

CHAPTER 62

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

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

C.26:2H-12.109a Behavioral health care provider, services, emergency homeless shelters, authorized; definitions.

1. a. As used in this section:

"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.

"Behavioral health care provider" means a psychiatrist, psychiatric advanced practice nurse, psychologist, clinical social worker, marriage and family therapist, any other mental health or substance use disorder treatment provider licensed pursuant to Title 45 of the Revised Statutes, 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 the provider's capacity as an employee or contractor for a facility licensed by the Department of Health to provide behavioral health care.

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

b. A behavioral health care provider shall be authorized to provide behavioral health care services to homeless persons within an emergency shelter for the homeless, 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 within the shelter.

A behavioral health care provider may provide the services authorized pursuant to this section 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 shelter shall set forth a schedule designating the days and hours that the services may be provided. Nothing in this section shall be construed to prohibit the provision of behavioral health care, if necessary, on an emergency basis outside the designated days and hours.

c. The Commissioner of Human Services shall apply for such State plan amendments or waivers to provide behavioral health care, as described in this section, and secure federal financial participation for the associated State Medicaid expenditures under the federal Medicaid program.

2. 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, shall jointly or separately adopt

rules and regulations, in accordance with the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the provisions of this act.

3. This act shall take effect immediately.

Approved May 15, 2023.