

CHAPTER 107

AN ACT concerning the use of clinical space by health care facilities that provide both primary and behavioral health care services, and supplementing Title 26 of the Revised Statutes

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

C.26:2H-12.84 Shared clinical space for primary health care and behavioral health care services.

1. a. In order to promote the integrated provision of primary health care services and behavioral health care services by health care facilities in the State, and in order to reduce any potential stigma associated with a patient's receipt of behavioral health care, the department shall permit any licensed health care facility, which is engaged in the provision of primary health care services and the provision of behavioral health care services for mild to moderate behavioral health conditions, to use the same shared clinical space for the purposes of providing both primary health care and behavioral health care. No such health care facility shall be required or authorized to construct or use duplicative clinical spaces, such as duplicative waiting rooms, entrances or exits, hallways, bathrooms, or any other duplicative clinical areas in the physical plant, which are designed or intended to separate behavioral health care patients from primary health care patients, or which may otherwise be stigmatizing to any patient, or may facilitate or result in the discriminatory treatment of any patient on the basis of their medical or disability status. However, nothing in this subsection shall prohibit a health care facility from establishing and utilizing separate clinical areas as may be necessary to prevent and control infection, to maintain sanitation, to protect public safety, to prevent the unlawful diversion of controlled dangerous substances, or to maintain the confidentiality of medical or behavioral health records in compliance with federal requirements.

b. (1) Any licensed health care facility that provides primary health care services and behavioral health care services in the same shared clinical space, pursuant to the provisions of subsection a. of this section, shall: (a) continue to comply with the department's health care facility licensing requirements, as set forth in P.L.1971, c.136 (C.26:2H-1 et seq.) and the regulations adopted thereunder; (b) be appropriately licensed by the Department of Human Services as a mental health or substance use disorder service provider; and (c) comply with all applicable regulatory requirements, adopted by the Department of Human Services, which govern the operation of mental health or substance use disorder treatment facilities, as appropriate. Such a health care facility shall submit to the department, a copy of any license obtained from the Department of Human Services, which authorizes the facility to provide behavioral health care services.

(2) When applying for an initial license from the Department of Human Services, pursuant to the requirements of paragraph (1) of this subsection, a health care facility shall include the following information in the license application:

(a) a copy of any Medicaid "Change in Scope of Service" reporting forms that have been prepared in association with the facility's provision of behavioral health care services;

(b) a written statement attesting that the applicant is the exact same legal entity that holds the health care facility license issued by the department pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.); and

(c) a written statement indicating whether the license applicant is or is not planning to make any changes to the physical plant to accommodate the provision of behavioral health care services, and, if any physical plant changes are planned, a copy of the letter received

from the department approving and authorizing the changes, or indicating that such department approval is not required.

(3) If a licensed health care facility, as of the effective date of this act, has already obtained a license from the Department of Human Services authorizing the facility's provision of behavioral health care services, the facility shall submit the information required by paragraph (2) of this subsection on the date that it is next required to file an application for license renewal with the Department of Human Services.

c. As used in this section:

“Behavioral health care” and “behavioral health care services” mean procedures or services, other than primary health care services, which are provided by a health care practitioner to a patient for the treatment of a mental illness, emotional disorder, or drug or alcohol use disorder that is of mild to moderate severity. “Behavioral health care” and “behavioral health care services” shall not include procedures or services that are provided for the treatment of severe mental illness, severe emotional disorder, or severe drug or alcohol use disorder.

“Health care facility” means the same as that term is defined by section 2 of P.L.1971, c.136 (C.26:2H-2).

“Primary health care” and “primary health care services” mean preventative, diagnostic, treatment, management, or reassessment services, which are provided in a family-centered and community oriented manner to an individual with acute or chronic illness: (1) in the areas of family practice, general internal medicine, general pediatrics, general obstetrics, gynecology, or clinical prevention; (2) at the time of the individual's initial point of contact with the health care system; and (3) by a health care practitioner who, regardless of the presence or absence of disease, has assumed responsibility for the individual and has an ongoing responsibility to coordinate the individual's medical care. “Primary health care services” includes sick or well care that is provided to any and all age groups, from perinatal and pediatric care to geriatric care.

C.26:2H-12.85 Rules, regulations.

2. Within 180 days after the effective date of this act, the Commissioners of Health and Human Services, in consultation with each other, shall adopt rules and regulations, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to implement the provisions of this act.

3. This act shall take effect immediately.

Approved July 13, 2017.