

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 3929**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 15, 2023

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 3929.

As amended, this bill temporarily establishes certain procedures related to involuntary commitment to mental health treatment. Specifically, commencing on the effective date of the bill and ending on the last day of the 24th calendar month following that effective date, the bill authorizes certain health facilities to detain an individual who is in need of involuntary commitment to mental health treatment for more than 72 hours.

A short-term care or psychiatric facility, or a special psychiatric hospital, that admits a person who has been referred to the facility from a screening service will be required to initiate court proceedings for the involuntary commitment of the person within 24 hours. The facility or hospital will be prohibited from detaining a person for more than 72 hours without a temporary court order, unless the person's admission was delayed after being detained at a general hospital that received a temporary court order pursuant to this bill. The bill requires the facility or hospital to request a temporary court order permitting the continued hold of the person pending the return date of the involuntary commitment hearing.

The bill provides that any general hospital, including any satellite emergency department of a general hospital, where a person is located at during a screening outreach visit, is not permitted to detain a person for more than 72 hours from the time a screening certificate is executed, unless the hospital or emergency department obtains a temporary court order permitting the continued hold of the person for up to 72 additional hours. The bill authorizes the hospital or emergency department to apply for such order and continue to hold the person during the pendency of the application, provided that appropriate treatment is being rendered to the person. The bill requires that the Office of the Public Defender be notified of the application, be provided a copy of any temporary court order granted, and appoint counsel to represent the patient.

Under the bill, the court will grant a temporary order granting the continued hold of a person if the hospital or emergency department:

(1) exhausted all reasonable efforts to place the individual in a facility that is appropriate for the person's condition; and

(2) demonstrates that there is a substantial likelihood that, by reason of mental illness, the person will be dangerous to the person's own self or others.

The court may include in the temporary order such conditions as the court deems appropriate. The patient will receive a court hearing with respect to the issue of continued need for involuntary commitment within 20 days from initial commitment, unless the patient has been administratively discharged.

The bill requires each general hospital and emergency department to prepare and submit to the Department of Human Services (DHS) a quarterly report concerning the individuals detained at the facility and any temporary court order applied for or obtained. The bill requires that any information included in a report concerning specific individuals be de-identified, and that each report will be made available to the public.

The bill requires DHS and the Department of Health, within 18 months after the effective date of the bill, to jointly conduct a study, solicit input from various stakeholders, and submit a report to the Governor and to the Legislature concerning the challenges of placing individuals in appropriate treatment settings and the supply of and demand for both involuntary and voluntary commitment beds in this State.

#### COMMITTEE AMENDMENTS:

The committee amendments remove provisions from the bill that would revise the statutory definition of "psychiatrist" and that would permanently revise the State's involuntary commitment laws, and instead establish revised procedures for involuntary commitment that will sunset after two years. Specifically, under the temporary involuntary commitment procedures, certain health facilities will be authorized to detain an individual who is in need of involuntary commitment to mental health treatment for more than 72 hours.

This committee amendments require a short-term care or psychiatric facility, or a special psychiatric hospital, that admits a person who has been referred to the facility from a screening service, to initiate court proceedings for the involuntary commitment of the person within 24 hours. The committee amendments prohibit the facility or hospital from detaining a person for more than 72 hours without a temporary court order, unless the person's admission was delayed after being detained at a general hospital that received a temporary court order pursuant to this bill. The amendments require the facility or hospital to request a temporary court order permitting the continued hold of the person pending the return date of the

involuntary commitment hearing, which is to take place no later than 20 days from initial commitment.

The committee amendments outline certain requirements for hospitals and emergency departments to detain a person for more than 72 hours, including applying for and obtaining a temporary court order permitting the continued hold of the person for up to 72 additional hours.

The committee amendments outline certain criteria to be met as a condition of the court granting a temporary order.

The committee amendments require that the Office of the Public Defender be notified of any application for a temporary court order and provided a copy of any order granted. The Office of the Public Defender will be required to appoint counsel to represent the patient.

The committee amendments provide that the patient will receive a court hearing with respect to the issue of continued need for involuntary commitment within 20 days from initial commitment unless the patient has been administratively discharged.

The committee amendments require each general hospital and emergency department to prepare and submit a quarterly report to the Department of Human Services (DHS) concerning the individuals detained at the facility and any temporary court order applied for or obtained. The committee amendments require that any information included in a report concerning specific individuals will be de-identified and that each report will be made available to the public.

The committee amendments require the DHS and the Department of Health to jointly conduct a study, solicit input from various stakeholders, and submit a report to the Governor and to the Legislature concerning the challenges of placing individuals in appropriate treatment settings and the supply of and demand for both involuntary and voluntary commitment beds in this State.