

[Third Reprint]

**SENATE, No. 3929**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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INTRODUCED JUNE 5, 2023

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Co-Sponsored by:**

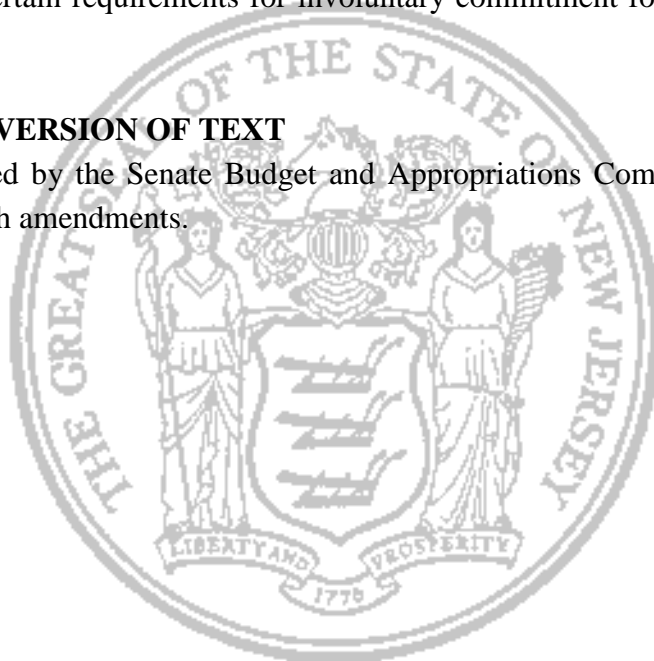
**Senators Diegnan, Madden, Assemblymen Atkins and McKeon**

**SYNOPSIS**

Revises certain requirements for involuntary commitment for mental health treatment.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on June 27, 2023, with amendments.



**(Sponsorship Updated As Of: 6/30/2023)**

1 AN ACT concerning involuntary commitment to mental health  
2 treatment and <sup>1</sup>**[amending]** supplementing<sup>1</sup> P.L.1987, c.116  
3 <sup>1</sup>(C.30:4-27.1 et seq.)<sup>1</sup> .  
4

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

8 <sup>1</sup>**[**1. Section 2 of P.L.1987, c.116 (C.30:4-27.2) is amended to  
9 read as follows:  
10

11 2. As used in P.L.1987, c.116 (C.30:4-27.1 et seq.) and  
12 P.L.2009, c.112:

13 a. "Chief executive officer" means the person who is the chief  
14 administrative officer of an institution or psychiatric facility.

15 b. "Clinical certificate" means a form prepared by the division  
16 and approved by the Administrative Office of the Courts, that is  
17 completed by the psychiatrist or other physician who has examined  
18 the person who is subject to commitment within three days of  
19 presenting the person for involuntary commitment to treatment, and  
20 which states that the person is in need of involuntary commitment  
21 to treatment. The form shall also state the specific facts upon which  
22 the examining physician has based his conclusion and shall be  
23 certified in accordance with the Rules of the Court. A clinical  
24 certificate may not be executed by a person who is a relative by  
25 blood or marriage to the person who is being screened.

26 c. "Clinical director" means the person who is designated by  
27 the director or chief executive officer to organize and supervise the  
28 clinical services provided in a screening service, short-term care or  
29 psychiatric facility. The clinical director shall be a psychiatrist;  
30 however, those persons currently serving in the capacity will not be  
31 affected by this provision. This provision shall not alter any current  
32 civil service laws designating the qualifications of such position.

33 d. "Commissioner" means the Commissioner of Human  
34 Services.

35 e. "County counsel" means the chief legal officer or advisor of  
36 the governing body of a county.

37 f. "Court" means the Superior Court or a municipal court.

38 g. "Custody" means the right and responsibility to ensure the  
39 provision of care and supervision.

40 h. "Dangerous to self" means that by reason of mental illness  
41 the person has threatened or attempted suicide or serious bodily  
42 harm, or has behaved in such a manner as to indicate that the person  
43 is unable to satisfy his need for nourishment, essential medical care  
or shelter, so that it is probable that substantial bodily injury,

**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>Senate SHH committee amendments adopted June 15, 2023.

<sup>2</sup>Senate floor amendments adopted June 20, 2023.

