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March 26, 2024

TO: General Hospitals Licensed pursuant to N.J.A.C. 8:43G

FROM: Michael J. Kennedy, J.D. *MSK*  
Executive Director  
Certificate of Need and Healthcare Facility Licensure Program  
Division of Certificate of Need and Licensing

RE: The application process for temporary adult acute closed psychiatric beds

On August 16, 2023, P.L. 2023, c.139 (the statute) was signed into law. The statute was codified at N.J.S.A. 30:4-27.9a et seq. and created a new licensing category called "temporary adult acute closed psychiatric beds". To be clear, these beds are only to be used for the involuntary commitment of patients. In addition, the statute contains provisions regarding short-term care, psychiatric facilities, special psychiatric hospitals, detainment, limitations, and involuntary commitment, which hospitals must follow. The purpose of this memo is to explain the process adopted by the Department of Health (Department) to allow general acute care hospitals to apply for temporary licensure of these beds.

The statute took effect immediately but allowed for licensure of temporary adult acute closed psychiatric beds beginning on the 120<sup>th</sup> day from its effective date and expiring 15 months later, which is from November 16, 2023, to February 16, 2025. It provided that the Department may issue temporary licenses pursuant to the statute if a hospital demonstrates in its application a need for such beds based on retrospective data demonstrating the need for involuntary commitment beds, a showing that the hospital continually exhausts all reasonable efforts to place individuals in short-term care or psychiatric facilities, or special psychiatric hospitals, and any other factors as determined by the Department. Any temporarily licensed beds, unless otherwise confirmed at the next certificate of need call, shall expire within 90 days of the Commissioner of Health's decision rendered under that full review process.

Under the temporary licensing provision, the statute requires the Department to review and approve hospital applications for additional beds, while ensuring that the applications align with the demonstrated need and meet appropriate standards. Please be advised of the following protocols established for processing applications for temporary adult acute closed psychiatric beds.

To apply for a temporary license for additional psychiatric beds, the applicant must submit:

1. A detailed narrative describing the proposed scope of the application, which includes a demonstration of need;
2. A completed license application form (CN-7 form), which may be obtained at <https://healthapps.state.nj.us/forms/subforms.aspx?pro=healthfacilities>; and
3. A fee of \$3,000 for the addition of the temporary adult acute closed/involuntary psychiatric beds. Fees may be paid electronically at <http://www.nj.gov/health/healthfacilities/epayments.shtml>.

The application, proof of payment, and all corresponding documents shall be submitted electronically to [CNLapps@doh.nj.gov](mailto:CNLapps@doh.nj.gov).

Applications shall be reviewed and processed in the order received, within 90 days of receipt. As with any amended license application, the 90-day timeframe for completion shall be dependent on the following:

- a. Timely responses by the applicant to all completeness questions related to both the functional review and the application;
- b. Timely Final Plan release/approval by the DCA and completion of any construction/renovation; and
- c. Completion of a satisfactory onsite survey inspection with recommendation of licensure approval.

The applicant's detailed narrative must demonstrate a need for temporary adult acute closed psychiatric beds. There must be a showing that the applicant continually exhausts all reasonable efforts to place individuals in short-term care psychiatric facilities, or special psychiatric hospitals.

This data can include, but is not limited to:

1. Utilization data of admissions to the applicant's adult acute closed inpatient psychiatric unit;
2. Adult psychiatric patients' length of stay data at the emergency department while waiting to be admitted involuntarily to a psychiatric bed; and/or
3. Data which includes the total number of adult psychiatric patients evaluated at the applicant's emergency department and discharged for involuntary admission to other area hospitals for inpatient involuntary psychiatric treatment.

Further, the applicant must provide data to ensure that the applicant has adequate capital to support the addition of the beds temporarily and attest that the addition of the temporary beds will not require major construction or renovation and can be patient-ready within 90 days from Department approval.

Questions regarding the temporary psychiatric bed services covered in this memo may be addressed to Michael Kennedy at [michael.kennedy@doh.nj.gov](mailto:michael.kennedy@doh.nj.gov) and Luisa Alexopoulos at [luisa.alexopoulos@doh.nj.gov](mailto:luisa.alexopoulos@doh.nj.gov).