

ASSEMBLY, No. 3959

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MARCH 4, 2024

Sponsored by:
Assemblyman JOHN V. AZZARITI JR., M.D.
District 39 (Bergen)

SYNOPSIS

Regulates residential mental health treatment facilities.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning residential mental health treatment facilities,
2 amending P.L.1992, c.160, and supplementing Title 26 of the
3 Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) As used in P.L. , c. (C.) (pending
9 before the Legislature as this bill):

10 “Commissioner” means the Commissioner of Health.

11 “Mental health condition” shall have the same meaning as
12 defined in the most current version of the Diagnostic and Statistical
13 Manual of Mental Disorders and be consistent with generally
14 recognized independent standards of current medical practice.

15 “Narcotic drug” means any narcotic, drug, or controlled
16 dangerous substance, as defined under federal or State law.

17 “Patient” means a person who suffers from a mental health
18 condition, or who is addicted to, or otherwise has a physical or
19 mental impairment from the use of substances, including, but not
20 limited to, narcotic drugs or alcohol, or both, and who requires
21 continuing care in a residential mental health treatment facility.

22 “Residential mental health treatment facility” means a facility, or
23 a distinct part of a facility that provides care for the treatment of a
24 mental health condition, for 24 or more consecutive hours to two or
25 more patients who are not related to the governing authority of the
26 facility or its members by marriage, blood, or adoption.

27 “Residential mental health treatment facility” shall include:
28 facilities that provide residential mental health treatment services to
29 adolescents, persons with dependent children, and adults; extended
30 care facilities; long-term residential facilities; short-term residential
31 facilities; and any establishment, facility, or institution, public or
32 private whether operated for profit or not, which primarily offers, or
33 purports to offer, maintain, or operate facilities for the residential
34 diagnosis, care, or treatment of mental health conditions, or
35 substance use disorders, or both, to patients through a structured
36 recovery environment involving professional clinical services.

37 “Residential mental health treatment facilities” shall not include a
38 residential substance use disorders treatment facility or program, or
39 any hospital-based mental health stabilization program or similar
40 hospital-based program providing voluntary or involuntary in-
41 patient mental health services that is licensed pursuant to Title 30 of
42 the Revised Statutes.

43 “Residential substance use disorders treatment facility or
44 program” shall have the same meaning as defined in N.J.A.C.8:111-
45 1.3

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.

- 1 2. (New section) a. Residential mental health treatment
2 facilities shall:
- 3 (1) provide mental health services or treatment in a manner that
4 is consistent with the Level 3.5 level of care according to the
5 American Society of Addiction Medicine in a 24 hours per day and
6 seven days per week, structured living environment for patients who
7 require such support, and in instances in which inpatient
8 hospitalization treatment is unnecessary;
- 9 (2) provide health services or treatment for limited periods of
10 time with the goal of preparing patients to move into the community
11 at lower levels of care; and
- 12 (3) provide health services or treatment without any retrospective
13 review or concurrent review of medical necessity.
- 14 b. No residential mental health treatment facility shall operate
15 within this State except pursuant to a license obtained from the
16 commissioner, upon an application made therefor. The application
17 shall be made upon forms furnished by the commissioner, and shall
18 include: the location of the residential mental health treatment
19 facility; the names of the facility's owners; and a description of the
20 facility. The applicant shall be required to furnish evidence of the
21 facility's ability to comply with the minimum standards for
22 licensure established by the commissioner and of the good moral
23 character of the facility's owners. Any substantial change in the
24 facts set forth in the application shall be reported to the
25 commissioner within 10 days after the occurrence thereof.
- 26 c. The commissioner shall issue a license to a residential
27 mental health treatment facility if the applicant is of good moral
28 character and the facility is in compliance with the provisions of
29 P.L. , c. (C.) (pending before the Legislature as this bill).
30 There shall be a presumption in favor of an applicant's good moral
31 character if the applicant is currently licensed and in good standing
32 in this State as a mental health program pursuant to N.J.A.C.8:121
33 et seq. A license issued under this subsection shall not be
34 transferable, assignable, or applicable to any premises or proprietor
35 other than those specified in the application. A copy of the license
36 shall be conspicuously displayed within the residential mental
37 health treatment facility at all times.
- 38 d. A residential mental health treatment facility shall not be
39 licensed to operate at the same location as a residential substance
40 use disorders treatment facility or program.
- 41 e. The Commissioner of Health shall, within 90 days after the
42 effective date of P.L. , c. (C.) (pending before the
43 Legislature as this bill), and pursuant to the "Administrative
44 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules
45 and regulations establishing minimum standards for the licensure of
46 residential mental health treatment facilities and the treatment of
47 patients therein. If feasible, the commissioner shall adopt rules and
48 regulations that are structured similarly to the regulations which are

1 applicable to residential substance use disorders treatment facilities
2 or programs, as set forth in N.J.A.C.8:111 et seq.

3

4 3. Section 19 of P.L.1992, c.160 (C.26:2H-7a) is amended to
5 read as follows:

6 19. Notwithstanding the provisions of section 7 of P.L.1971,
7 c.136 (C.26:2H-7) to the contrary, the following are exempt from
8 the certificate of need requirement:

9 Community-based primary care centers;

10 Outpatient drug and alcohol services;

11 Hospital-based medical detoxification for drugs and alcohol;

12 Ambulance and invalid coach services;

13 Mental health services which are non-bed related outpatient
14 services;

15 Full service diagnostic catheterization services, primary
16 angioplasty services, and elective angioplasty services in
17 accordance with a license issued under section 2 of P.L.2021, c.18
18 (C.26:2H-7.23);

19 Residential health care facility services;

20 Residential mental health treatment facilities as defined in
21 section 1 of P.L. , c. (C.) (pending before the Legislature as
22 this bill);

23 Dementia care homes;

24 Capital improvements and renovations to health care facilities;

25 Additions of medical/surgical, adult intensive care and adult
26 critical care beds in hospitals;

27 Inpatient special psychiatric beds used solely for services for
28 patients with co-occurring mental health and substance use
29 disorders;

30 Replacement of existing major moveable equipment;

31 Inpatient operating rooms;

32 Alternate family care programs;

33 Hospital-based subacute care;

34 Ambulatory care facilities;

35 Comprehensive outpatient rehabilitation services;

36 Special child health clinics;

37 New technology in accordance with the provisions of section 18
38 of P.L.1998, c.43 (C.26:2H-7d);

39 Transfer of ownership interest except in the case of an acute care
40 hospital;

41 Change of site for approved certificate of need within the same
42 county;

43 Additions to vehicles or hours of operation of a mobile intensive
44 care unit;

45 Relocation or replacement of a health care facility within the
46 same county, except for an acute care hospital;

47 Continuing care retirement communities authorized pursuant to
48 P.L.1986, c.103 (C.52:27D-330 et seq.);

1 program, certain health care facilities are required to obtain the
2 DOH's approval prior to constructing, relocating, or renovating
3 their facilities.

4 Finally, the bill provides that the commissioner is to adopt rules
5 and regulations establishing minimum standards for the licensure of
6 residential health treatment facilities and the treatment of patients
7 therein, and if feasible, structure the rules and regulations similarly
8 to the regulations which are applicable to residential substance use
9 disorders treatment facilities or programs, as set forth in
10 N.J.A.C.8:111 et seq.