<sup>3</sup>Senate SBA committee amendments adopted June 27, 2023.

1 serious physical harm, or death will result within the reasonably  
2 foreseeable future; however, no person shall be deemed to be  
3 unable to satisfy his need for nourishment, essential medical care,  
4 or shelter if he is able to satisfy such needs with the supervision and  
5 assistance of others who are willing and available. This  
6 determination shall take into account a person's history, recent  
7 behavior, and any recent act, threat, or serious psychiatric  
8 deterioration.

9 i. "Dangerous to others or property" means that by reason of  
10 mental illness there is a substantial likelihood that the person will  
11 inflict serious bodily harm upon another person or cause serious  
12 property damage within the reasonably foreseeable future. This  
13 determination shall take into account a person's history, recent  
14 behavior, and any recent act, threat, or serious psychiatric  
15 deterioration.

16 j. "Department" means the Department of Human Services.

17 k. "Director" means the chief administrative officer of a  
18 screening service, short-term care facility, or special psychiatric  
19 hospital.

20 l. "Division" means the Division of Mental Health and  
21 Addiction Services in the Department of Human Services.

22 m. "In need of involuntary commitment" or "in need of  
23 involuntary commitment to treatment" means that an adult with  
24 mental illness, whose mental illness causes the person to be  
25 dangerous to self or dangerous to others or property and who is  
26 unwilling to accept appropriate treatment voluntarily after it has  
27 been offered, needs outpatient treatment or inpatient care at a short-  
28 term care or psychiatric facility or special psychiatric hospital  
29 because other services are not appropriate or available to meet the  
30 person's mental health care needs.

31 n. "Institution" means any State or county facility providing  
32 inpatient care, supervision, and treatment for persons with  
33 developmental disabilities; except that with respect to the  
34 maintenance provisions of Title 30 of the Revised Statutes,  
35 institution also means any psychiatric facility for the treatment of  
36 persons with mental illness.

37 o. "Mental health agency or facility" means a legal entity  
38 which receives funds from the State, county, or federal government  
39 to provide mental health services.

40 p. "Mental health screener" means a psychiatrist, psychologist,  
41 social worker, registered professional nurse, licensed marriage and  
42 family therapist, or other individual trained to do outreach only for  
43 the purposes of psychological assessment who is employed by a  
44 screening service and possesses the license, academic training or  
45 experience, as required by the commissioner pursuant to regulation;  
46 except that a psychiatrist and a State licensed clinical psychologist  
47 who meet the requirements for mental health screener shall not have

1 to comply with any additional requirements adopted by the  
2 commissioner.

3 q. "Mental hospital" means, for the purposes of the payment  
4 and maintenance provisions of Title 30 of the Revised Statutes, a  
5 psychiatric facility.

6 r. "Mental illness" means a current, substantial disturbance of  
7 thought, mood, perception, or orientation which significantly  
8 impairs judgment, capacity to control behavior, or capacity to  
9 recognize reality, but does not include simple alcohol intoxication,  
10 transitory reaction to drug ingestion, organic brain syndrome, or  
11 developmental disability unless it results in the severity of  
12 impairment described herein. The term mental illness is not limited  
13 to "psychosis" or "active psychosis," but shall include all conditions  
14 that result in the severity of impairment described herein.

15 s. "Patient" means a person over the age of 18 who has been  
16 admitted to, but not discharged from a short-term care or  
17 psychiatric facility, or who has been assigned to, but not discharged  
18 from an outpatient treatment provider.

19 t. "Physician" means a person who is licensed to practice  
20 medicine in any one of the United States or its territories, or the  
21 District of Columbia.

22 u. "Psychiatric facility" means a State psychiatric hospital  
23 listed in R.S.30:1-7, a county psychiatric hospital, or a psychiatric  
24 unit of a county hospital.

25 v. "Psychiatrist" means a physician who has completed the  
26 psychiatry training requirements of the Accreditation Council for  
27 Graduate Medical Education or the American Osteopathic  
28 Association, and is certified by the American Board of Psychiatry  
29 and Neurology or the American Osteopathic Board of Neurology  
30 and Psychiatry [and Neurology].

31 w. "Psychiatric unit of a general hospital" means an inpatient  
32 unit of a general hospital that restricts its services to the care and  
33 treatment of persons with mental illness who are admitted on a  
34 voluntary basis.

