regulations adopted by the commissioner.]

14 "Mental health program" means a program of mental health
15 services which is subject to regulations adopted by the
16 commissioner. The program may be public or private,
17 hospital-based or non-hospital-based, incorporated or
18 unincorporated, and for profit or nonprofit.¹

19 2. ¹[No] A¹ person shall ¹not¹ conduct, maintain or operate a
20 ¹[community]¹ mental health ¹[agency] program¹ unless¹: a.¹ the
21 commissioner has issued a license to that person, in accordance
22 with rules and regulations adopted by the commissioner which
23 prescribe standards for the provision of services by a
24 ¹[community]¹ mental health ¹[agency] program; and b. that
25 person has a purchase of service contract or an affiliation
26 agreement with the Division of Mental Health and Hospitals in
27 the Department of Human Services.¹

28 3. Nothing in this act shall be construed to:

29 a. limit the authority of the Department of Health with
30 respect to the licensure of a health care facility pursuant to
31 P.L.1971, c.136 (C.26:2H-1 et seq.), regardless of whether the
32 facility operates a separate psychiatric unit or service, or an
33 alcohol treatment facility pursuant to P.L.1975, c.305 (C.26:2B-7
34 et seq.), or the issuance of a certificate of approval to a narcotic
35 and drug abuse treatment center pursuant to P.L.1970, c.334
36 (C.26:2G-21 et seq.); ¹[or]¹

37 b. require the licensure of any facility or center referenced in
38 subsection a. of this section by the Department of Human
39 Services¹; or

40 c. require licensure of a mental health agency which does not
41 provide a mental health program that is subject to regulations
42 adopted by the commissioner.¹

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:

¹ Senate SHH committee amendments adopted September 26, 1994.

1 4. The commissioner, pursuant to the "Administrative
2 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
3 rules and regulations to effectuate the purposes of this act.

4 ¹[5. The Commissioner of Health shall consult with the
5 Commissioner of Human Services prior to the licensure of a
6 health care facility pursuant to P.L.1971, c.136 (C.26:2H-1 et
7 seq.) or an alcohol treatment facility pursuant to P.L.1975, c.305
8 (C.26:2B-7 et seq.), or the issuance of a certificate of approval to
9 a narcotic and drug abuse treatment center pursuant to P.L.1970,
10 c.334 (C.26:2G-21 et seq.), to the extent that the facility or
11 center provides services which are subject to standards
12 prescribed by regulation of the Commissioner of Human Services
13 pursuant to P.L. , c. (C.)(pending before the
14 Legislature as this bill).]¹

15 ¹[6.] 5.¹ A license issued to a ¹[community]¹ mental health
16 ¹[agency] program¹ by the Commissioner of Human Services
17 pursuant to P.L. , c. (C.)(pending before the
18 Legislature as this bill) shall be deemed to satisfy the
19 requirements for licensure of a health care facility by the
20 Department of Health pursuant to section 12 of P.L.1971, c.136
21 (C.26:2H-12) ¹for those mental health programs,¹ and for
22 payment by a purchaser of health care services pursuant to
23 section 18 of P.L.1971, c.136 (C.26:2H-18).

24 ¹[7.] 6.¹ This act shall take effect immediately.

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28

29 Requires DHS to license certain mental health programs.

1 shall be deemed to satisfy the requirements for licensure of a
2 health care facility by the Department of Health pursuant to
3 section 12 of P.L.1971, c.136 (C.26:2H-12) and for payment by a
4 purchaser of health care services pursuant to section 18 of
5 P.L.1971, c.136 (C.26:2H-18).

6 7. This act shall take effect immediately.

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9 STATEMENT

10
11 This bill provides for the licensure of community mental health
12 agencies by the Department of Human Services.

13 Nothing in this bill shall be construed to limit the authority of
14 the Department of Health with respect to the licensure of health
15 care facilities (regardless of whether they operate separate
16 psychiatric units or services) or alcohol treatment facilities, or
17 the issuance of certificates of approval to narcotic and drug
18 abuse treatment centers; or require the licensure of any of these
19 facilities or centers.

