

May 10, 2025

SENATE BILL NO. 1067
(Second Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1067 (Second Reprint) with my recommendations for reconsideration.

This bill establishes the "Right to Mental Health Care for Individuals who are Deaf or Hard of Hearing Act" and requires the Department of Human Services ("DHS"), through its Division of the Deaf and Hard of Hearing ("DDHH"), to develop a standard of care by which mental health professionals must treat individuals who are deaf or hard of hearing in a "culturally affirmative" and "linguistically appropriate" manner. Once created, the DDHH would be responsible for recruiting, training, and certifying a workforce of mental health professionals that provide culturally affirmative and linguistically appropriate mental health services and coordinating and overseeing the provision of such services.

I share the Legislature's commitment to improving and increasing access to mental health services for individuals who are deaf or hard of hearing. Indeed, we know that this underserved population faces communication barriers and other complex challenges that impact their ability to receive appropriate mental health care. During my time in office, the DDHH has expanded its role in providing education, advocacy and direct services to address these barriers and promote accessibility for people who are deaf and hard of hearing, including through referral assistance programs that help connect individuals with health providers and other resources, as well as on-site sensitivity training programs that educate organizations on how to appropriately serve the deaf and hard of hearing community. My Administration has also launched and invested in initiatives like the Communication Access Grant Program, which funds communication equipment and interpreter and captioning services, and our one-of-a-kind Language Instruction Program, which

offers free language acquisition and development services for deaf, hard of hearing, and deaf-blind children from birth through five years old.

Despite our progress, there remains much work to be done to ensure true equity and access for individuals who are deaf or hard of hearing, particularly when it comes to mental health services. However, while Senate Bill No. 1067 (Second Reprint) endeavors to address a critically important need, it presents numerous operational and legal concerns that necessitate reconsideration. For example, the development, implementation, and continuous oversight of culturally affirmative and linguistically appropriate mental health services would require time, funds, and carefully considered recruitment and training efforts to achieve. Even if the Legislature included an appropriation to fund such a massive undertaking - which it did not - the bill would still rest on a fundamental misunderstanding of DHS's role as a health care *payor* agency that lacks the regulatory authority to set and oversee standards of care applicable to licensed mental health professionals; a function typically reserved for the relevant professional boards.

The sponsors' reliance on the bill's laudable objectives without due consideration of such clear legal and practical realities undermines the efforts of advocates who fought so admirably for this noble cause. Regrettably, these concerns were not addressed before the bill was sent to my desk, despite having been communicated to the bill's chief proponents in the Legislature while the bill was pending. To help salvage the goals of this legislation, I am recommending revisions that will lay the groundwork needed to improve mental health services for individuals who are deaf or hard of hearing. Specifically, the revisions will require DHS, in consultation with other State agencies and the advisory committee established by the bill, to conduct a landscape analysis of mental health services

presently available to individuals who are deaf and hard of hearing, the current and future needs for mental health professionals who are competent in the unique cultural and communication needs of such individuals, and the availability of any resources, best practices, guidance documents, and education or training programs that may help the State satisfy those needs. As part of that analysis, DHS will work to identify models of care concerning culturally affirmative and linguistically appropriate mental health services and facilitate access to information and training programs that may enhance the State's workforce of mental health professionals and ensure individuals who are deaf or hard of hearing can obtain the quality of care they deserve.

Accordingly, I herewith return Senate Bill No. 1067 (Second Reprint) and recommend that it be amended as follows:

<u>Page 2, Title, Lines 2-3:</u>	Delete "and supplementing Title 30 of the Revised Statutes"
<u>Page 2, Section 1, Lines 9-11:</u>	Delete in their entirety
<u>Page 2, Section 2, Line 13:</u>	Delete "2." and insert "1."
<u>Page 3, Section 2, Line 17:</u>	Delete "that are"
<u>Page 3, Section 2, Lines 18-20:</u>	Delete in their entirety
<u>Page 3, Section 2, Line 21:</u>	Delete "(2) have access to services"
<u>Page 3, Section 2, Lines 22-24:</u>	Delete "are fluent in the individual's primary method of communication, understand the unique nature of being deaf or hard of hearing,"
<u>Page 3, Section 2, Line 25:</u>	After "hearing" insert "and"
<u>Page 3, Section 2, Line 27:</u>	After "interpreters;" insert "and"
<u>Page 3, Section 2, Line 28:</u>	Delete "(3)" and insert "(2)"
<u>Page 3, Section 2, Line 33:</u>	Delete ";" and insert "."
<u>Page 3, Section 2, Lines 34-44:</u>	Delete in their entirety
<u>Page 3, Section 2, Line 46:</u>	Delete "a resource guide listing the"
<u>Page 3, Section 2, Line 48:</u>	Delete "clients" and insert "individuals who are deaf or hard of hearing"

Page 4, Section 2, Lines 1-4: Delete in their entirety

Page 4, Section 3, Line 6: Delete "3." and insert "2."

Page 4, Section 3, Lines 7-14: Delete in their entirety

Page 4, Section 3, Lines 17-20: Delete in their entirety

Page 4, Section 3, Lines 22-23: Delete "provided by certified mental health professionals and support staff, which services" and insert "that"

Page 4, Section 3, Lines 34-38: Delete in their entirety

Page 5, Section 3, Line 3: After "assessment." insert "'Mental health professional' means a psychiatrist, psychologist, advanced practice nurse, therapist, counselor, or social worker licensed or certified to practice under Title 45 of the Revised Statutes."

Page 5, Section 3, Lines 17-24: Delete in their entirety

Page 5, Section 4, Lines 26-42: Delete in their entirety

Page 5, Section 5, Line 44: Delete "5." and insert "3. a."