35 x. "Psychologist" means a person who is licensed as a  
36 psychologist by the New Jersey Board of Psychological Examiners.

37 y. "Screening certificate" means a clinical certificate executed  
38 by a psychiatrist or other physician affiliated with a screening  
39 service.

40 z. "Screening service" means a public or private ambulatory  
41 care service, whether or not affiliated with a hospital, designated by  
42 the commissioner, which provides mental health services including  
43 assessment, emergency, and referral services to persons with mental  
44 illness in a specified geographic area.

45 aa. "Screening outreach visit" means an evaluation provided by  
46 a mental health screener wherever the person may be when  
47 clinically relevant information indicates the person may need

1 involuntary commitment to treatment and is unable or unwilling to  
2 come to a screening service.

3 bb. "Short-term care facility" means an inpatient, community  
4 based mental health treatment facility that is designated to provide  
5 acute care and assessment services to a person with mental illness  
6 whose mental illness causes the person to be dangerous to self or  
7 dangerous to others or property. A short-term care facility is  
8 authorized to serve persons from a specified geographic area, may  
9 be a part of a general hospital or other appropriate health care  
10 facility, and shall meet certificate of need requirements and be  
11 licensed and inspected by the Department of Health pursuant to  
12 P.L.1971, c.136 (C.26:2H-1 et seq.).

13 cc. "Special psychiatric hospital" means a public or private  
14 hospital licensed by the Department of Health to provide voluntary  
15 and involuntary mental health services, including assessment, care,  
16 supervision, treatment, and rehabilitation services to persons with  
17 mental illness.

18 dd. "Treatment team" means one or more persons, including at  
19 least one psychiatrist or physician, and may include a psychologist,  
20 social worker, nurse, licensed marriage and family therapist, and  
21 other appropriate services providers. A treatment team provides  
22 mental health services to a patient of a screening service, outpatient  
23 treatment provider, or short-term care or psychiatric facility.

24 ee. "Voluntary admission" means that an adult with mental  
25 illness, whose mental illness causes the person to be dangerous to  
26 self or dangerous to others or property and is willing to be admitted  
27 to a facility voluntarily for care, needs care at a short-term care or  
28 psychiatric facility because other facilities or services are not  
29 appropriate or available to meet the person's mental health needs. A  
30 person may also be voluntarily admitted to a psychiatric facility if  
31 his mental illness presents a substantial likelihood of rapid  
32 deterioration in functioning in the near future, there are no  
33 appropriate community alternatives available, and the psychiatric  
34 facility can admit the person and remain within its rated capacity.

35 ff. "County adjuster" means the person appointed pursuant to  
36 R.S.30:4-34.

37 gg. "Least restrictive environment" means the available setting  
38 and form of treatment that appropriately addresses a person's need  
39 for care and the need to respond to dangers to the person, others, or  
40 property and respects, to the greatest extent practicable, the person's  
41 interests in freedom of movement and self-direction.

42 hh. "Outpatient treatment" means clinically appropriate care  
43 based on proven or promising treatments directed to wellness and  
44 recovery, provided by a member of the patient's treatment team to a  
45 person not in need of inpatient treatment. Outpatient treatment may  
46 include, but shall not be limited to, day treatment services, case  
47 management, residential services, outpatient counseling and  
48 psychotherapy, and medication treatment.

1       ii. "Outpatient treatment provider" means a community-based  
2 provider, designated as an outpatient treatment provider pursuant to  
3 section 8 of P.L.1987, c.116 (C.30:4-27.8), that provides or  
4 coordinates the provision of outpatient treatment to persons in need  
5 of involuntary commitment to treatment.

6       jj. "Plan of outpatient treatment" means a plan for recovery  
7 from mental illness approved by a court pursuant to section 17 of  
8 P.L.2009, c.112 (C.30:4-27.15a) that is to be carried out in an  
9 outpatient setting and is prepared by an outpatient treatment  
10 provider for a patient who has a history of responding to treatment.  
11 The plan may include medication as a component of the plan;  
12 however, medication shall not be involuntarily administered in an  
13 outpatient setting.

14       kk. "Reasonably foreseeable future" means a time frame that  
15 may be beyond the immediate or imminent, but not longer than a  
16 time frame as to which reasonably certain judgments about a  
17 person's likely behavior can be reached.