20 The bill provides that the Commissioner of Health shall consult
21 with the Commissioner of Human Services prior to the licensure
22 of a health care facility or an alcohol treatment facility, or the
23 issuance of a certificate of approval to a narcotic and drug abuse
24 treatment center, to the extent that the facility or center
25 provides services which are subject to standards prescribed by
26 regulation of the Commissioner of Human Services pursuant to
27 this bill.

28 The bill further provides that a license issued to a community
29 mental health agency by the Commissioner of Human Services
30 pursuant to this bill shall be deemed to satisfy the requirements
31 for licensure of a health care facility by the Department of
32 Health and for payment by a purchaser of health care services
33 under existing law.

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38 Requires DHS license community mental health agencies.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 1200

STATE OF NEW JERSEY

DATED: MARCH 27, 1995

The Assembly Health and Human Services Committee favorably reports Senate Bill No. 1200 (1R).

This bill provides for the licensure of mental health programs by the Department of Human Services.

The bill defines "mental health program" as a program of mental health services which is subject to regulations adopted by the Commissioner of Human Services. The bill requires that a person who conducts, maintains or operates a mental health program shall obtain a license from the department and have a purchase of service contract or affiliation agreement with the department. The bill specifies that a mental health agency which does not provide a mental health program that is subject to the regulations of the commissioner is not required to be licensed under the bill.

The bill further provides that a license issued to a mental health program by the Commissioner of Human Services pursuant to this bill shall be deemed to satisfy the requirements for licensure of a health care facility by the Department of Health and for payment by a purchaser of health care services under existing law.

This bill is identical to Assembly Bill No. 2234 (Vandervalk), which the committee also reported on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 1200

STATE OF NEW JERSEY

DATED: DECEMBER 14, 1995

The Assembly Appropriations Committee reports favorably Senate Bill No. 1200 (1R).

Senate Bill No. 1200 (1R) provides for the licensure of mental health programs by the Department of Human Services (DHS). The bill defines "mental health program" as a program of mental health services which is subject to regulations adopted by the Commissioner of Human Services. The bill requires a person who conducts, maintains or operates a mental health program to obtain a license from the department and have a purchase of service contract or affiliation agreement with the department. The bill specifies that a mental health agency which does not provide a mental health program that is subject to the regulations of the commissioner is not required to be licensed under the bill.

The bill provides that a license issued to a mental health program by DHS pursuant to this bill satisfies the requirements for licensure of a health care facility by the Department of Health, and for payment by a purchaser of health care services under existing law.

This bill is identical to Assembly Bill No. 2234, as reported by this committee.

FISCAL IMPACT:

As DHS already licenses mental health programs, the bill does not entail any new State costs.

SENATE HEALTH COMMITTEE

STATEMENT TO

SENATE, No. 1200

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 1994

The Senate Health Committee favorably reports Senate Bill No. 1200 with committee amendments.

As amended by committee, this bill provides for the licensure of mental health programs by the Department of Human Services.

The bill defines "mental health program" as a program of mental health services which is subject to regulations adopted by the Commissioner of Human Services. The bill requires that a person who conducts, maintains or operates a mental health program shall obtain a license from the department and have a purchase of service contract or affiliation agreement with the department. The bill specifies that a mental health agency which does not provide a mental health program that is subject to the regulations of the commissioner is not required to be licensed under the bill.

The bill further provides that a license issued to a mental health program by the Commissioner of Human Services pursuant to this bill shall be deemed to satisfy the requirements for licensure of a health care facility by the Department of Health and for payment by a purchaser of health care services under existing law.

The committee amended the bill at the request of the sponsor to clarify that specific programs, rather than agencies, are subject to licensure and that these programs must have a purchase of service or affiliation agreement with the Division of Mental Health and Hospitals. Also, because programs rather than agencies are subject to licensure, the amendments delete section 5 of the bill which had required the Commissioner of Health to consult with the Commissioner of Human Services prior to the licensure of certain alcohol and drug treatment facilities which also provide mental health services.