

P.L. 2026, CHAPTER 64, *approved July 30, 2026*
Assembly, No. 5223

1 **AN ACT** creating a pilot program to allow certain facilities
2 flexibility to temporarily change certain psychiatric bed status
3 from adult acute psychiatric bed to adult closed acute psychiatric
4 bed.
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6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*
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9 1. a. The provisions of this section shall be implemented as a
10 pilot program for a period of 24 months from the effective date of
11 this act.
12 b. Notwithstanding the provisions of any law, rule, or
13 regulation to the contrary, a general hospital, psychiatric facility, or
14 special psychiatric hospital licensed to provide inpatient psychiatric
15 services may, but shall not be required to, temporarily utilize any
16 adult acute psychiatric bed as an adult closed acute psychiatric bed
17 for the involuntary commitment of a patient pursuant to P.L.1987,
18 c.116 (C.30:4-27.1 et al.), as necessary to meet patient care needs.
19 Nothing in this section shall be construed to mandate or require a
20 general hospital, psychiatric facility, or special psychiatric hospital
21 to implement such flexibility. This authority shall not be applicable
22 to any short-term care facility.
23 c. An adult acute psychiatric bed temporarily utilized as an
24 adult closed acute psychiatric bed pursuant to subsection b. of this
25 section shall retain its licensure designation and may be returned to
26 that designation without further approval by the Department of
27 Health. A temporary utilization of a psychiatric inpatient bed
28 pursuant to subsection a. of this section shall not:
29 (1) constitute a change in the facility’s licensed bed capacity;
30 (2) require a certificate of need, waiver, or other approval by the
31 Department of Health; or
32 (3) require the facility to obtain a new or modified license.
33 d. The Department of Health shall not impose any fee,
34 assessment, or other charge on a facility for the temporary
35 utilization of an adult acute psychiatric bed as an adult closed acute
36 psychiatric bed pursuant to this section.
37 e. Nothing in this section shall be construed to relieve a facility
38 from compliance with all applicable State and federal laws, rules,
39 and regulations governing patient safety, staffing ratios, clinical
40 supervision, security, or any other operational or safety
41 requirements applicable to psychiatric inpatient services.

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

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

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

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

16 (2) the duration of each such utilization; and

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

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

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

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

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

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42 2. This act shall take effect immediately.
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45 STATEMENT

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47 This bill creates a voluntary pilot program that would allow
48 licensed inpatient psychiatric facilities to temporarily use existing

1 adult acute psychiatric beds as adult closed acute psychiatric beds.
2 Under the program, the use of such beds would not constitute a
3 change in the facility's licensed bed capacity, require approval by
4 the Department of Health (department), or require a change to the
5 facility's licensure status. The program would initially run for 24
6 months but the Commissioner of Health (commissioner) may
7 recommend legislative action to extend or make permanent the
8 program. A list of participating facilities would be published on the
9 department's Internet website for the duration of the pilot program.

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

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