18       ll. "Geographic area" means a distinct area of the State that is  
19 designated by the commissioner to be served by a screening service  
20 and may be a county, portion of a county, or multi-county area.

21 (cf: P.L.2019, c.391, s.1)<sup>1</sup>

22  
23       <sup>1</sup>[2. Section 9 of P.L.1987, c.116 (C.30:4-27.9) is amended to  
24 read as follows:

25       9. Outpatient treatment providers, short-term care facilities,  
26 psychiatric facilities and special psychiatric hospitals shall  
27 effectuate the following purposes and procedures:

28       a. An outpatient treatment provider to which a person has been  
29 assigned pursuant to an order of continued involuntary commitment  
30 to treatment pursuant to section 15 of P.L.1987, c.116 (C.30:4-  
31 27.15) shall maintain the plan of outpatient treatment approved by  
32 the court pursuant to section 17 of P.L.2009, c.112 (C.30:4-27.15a),  
33 and shall notify the court, the person's attorney and the county  
34 adjuster of any material non-compliance with the plan by the person  
35 and of the inadequacy of the plan of outpatient treatment to meet  
36 the person's mental health needs, if applicable, and seek court  
37 approval for a modification to a plan of outpatient treatment, as  
38 provided for in section 9 of P.L.2009, c.112 (C.30:4-27.8a).

39       The director or chief executive officer of a short-term care  
40 facility, psychiatric facility or special psychiatric hospital shall have  
41 custody of a person while that person is detained in the facility and  
42 shall notify:

43       (1) appropriate public or private agencies to arrange for the care  
44 of any dependents and to ensure the protection of the person's  
45 property; and (2) appropriate ambulatory mental health providers  
46 for the purposes of beginning discharge planning.

47       If a person is admitted to a psychiatric facility, the chief  
48 executive officer of the facility shall promptly notify the county

1 adjuster of the person's county of residence that the person has been  
2 admitted to the facility.

3 The facility is authorized to provide assessment, treatment and  
4 rehabilitation services and shall provide discharge planning services  
5 as required pursuant to section 18 of P.L.1987, c.116 (C.30:4-  
6 27.18).

7 The facility is authorized to detain persons involuntarily  
8 committed to the facility.

9 b. A person shall not be involuntarily committed to treatment at  
10 an outpatient treatment provider, short-term care or psychiatric  
11 facility, or special psychiatric hospital unless the person is in need  
12 of involuntary commitment to treatment.

13 The person shall be assigned involuntarily to an outpatient  
14 treatment provider or admitted involuntarily to a facility only by  
15 referral from a screening service or temporary court order. The  
16 person may be admitted voluntarily to a short-term care or  
17 psychiatric facility or special psychiatric hospital only after the  
18 person has been advised orally and in writing of the discharge  
19 provisions established pursuant to P.L.1987, c.116 (C.30:4-27.1 et  
20 seq.) and P.L.2009, c.112 (C.30:4-27.8a et al.) and of the  
21 subsequent possibility that the facility may initiate involuntary  
22 commitment proceedings for the person.

23 c. A general hospital, short-term care or psychiatric facility, or  
24 special psychiatric hospital may detain a person, admitted to the  
25 facility involuntarily by referral from a screening service without a  
26 temporary court order, for **no more than** up to 72 hours from the  
27 time the screening certificate was executed without the need for  
28 reevaluation of the person. During this period of time the facility  
29 shall initiate court proceedings for the involuntary commitment of  
30 the person pursuant to section 10 of P.L.1987, c.116 (C.30:4-27.10).  
31 If a determination for a temporary court order has not been rendered  
32 within 72 hours from the time the screening certificate was  
33 executed, or if a temporary court order has been granted but the  
34 admitting facility lacks sufficient capacity to accommodate the  
35 person, the facility may detain the person for up to 72 additional  
36 hours, provided that:

37 (1) the person is reevaluated by a psychiatrist at least once every  
38 24 hours;

39 (2) the psychiatrist reevaluating the person pursuant to  
40 paragraph (1) of this subsection recommends the person be detained  
41 based on a determination that:

42 (a) the person's history indicates a high risk of rehospitalization  
43 based on the person's historic failure to comply with discharge  
44 plans; or

45 (b) there is a substantial likelihood that, by reason of mental  
46 illness, the person will be dangerous to the person's own self or to  
47 property or others; and

1       (3) the person is detained for a total of no more than 144 hours  
2 from the time the screening certificate was executed.

