

CHAPTER 284

AN ACT concerning next-of-kin notifications upon a patient's release from a sober living home or other substance abuse aftercare treatment facility, designated as "Nick Rohdes' Law," and amending P.L.1970, c.334, P.L.1975, c.305 and P.L.1982, c.149.

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

1. Section 9 of P.L.1975, c.305 (C.26:2B-15) is amended to read as follows:

C.26:2B-15 Intoxicated persons or alcoholics; admission to treatment facility; notice to family, emergency contact.

9. Any person who is intoxicated and who voluntarily applies for treatment or is brought to a facility by a police officer or other authorized person in accordance with section 10 of P.L.1975, c.305 (C.26:2B-16) may be afforded treatment at an intoxication treatment center or other facility. Any person who is an alcoholic and who voluntarily applies for treatment may be afforded treatment at an intoxication center or other facility.

As soon as possible after the admission of any person, the administrator of the facility shall cause such person to be examined by a physician or by a medically competent individual designated by the department and under the supervision of a physician. If, upon examination, a determination is made that the person is intoxicated or is an alcoholic, and adequate and appropriate treatment is available, he shall be admitted. If any person is not admitted for the reason that adequate and appropriate treatment is not available at the facility, the administrator of the facility, acting whenever possible with the assistance of the director, shall refer the person to a facility at which adequate and appropriate treatment is available. In the event that a person is not admitted to a facility, and has no funds, the administrator shall arrange for the person to be assisted to his residence, or, if he has no residence, to a place where shelter will be provided him.

Any person admitted to a facility may receive treatment at the facility for as long as he wishes to remain at the facility or until the administrator determines that treatment will no longer benefit him; provided, however, that any person who at the time of admission is intoxicated and is incapacitated, shall remain at the facility until he is no longer incapacitated, but in no event shall he be required to remain for a period greater than 48 hours.

When a person is admitted to a facility, the facility shall provide notice of admission to the person's spouse, parent, legal guardian, designated next of kin, or other designated emergency contact, as soon thereafter as possible, provided that: (1) such notice is provided in a manner that is consistent with federal requirements under 42 CFR Part 2 and federal HIPAA requirements under 45 CFR Parts 160 and 164; and (2) the patient, if an adult, has not withheld consent for such notice or expressly requested that notification not be given. If a patient who is not incapacitated withholds consent for such notice, or expressly requests that notification not be given, the patient's wishes shall be respected unless the patient is a minor child or adolescent, in which case, the minor's parent, legal guardian, designated next of kin, or other designated emergency contact shall be notified, provided that such notification is not inconsistent with, and would not violate, federal requirements under 42 CFR Part 2 and federal HIPAA requirements under 45 CFR Parts 160 and 164.

The manner in which any person is transported from one facility to another, or from a facility to his residence, and the financing thereof, shall be determined by the director in accordance with rules and regulations promulgated by the department.

When a patient is discharged or otherwise released from treatment at a facility, the patient shall be encouraged to consent to appropriate outpatient or residential aftercare treatment.

When a patient voluntarily withdraws, or is involuntarily evicted from a transitional sober living home, halfway house, or other residential aftercare facility, the facility shall provide notice of the patient's release from care to the patient's spouse, parent, legal guardian, designated next of kin, or other designated emergency contact, provided that: (1) such notice is provided in a manner that is consistent with federal requirements under 42 CFR Part 2 and federal HIPAA requirements under 45 CFR Parts 160 and 164; and (2) the patient, if an adult, has not withheld consent for such notice, or expressly requested that notification not be given. If a patient who is not incapacitated withholds consent for such notice, or expressly requests that notification not be given, the patient's wishes shall be respected unless the patient is a minor child or adolescent, in which case, the minor's parent, legal guardian, designated next of kin, or other designated emergency contact shall be notified, provided that such notification is not inconsistent with, and would not violate, federal requirements under 42 CFR Part 2 and federal HIPAA requirements under 45 CFR Parts 160 and 164.

2. Section 5 of P.L.1970, c.334 (C.26:2G-25) is amended to read as follows:

C.26:2G-25 Rules, regulations, standards of treatment; classification of treatment facilities; notifications.

5. The commissioner shall adopt, amend, promulgate and enforce such rules, regulations and minimum standards for the treatment of patients of narcotic and drug abuse treatment centers as may be reasonably necessary to accomplish the purposes of P.L.1970, c.334 (C.26:2G-21 et seq.). Such narcotic and drug abuse treatment centers may be classified into two or more classes with appropriate rules, regulations and minimum standards for each such class.

The rules and regulations adopted pursuant to this section shall, at a minimum, require a transitional sober living home, halfway house, or other residential aftercare facility to provide notice to a patient's spouse, parent, legal guardian, designated next of kin, or other designated emergency contact, whenever the patient voluntarily withdraws, or is involuntarily evicted from, such facility, provided that: (1) such notice is provided in a manner that is consistent with federal requirements under 42 CFR Part 2 and federal HIPAA requirements under 45 CFR Parts 160 and 164; and (2) the patient, if an adult, has not withheld consent for such notice or expressly requested that notification not be given. If a patient who is not incapacitated withholds consent for such notice, or expressly requests that notification not be given, the department shall require the patient's wishes to be respected unless the patient is a minor child or adolescent, in which case, the department shall require the minor's parent, legal guardian, designated next of kin, or other designated emergency contact to be notified, provided that such notification is not inconsistent with, and would not violate, federal requirements under 42 CFR Part 2 and federal HIPAA requirements under 45 CFR Parts 160 and 164.

3. This act shall take effect on the 60th day after the date of enactment, but the Department of Human Services may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 19, 2016.