Page 5, Section 5, Line 44: Delete "Division of"

Page 5, Section 5, Line 45: Delete "the Deaf and Hard of Hearing in the Department" and insert "Commissioner"

Page 5, Section 5, Lines 47-48: Delete "Mental Health and Addiction Services in the Department of Human Services" and insert "Consumer Affairs, the Commissioner of Labor and Workforce Development, and the advisory committee established pursuant to section 4 of this act, P.L. , c. (pending before the Legislature as this bill)"

Page 5, Section 5, Line 48: After "shall" insert "conduct a landscape analysis of mental health services available to clients, which shall include, but not be limited to, the following"

Page 6, Section 5, Lines 1-33: Delete in their entirety

Page 6, Section 5, Line 34: Delete "and linguistically appropriate mental health services" and insert "(1) the current status of, and future needs for, mental health professionals for clients in each geographic region of the State, broken down by provider

type, occupation or specialty, education level, and other training, qualifications, or experience related to the methods of communication and cultural needs of clients;

(2) the current status of, and future needs for, support staff working with clients in mental health settings in each geographic region of the State, including interpreters, individuals who are fluent in American Sign Language, and individuals with other training, qualifications or experience related to the methods of communication and cultural needs of clients;

(3) the mental health care needs of individuals who are deaf or hard of hearing, the extent to which those needs are met, patient satisfaction with currently available mental health services for individuals who are deaf or hard of hearing, and any barriers to care;

(4) a cross analysis of the data or information identified in paragraphs (1), (2) and (3) of this subsection to identify common themes and differences across categories;

(5) an estimate of the future pipeline of mental health professionals for clients and support staff working in mental health settings with clients;

(6) the availability of any resources, publications, best practices or guidance documents concerning culturally affirmative mental health services and linguistically appropriate mental health services; and

(7) the availability of any evidence-based education courses or training programs concerning culturally affirmative mental health services and linguistically appropriate mental health services.

b. Within one year of the effective date of this act, P.L. , c. (pending before the Legislature as this bill), the Commissioner of Human Services shall prepare and submit to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, a written report setting forth the findings of

the analysis conducted pursuant to subsection a. of this section and any recommended policies, programs, or initiatives that may be undertaken to increase the State's workforce of mental health professionals and support staff working in mental health settings for clients, improve and promote access to care, and enhance the capacity of mental health professionals and support staff working in mental health settings for clients to meet the communication and cultural needs of clients.

c. Within six months of issuing a report to the Governor and the Legislature pursuant to subsection b. of this section, the Commissioner of Human Services, in consultation with the Division of Consumer Affairs, shall:

(1) identify best practices or recommended approaches for mental health professionals and support staff working in mental health settings related to the provision of culturally affirmative mental health services and linguistically appropriate mental health services;

(2) develop or identify an existing evidence-based training or education program or programs concerning the provision of culturally affirmative mental health services and linguistically appropriate mental health services; and

(3) make the information required by this subsection available on its Internet website"

Page 6, Section 6, Lines 36-46:

Delete in their entirety

Page 7, Section 6, Lines 1-46:

Delete in their entirety

Page 8, Section 6, Lines 1-8:

Delete in their entirety

Page 8, Section 6, Line 9:

Delete "c. (1)" and insert "4. a."

Page 8, Section 6, Lines 10-11:

Delete "Executive Director of the Division of the Deaf and Hard of Hearing" and insert "Commissioner of Human Services"

Page 8, Section 6, Line 13:

Delete "section" and insert "act, P.L. , c. (pending before the Legislature as this bill)"

Page 8, Section 6, Line 14: Delete "(2)" and insert "b."

Page 8, Section 6, Lines 14-15: Delete "paragraph (1) of this"

Page 8, Section 6, Line 15: After "subsection" insert "a. of this section"

Page 8, Section 6, Line 15: Delete "10" and insert "11"

Page 8, Section 6, Line 19: Delete "certified"

Page 8, Section 6, Line 20: After "interpreter," insert "at least one person who has experience in or is a representative of an institution of higher education,"

Page 8, Section 6, Line 22: Delete "The members of the advisory committee shall serve for a"

Page 8, Section 6, Lines 23-24: Delete in their entirety

Page 8, Section 6, Line 25: Delete "(3)" and insert "c."

Page 8, Section 6, Lines 25-26: Delete "Executive Director of the Division of the Deaf and Hard of Hearing" and insert "Commissioner of Human Services or their designee"

Page 8, Section 6, Line 27: Delete "10"

Page 8, Section 6, Lines 30-31: Delete "Executive Director of the Division of the Deaf and Hard of Hearing" and insert "Commissioner of Human Services or their designee"

Page 8, Section 6, Line 32: Delete "(4)" and insert "d."

Page 8, Section 6, Lines 37-38: Delete "Executive Director of the Division of the Deaf and Hard of Hearing" and insert "Commissioner of Human Services"

Page 8, Section 6, Line 41: Insert "e. The advisory committee shall expire upon the submission of the report required pursuant to subsection b. of section 3 of this act, P.L. , c. (pending before the Legislature as this bill)."

Page 8, Section 7, Lines 42-47: Delete in their entirety

Page 9, Section 7, Lines 1-47: Delete in their entirety

Page 10, Section 7, Lines 1-2: Delete in their entirety

Page 10, Section 8, Lines 4-10: Delete in their entirety

Page 10, Section 9, Line 17: Delete "9." and insert "5."

Page 10, Section 9, Line 17: Delete "180" and insert "90"

Page 10, Section 9, Line 18:

Delete "Assistant"

Page 10, Section 9, Line 18:

After "Commissioner of" delete
"the"

Page 10, Section 9, Lines 19-21:

Delete in their entirety

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate E. McDonnell

Chief Counsel to the Governor