3       d. A person shall not be assigned to an outpatient treatment  
4 provider by referral from a screening service without a temporary  
5 court order, **[for more than 72]** which shall be obtained within 144  
6 hours from the time the screening certificate was executed. During  
7 this period of time the provider shall initiate court proceedings for  
8 the involuntary commitment of the person pursuant to section 10 of  
9 P.L.1987, c.116 (C.30:4-27.10). If more than 144 hours have  
10 elapsed from the time the screening certificate was executed, the  
11 person may not thereafter be assigned to an outpatient treatment  
12 provider by referral from a screening service without a temporary  
13 court order unless the person undergoes a new screening, and a new  
14 commitment process is initiated, by a psychiatrist who did not  
15 conduct the evaluation for the prior clinical certificate.

16       e. Screenings and evaluations conducted for the purposes of  
17 this section may be performed using telemedicine and telehealth, as  
18 those terms are defined in section 1 of P.L.2017, c.117 (C.45:1-61).  
19 (cf: P.L.2009, c.112, s.10)]<sup>1</sup>

20  
21       <sup>1</sup>1. a. Notwithstanding the provisions of section 9 of P.L.1987,  
22 c.116 (C.30:4-27.9) or any other law, rule, or regulation to the  
23 contrary, commencing on the effective date of P.L. , c. (C. )  
24 (pending before the Legislature as this bill) and ending on the last day  
25 of the 24th calendar month following that effective date, a short-term  
26 care or psychiatric facility, or a special psychiatric hospital, may detain  
27 a person admitted to the facility involuntarily by referral from a  
28 screening service without a temporary court order for no more than 72  
29 hours from the time the screening certificate was executed.

30       Except in the event a general hospital was granted a temporary  
31 court order permitting the continued hold of the person pursuant to  
32 subsection b. of this section, which delayed a person's admission to  
33 the short-term care or psychiatric facility or special psychiatric  
34 hospital, a short-term care or psychiatric facility or special psychiatric  
35 hospital shall not detain a person admitted to the facility involuntarily  
36 by referral from a screening service without a temporary court order  
37 for more than 72 hours from the time the screening certificate was  
38 executed.

39       Within 24 hours of admission, the admitting facility shall initiate  
40 court proceedings for the involuntary commitment of the person  
41 pursuant to section 10 of P.L.1987, c.116 (C.30:4-27.10) and request a  
42 temporary court order permitting the continued hold of the person  
43 pending the return date of the involuntary commitment hearing, which  
44 shall take place no later than 20 days from initial commitment.

45       b. (1) Notwithstanding the provisions of section 9 of P.L.1987,  
46 c.116 (C.30:4-27.9) or any other law, rule, or regulation to the  
47 contrary, commencing on the effective date of P.L. , c. (C. )  
48 (pending before the Legislature as this bill) and ending on the last day



1 of the 24th calendar month following that effective date, a general  
2 hospital, including any satellite emergency department of a general  
3 hospital, where a person is located during a screening outreach visit,  
4 may not detain the person for more than 72 hours from the time a  
5 screening certificate is executed, unless the hospital or emergency  
6 department obtains a temporary court order permitting the continued  
7 hold of the person for up to 72 additional hours, as determined by the  
8 court. The hospital or emergency department may <sup>2</sup>**[apply]** submit an  
9 emergent application<sup>2</sup> for such order and continue to hold the person  
10 during the pendency of the application, provided that appropriate  
11 treatment that meets the standard of care is being rendered to the  
12 person. The Office of the Public Defender shall be notified of the  
13 <sup>2</sup>emergent<sup>2</sup> application <sup>2</sup>, provided with a copy of the application and  
14 all supporting documents,<sup>2</sup> and shall <sup>2</sup>**[appoint]** be appointed as<sup>2</sup>  
15 counsel to represent the patient. <sup>2</sup>The application may be decided by  
16 the court on documentary presentations relevant to the standards  
17 established under paragraph (2) of this subsection. At the request of  
18 counsel, the court may conduct a hearing on the record, at which  
19 hearing the court shall consider the arguments of counsel and all  
20 relevant evidence submitted. The court shall determine the format of  
21 the hearing based on the apparent complexity of the matter and the  
22 extent of doubt as to the merits of the application, and may, at its  
23 discretion, rely on certifications from witnesses or require live  
24 testimony.<sup>2</sup>

