

[Second Reprint]

SENATE, No. 3261

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED OCTOBER 31, 2022

Sponsored by:

Senator RENEE C. BURGESS

District 28 (Essex)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

Senators Codey, Durr, Gill and O'Scanlon

SYNOPSIS

Permits behavioral and mental health care providers to operate within homeless shelters.

CURRENT VERSION OF TEXT

As amended by the Senate on February 27, 2023.



(Sponsorship Updated As Of: 3/20/2023)

1 **AN ACT** concerning homeless shelters and behavioral and mental
2 health and supplementing Title 26 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. As used in this section:

8 "Behavioral health care" means procedures or services, other
9 than primary health care services, which are provided by a health
10 care practitioner to a patient for the treatment of a mental illness,
11 emotional disorder, or drug or alcohol use disorder ¹**[that is of mild**
12 **to moderate severity. "Behavioral health care" shall not include**
13 **procedures or services that are provided for the treatment of severe**
14 **mental illness, severe emotional disorder, or severe drug or alcohol**
15 **use disorder]**¹.

16 "Behavioral health care provider" means ¹**[a provider licensed or**
17 **approved by the Department of Human Services to render**
18 **behavioral health care services]** a psychiatrist, psychiatric
19 ²**[advance]** advanced² practice nurse, psychologist, clinical social
20 worker, marriage and family therapist, ²**[or]**² any other mental
21 health or substance use disorder treatment provider licensed
22 pursuant to Title 45 of the Revised Statutes^{1 2}, a practitioner
23 otherwise authorized to provide behavioral health care in the State,
24 or a treatment provider who is licensed or otherwise authorized to
25 provide behavioral health care in the State acting in the provider's
26 capacity as an employee or contractor for a facility licensed by the
27 Department of Health to provide behavioral health care².

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

33 ¹**["Mental health care professional" means a psychiatrist,**
34 **psychologist, or clinical social worker licensed pursuant to Title 45**
35 **of the Revised Statutes.]**¹

36 b. A behavioral health care provider ¹**[and a mental health care**
37 **professional]**¹ shall be authorized to ¹**[jointly or separately]**¹
38 **provide behavioral ¹**[or mental]**¹ health care services to homeless**
39 **persons within an emergency shelter for the homeless, ²**[in a****
40 **manner to be determined by the Commissioners of Community**
41 **Affairs and Human Services, the State Board of Medical Examiners,**
42 **the State Board of Psychological Examiners, and the State Board of**
43 **Social Work Examiners]** on the condition that:

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:

¹Senate SHH committee amendments adopted January 19, 2023.

²Senate floor amendments adopted February 27, 2023.

1 (1) the services are made available to all residents to whom such
2 services are applicable;

3 (2) the services are provided in an environment that ensures, to
4 the extent feasible given the layout and structure of the shelter,
5 ongoing visual and auditory privacy for individual or group
6 counseling services;

7 (3) in the case of residents not receiving behavioral health care
8 and to the extent feasible given the layout and structure of the
9 shelter, the privacy and the right not to be disturbed of such
10 residents are protected; and

11 (4) participation in any behavioral health care program is not
12 made mandatory for any person residing within the shelter².

13 A behavioral health care provider ¹【or mental health care
14 professional】¹ may provide the services authorized pursuant to this
15 section in response to emergencies, on a part-time or full-time basis,
16 and within a temporary or permanent location within the emergency
17 shelter for the homeless that is exclusively used by the behavioral
18 health care provider ¹【or mental health care professional】¹ ²【to
19 provide such services within the shelter】. The shelter shall set forth
20 a schedule designating the days and hours that the services may be
21 provided. Nothing in this section shall be construed to prohibit the
22 provision of behavioral health care, if necessary, on an emergency
23 basis outside the designated days and hours.

24 c. The Commissioner of Human Services shall apply for such
25 State plan amendments or waivers to provide behavioral health care,
26 as described in this section, and secure federal financial
27 participation for the associated State Medicaid expenditures under
28 the federal Medicaid program².

29
30 2. The ²【Commissioners of Community Affairs and Human
31 Services, the State Board of Medical Examiners, the State Board of
32 Psychological Examiners, and the State Board of Social Work
33 Examiners】 Commissioner of Community Affairs, in consultation
34 with the Commissioners of Children and Families, Health, and
35 Human Services, and the Director of the Division of Consumer
36 Affairs in the Department of Law and Public Safety,² shall jointly
37 or separately adopt rules and regulations, in accordance with the
38 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
39 seq.), as are necessary to effectuate the provisions of this act.

40
41 3. This act shall take effect immediately.