ASSEMBLY, No. 5223

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED JUNE 4, 2026

Sponsored by:
Assemblywoman LINDA S. CARTER
District 22 (Somerset and Union)
Senator JOSEPH F. VITALE
District 19 (Middlesex)
Senator JOHN F. MCKEON
District 27 (Essex and Passaic)

SYNOPSIS

Creates voluntary pilot program to allow certain facilities flexibility in their psychiatric bed status.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 6/30/2026)

AN ACT creating a pilot program to allow certain facilities flexibility to temporarily change certain psychiatric bed status from adult acute psychiatric bed to adult closed acute psychiatric bed.

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

1. a. The provisions of this section shall be implemented as a pilot program for a period of 24 months from the effective date of this act.

b. Notwithstanding the provisions of any law, rule, or regulation to the contrary, a general hospital, psychiatric facility, or special psychiatric hospital licensed to provide inpatient psychiatric services may, but shall not be required to, temporarily utilize any adult acute psychiatric bed as an adult closed acute psychiatric bed for the involuntary commitment of a patient pursuant to P.L.1987, c.116 (C.30:4-27.1 et al.), as necessary to meet patient care needs. Nothing in this section shall be construed to mandate or require a general hospital, psychiatric facility, or special psychiatric hospital to implement such flexibility. This authority shall not be applicable to any short-term care facility.

c. An adult acute psychiatric bed temporarily utilized as an adult closed acute psychiatric bed pursuant to subsection b. of this section shall retain its licensure designation and may be returned to that designation without further approval by the Department of Health. A temporary utilization of a psychiatric inpatient bed pursuant to subsection a. of this section shall not:

(1) constitute a change in the facility's licensed bed capacity;

(2) require a certificate of need, waiver, or other approval by the Department of Health; or

(3) require the facility to obtain a new or modified license.

d. The Department of Health shall not impose any fee, assessment, or other charge on a facility for the temporary utilization of an adult acute psychiatric bed as an adult closed acute psychiatric bed pursuant to this section.

e. Nothing in this section shall be construed to relieve a facility from compliance with all applicable State and federal laws, rules, and regulations governing patient safety, staffing ratios, clinical supervision, security, or any other operational or safety requirements applicable to psychiatric inpatient services.

f. A facility exercising the flexibility authorized pursuant to this section shall ensure that appropriate staffing levels, clinical oversight, and safety protocols required for the care and treatment of patients receiving inpatient psychiatric services are maintained at all times.

g. The Commissioner of Health may adopt rules and regulations necessary to implement this section; however, such rules shall not restrict the operational flexibility authorized herein.

h. A facility that exercises the flexibility authorized pursuant to this section shall submit a quarterly report to the Department of Health starting on the effective date of this act and ending on the last day of the 24th calendar month following that effective date, which shall include:

(1) the patient type for whom the flexibility was temporarily utilized pursuant to this section;

(2) the duration of each such utilization; and

(3) the number of instances in which a psychiatric inpatient bed was converted from adult acute psychiatric bed to an adult closed acute psychiatric bed.

A report submitted pursuant to this subsection shall be made publicly available within 60 days of receipt of the report by the department.

i. (1) At the conclusion of the 24-month pilot program, the Department of Health shall issue a survey to all participating facilities to obtain feedback on the implementation of the program and whether the program should be continued, modified, made permanent, or expire. The results of such survey shall be included in a report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature with recommendations whether to extend, terminate, or make permanent the pilot program.

(2) A list of all facilities participating in the pilot program pursuant to this section shall be published on the Department of Health's Internet website for the duration of the pilot program.

j. The Commissioner of Health, not more than 90 days after the end of the pilot program, shall submit a report to the Governor, and pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, which report shall include the results of the survey conducted pursuant to subsection i. of this section and any recommendations, including, but not limited to, whether the pilot program should be continued or made permanent.

2. This act shall take effect immediately.

STATEMENT

This bill creates a voluntary pilot program that would allow licensed inpatient psychiatric facilities to temporarily use existing adult acute psychiatric beds as adult closed acute psychiatric beds. Under the program, the use of such beds would not constitute a change in the facility's licensed bed capacity, require approval by the Department of Health (department), or require a change to the facility's licensure status. The program would initially run for 24

months but the Commissioner of Health (commissioner) may recommend legislative action to extend or make permanent the program. A list of participating facilities would be published on the department's Internet website for the duration of the pilot program.

This bill also requires each participating facility to submit a quarterly report to the department, detailing: (1) the patient type for whom the flexibility was temporarily utilized; (2) the duration of the utilization; and (3) the number of instances in which a psychiatric inpatient bed was converted. The reports are required to be made public within 60 days of the submission of the report to the department. Additionally, within 90 days of the end of the pilot program, the commissioner would be required to submit a report to the Governor and the Legislature regarding the pilot program and whether the program should be continued or made permanent.