25 (2) The court <sup>2</sup>**[shall]** may<sup>2</sup> grant a temporary order granting the  
26 continued hold of a person upon an application submitted pursuant to  
27 paragraph (1) of this subsection if the hospital or emergency  
28 department:

29 (a) exhausted all reasonable efforts to place the individual in a  
30 short-term care or psychiatric facility, or special psychiatric hospital,  
31 depending on which facility is appropriate for the person's condition  
32 and is the least restrictive environment; and

33 (b) demonstrates that there is a substantial likelihood that, by  
34 reason of mental illness, the person will be dangerous to the person's  
35 own self or others based upon the certification of two psychiatrists  
36 who have examined the patient and deemed the patient is in need of  
37 involuntary commitment.

38 The court shall include such conditions in the temporary order as  
39 the court deems appropriate to promote diligent efforts to locate an  
40 available facility to accommodate the patient's needs and protect the  
41 rights of the person detained pending commitment. The Office of the  
42 Public Defender shall be notified and provided with a copy of any  
43 temporary court order granted pursuant to this paragraph. The patient  
44 shall receive a court hearing with respect to the issue of continued  
45 need for involuntary commitment within 20 days from <sup>2</sup>the date of<sup>2</sup>  
46 initial commitment <sup>2</sup>or within 20 days from the date an application  
47 was filed pursuant to paragraph (1) of this subsection, whichever date

1 occurs first,<sup>2</sup> unless the patient has been administratively discharged  
2 pursuant to section 17 of P.L.1987, c.116 (C.30:4-27.17).

3 (3) Notwithstanding the provisions of any other law, rule, or  
4 regulation to the contrary, commencing on the effective date of P.L. ,  
5 c. (C. ) (pending before the Legislature as this bill) and ending  
6 on the last day of the 24th calendar month following that effective  
7 date, each general hospital and emergency department shall prepare  
8 and submit to the Department of Human Services a quarterly report,  
9 which report shall include, but not be limited to, information on:

10 (a) the number of applications submitted to the court for a  
11 temporary court order permitting the continued hold of a person  
12 beyond 72 hours pursuant to paragraph (1) of this subsection;

13 (b) the number of temporary court orders granted pursuant to  
14 paragraph (2) of this subsection permitting the continued hold of a  
15 person beyond 72 hours;

16 (c) whether a person detained for longer than 72 hours: has a  
17 criminal history; has a co-occurring substance use disorder; has a co-  
18 occurring intellectual or developmental disability; or is unable to be  
19 released because the <sup>2</sup>[72 hour] 72-hour<sup>2</sup> timeframe falls on a  
20 weekend and either admission to treatment facilities are not provided  
21 on weekends, or discharges from the facility do not occur on  
22 weekends;

23 (d) the length of time each individual was held beyond 72 hours  
24 before finding appropriate placement in a treatment facility; and

25 (e) the number of individuals placed in an appropriate treatment  
26 facility within 72 hours.

27 Any information included in a report concerning specific  
28 individuals shall be de-identified. Each report shall be made available  
29 to the public within 60 days of the date the Department of Human  
30 Services receives the report.<sup>1</sup>

31 <sup>2</sup>c. (1) Notwithstanding the provisions of any other law, rule, or  
32 regulation to the contrary, <sup>3</sup>the Commissioner of Health may, to the  
33 extent the commissioner finds necessary, <sup>3</sup>commencing <sup>3</sup>[on] 120  
34 days following<sup>3</sup> the effective date of P.L. , c. (C. ) (pending  
35 before the Legislature as this bill) and ending on the last day of the  
36 <sup>3</sup>[24th] 15th<sup>3</sup> calendar month following that effective date, <sup>3</sup>allow<sup>3</sup> a  
37 general <sup>3</sup>acute care<sup>3</sup> hospital <sup>3</sup>[may] that is licensed for acute care  
38 hospital psychiatric beds to<sup>3</sup> apply to the Department of Health for  
39 temporary licenses for beds for the involuntary commitment of  
40 patients. The department <sup>3</sup>[shall] may<sup>3</sup> issue temporary licenses  
41 pursuant to this paragraph <sup>3</sup>[based on] if<sup>3</sup> the hospital  
42 <sup>3</sup>[demonstrating] demonstrates<sup>3</sup> in its application <sup>3</sup>[an extraordinary]  
43 a<sup>3</sup> need for such beds <sup>3</sup>based on retrospective data demonstrating the  
44 need for involuntary commitment beds, a showing that the hospital  
45 continually exhausts all reasonable efforts to place individuals in  
46 short-term care or psychiatric facilities, or special psychiatric  
47 hospitals, and any other factors as determined by the Commissioner of

