

November 9, 2015

**ASSEMBLY BILL NO. 3435
(Second Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3435 (Second Reprint) with my recommendations for reconsideration.

This bill would permit minors to obtain professional behavioral health treatment without parental consent or notification. Under the terms of this bill, once a minor consents to treatment, the treatment would be confidential between the minor and the professional, and no other approval would be required to authorize treatment.

I have long promoted greater access to mental health care. In fact, the Fiscal Year 2016 budget continues this commitment by dedicating over \$100 million in new funding to support home and community-based services for individuals with mental illness. Additionally, over the course of my Administration, we have dedicated resources to initiatives that provide greater access to community services including support for Family Success Centers and for 24-hour Mobile Response and Stabilization Services to help children and youth who are in immediate need of emotional or behavioral support.

The unique challenges that some minors may face in obtaining treatment for mental illness and emotional disorders require a particularly sensitive approach. However, I am concerned that, as written, this bill could lead to unintended consequences. For instance, unlike several other states, this bill lacks parameters to define age appropriateness for certain treatments or therapy. Moreover, nothing in the bill would prevent treating a minor with powerful antidepressants or psychotropic medications. I do not support removing parents or guardians from the decision-making process regarding such

significant levels of medical care. Furthermore, at a time when we continue our battle against the disease of addiction, we must be ever cautious when exposing minors to medications with addictive qualities.

Therefore, I propose amendments to this bill to provide appropriate safeguards that would protect against any unreasonable interpretations. These recommendations include providing a minimum age at which a minor may receive care under the law, and expressly defining what that care may include.

Accordingly, I herewith return Assembly Bill No. 3435 (Second Reprint) and recommend that it be amended as follows:

<u>Page 3, Section 1, Line 5:</u>	After " <u>minor</u> " insert " <u>who is sixteen years of age or older</u> "
<u>Page 3, Section 1, Line 7:</u>	After " <u>to</u> " insert " <u>temporary outpatient</u> "
<u>Page 3, Section 1, Line 7:</u>	After " <u>treatment</u> " insert " <u>, excluding the use or administration of medication,</u> "
<u>Page 3, Section 1, Line 14:</u>	After " <u>psychoanalyst,</u> " insert " <u>or</u> "
<u>Page 3, Section 1, Lines 14-15:</u>	After " <u>psychologist</u> " delete " <u>, or licensed clinical social worker</u> "
<u>Page 3, Section 1, Line 16:</u>	Delete " <u>a</u> " and insert " <u>an outpatient</u> "
<u>Page 3, Section 1, Line 26:</u>	After " <u>or</u> " insert " <u>outpatient</u> "
<u>Page 3, Section 1, Line 37:</u>	After " <u>appropriate</u> " insert " <u>, except that behavioral health care services for the treatment of mental illness or emotional disorders shall be limited to temporary outpatient services only</u> "
<u>Page 3, Section 2, Line 40:</u>	Delete " <u>a.</u> "
<u>Page 4, Section 2, Lines 8-18:</u>	Delete in their entirety
<u>Page 4, Line 30:</u>	Insert new section 4: "4. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety, in consultation with the Commissioner of the Department of Human Services, pursuant to the "Administrative Procedure

Act," P.L.1968, c.410
(C.52:14B-1 et seq.), may
adopt rules and regulations
necessary to implement the
provisions of this act."

Page 4, Section 4, Line 31:

Delete "4." and insert "5."

[seal]

Respectfully,

/s/ Chris Christie

Governor

Attest:

/s/ Thomas P. Scrivo

Chief Counsel to the Governor