1 Health<sup>3</sup>. Any temporary license granted pursuant to this paragraph <sup>3</sup>,  
2 unless otherwise confirmed at the next certificate of need review, as  
3 required pursuant to N.J.A.C.8:33-4.4 or its successor regulation,<sup>3</sup>  
4 shall expire <sup>3</sup>on the last day of the 24th calendar month following the  
5 effective date of P.L. , c. (C. ) (pending before the Legislature  
6 as this bill)] within 90 days of the Commissioner of Health's  
7 decision rendered pursuant to that full review process<sup>3</sup>.

8 (2) The Department of Health shall make available on its Internet  
9 website and continuously update information concerning the total  
10 number of temporary licenses granted pursuant to paragraph (1) of this  
11 subsection, as well as the number of temporary licenses granted to  
12 each hospital that submitted an application pursuant to paragraph (1)  
13 of this subsection.

14 (3) The department shall submit information concerning the total  
15 number of temporary licenses granted pursuant to paragraph (1) of this  
16 subsection, as well as the number of temporary licenses granted to  
17 each hospital that submitted an application pursuant to paragraph (1)  
18 of this subsection, to the Commissioner of Human Services, which  
19 information shall: (a) be submitted in a manner that allows the  
20 Commissioner of Human Services sufficient time to include the  
21 information in the report required pursuant to subsection b. of section  
22 2 of this act; and (b) reflect the number of temporary licenses granted  
23 as of the date the information is submitted.<sup>2</sup>

24  
25 <sup>1</sup>2. a. The Department of Human Services and the Department of  
26 Health shall jointly conduct a study concerning the challenges of  
27 placing individuals in appropriate treatment settings, and the supply of  
28 and demand for both involuntary commitment beds and voluntary  
29 commitment beds in this State. In conducting the study, the  
30 departments shall solicit input from interested stakeholders including,  
31 but not limited to, hospitals, the Office of the Public Defender, the  
32 Administrative Office of the Courts, advocates representing mental  
33 health patients, advocates representing individuals with disabilities,  
34 and representatives of psychiatric screening centers.

35 b. No later than 18 months after the effective date of P.L. , c.  
36 (C. ) (pending before the Legislature as this bill), the  
37 Commissioner of Human Services shall submit to the Governor and,  
38 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
39 Legislature, a report, which shall include, but not be limited to:

40 (1) a summary of the findings from the study conducted pursuant  
41 to subsection a. of this section;

42 (2) an analysis of the supply of and demand for involuntary  
43 commitment beds and voluntary commitment beds, <sup>3</sup>based on]  
44 including consideration of, to the extent practicable,<sup>3</sup> the geographic  
45 location of the patient and whether the patient is an adult patient or a  
46 pediatric patient, <sup>3</sup>whether the patient has a criminal history, whether  
47 the patient is uninsured or underinsured, and whether the patient<sup>3</sup> has

- 1 been diagnosed with an intellectual or developmental disability and a  
2 mental health condition, or has been diagnosed with a substance use  
3 disorder and a mental health condition; <sup>2</sup>[and]<sup>2</sup>  
4 (3) <sup>2</sup>the number of temporary licenses granted by the Department  
5 of Health pursuant to paragraph (1) of subsection c. of section 1 of this  
6 act as of the date the information concerning the licenses is submitted  
7 to the Commissioner of Human Services pursuant to paragraph (3) of  
8 subsection c. of section 1 of this act; and  
9 (4)<sup>2</sup> any recommendations for legislative action.<sup>1</sup>  
10  
11 3. This act shall take effect immediately.