**COMMITTEE NAME:** Adult Mental Health Practice Group

<table>
<thead>
<tr>
<th>DATE:</th>
<th>Time: 2:00 p.m. to 3:00 p.m.</th>
<th>Presiding: Mary Pat Angelini, MPA, CPS</th>
<th>Recorded By: Shauna Moses</th>
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**PARTICIPATING VIA CONFERENCE CALL:** Mary Pat Angelini, Michelle Carlamere, Matt D’Oria, Nicolle DeLuca, Julie Drew, Richard Gitlen, Linda Gochfeld, Joseph Haber, Erika Kerber, Aaron Levitt, Austin Ogun, Cindy Page, Hilary Pearsall, Jen Petro, Patrick Pierson, Ron Redmond, Shelley Samuels, Lou Schwarcz, Cheryl Smith, Sherrie Smith, Shawn Thompson

**STAFF:** Shauna Moses, Debra Wentz

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<th>AGENDA ITEMS</th>
<th>DISCUSSION</th>
<th>ACTIONS AND OUTCOMES</th>
<th>TIME-FRAME</th>
<th>WHO IS RESPONSIBLE</th>
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<tr>
<td>Approval of the Minutes from January 21, 2020 Meeting</td>
<td>N/A</td>
<td>Sherrie Smith made a motion to approve the minutes. Lou Schwarz seconded the motion and they were unanimously approved.</td>
<td>N/A</td>
<td>N/A</td>
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<td>Coronavirus Crisis</td>
<td>NJAMHAA sent questions and a summary of its member survey results to the Department of Human Services (DHS). Some of the questions were addressed during a conference call with DHS that was held prior to this meeting. Highlights of the call were shared; these include the provision of emergency funding from the Division of Mental Health and Addiction Services (DMHAS). NJAMHAA will continue to collect questions and concerns from members and seek answers from DHS, as well as the Department of Health and Department of Children and Families. Questions about the federal Families First Coronavirus Response Act were raised. It was explained that this law applies to all healthcare providers and NJAMHAA is seeking clarification about if this group is interpreted to include mental healthcare and substance use treatment providers.</td>
<td>Click <a href="#">here</a> to read the notes from this conference call and <a href="#">here</a> to read Medicaid guidelines for telehealth. Click <a href="#">here</a> to view the DMHAS Emergency Payment Policy and <a href="#">here</a> for the cover letter from DMHAS Assistant Commissioner Valerie Mielke.</td>
<td>Ongoing</td>
<td>Members</td>
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<td></td>
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<td>Members were asked to send to Shauna additional questions, as well as information they receive that may differ from what has been discussed.</td>
<td>N/A</td>
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<td>[Click <a href="#">here</a> for details on this law from the Employers Association of New Jersey and <a href="#">here</a> for additional information from the Law Firm of Greenbaum Rowe Smith Davis LLP.]</td>
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<td>Board of Social Work Examiners (BSWE): Issues, Concerns and Challenges</td>
<td>A member shared the experience of an LCSW license not being granted due to the BSWE’s interpretation that the individual did not provide enough hours of clinical service. The agency appealed and the BSWE denied the appeal. It was shared that NJAMHAA members who serve on the BSWE recommended that licensure applicants submit extensive documentation of their clinical work and that all providers ensure that the details of clinical work are included in job descriptions. It was also recommended that providers check the BSWE requirements for each type of license to ensure compliance.</td>
<td>N/A</td>
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<td>The impact of BSWE requirements on supervision in fee-for-service programs was carried over from a previous meeting agenda and will be on a future agenda when this group meets in person.</td>
<td>N/A</td>
<td>May 12, 2020 (although this may change to be solely via conference call if the coronavirus crisis is continuing at that time)</td>
<td>Agenda: Debra Wentz, Shauna Moses</td>
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<td>Serving Clients with Criminal Charges and Addressing Related Challenges in Securing Housing and Employment</td>
<td>Erika Kerber, Esq., Director of Litigation, Community Health Law Project, provided an overview of guidelines for public authorities and private landlords providing housing for and possibly evicting individuals who have engaged in criminal activities. She noted that a recent Executive Order halts all eviction proceedings for two months due to the coronavirus crisis. See detailed notes at the end of these minutes.</td>
<td>Members can contact Erika at <a href="mailto:ekerber@chlp.org">ekerber@chlp.org</a> or other CHLP offices (contact information is at <a href="http://www.chlp.org">www.chlp.org</a>) with questions and for assistance in fighting bans on public housing.</td>
<td>N/A</td>
<td>N/A</td>
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<td>Updates</td>
<td>The state has frozen $1 billion in spending for the FY2021 budget and an additional freeze is possible. The state is awaiting a drawdown of federal funds. Continued federal funding for Certified Community Behavioral Health Clinics is uncertain although there was much support prior to the coronavirus crisis.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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**AGENDA ITEMS** | **DISCUSSION** | **ACTIONS AND OUTCOMES** | **TIME-FRAME** | **WHO IS RESPONSIBLE**
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Updates (continued) | by the House of Representatives and will be signed by the President in short order. Click [here](#) to read a summary of this Act from the National Council for Behavioral Health. For your convenience, below are links that are also provided within the document referenced above:

*Summary of the "Legacy Act", which changes 42 CFR rules regarding substance use treatment records*

*Details on the Payroll Protection Program Loans*

*Summary of Every Section of the Bill*

N/A | N/A

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**Next Membership Meeting:** April 15, 2020 from 10:00 a.m. to noon via conference call

**Next Practice Group Meeting:** May 12, 2020 from 1:00 p.m. to 3:00 p.m. at NJAMHAA or possibly via conference call, depending on the status of the coronavirus crisis

**Serving Clients with Criminal Charges and Addressing Related Challenges in Securing Housing and Employment** - *Notes from Erika Kerber’s presentation*

**Caveat:** The following narrative is just a quick summary of issues clients may have related to criminal activity. Each case is unique and should be assessed by an attorney to determine the merits of the case and whether the client may have defenses that can be asserted.

**Housing**

**Applying for Housing**

**Public Housing**

- Federally subsidized
- Very strict regarding criminal activity – For example, individuals who have committed sex crimes or manufactured methamphetamines on public housing properties cannot receive housing.
- Applicants may be denied if they were evicted from public housing due to illegal drug use, felonies or any violent criminal acts that place other residents at risk, or if any household member has a history of violent crime.

*Continued on the next page.*
Individuals may be denied housing if their crimes and convictions occurred within a “reasonable amount of time” before they applied for housing; however, this amount of time has not been defined.

Arson and murder cannot be expunged from individuals’ criminal records among other convictions that cannot be expunged.

Subsidized housing programs should consider certain factors before rejecting an applicant, such as history of criminal activity, evidence of rehabilitation, seriousness of the crimes, when they occurred and the impact on other residents and the community at large.

Criminal background reports must be shared with applicants and fair hearings must be provided.

Private Landlords

No blanket bans are allowed due to criminal activity. This would be interpreted as discrimination under the Fair Housing Act.

However, landlords are allowed to conduct background checks and determine to accept or deny applicants on a case by case basis.

Eviction and Criminal Activity

Tenants can only be evicted based on the grounds set forth in the Anti-Eviction Act in both subsidized and private complexes.

Public Housing

There are strict guidelines in public housing. Public/subsidized housing authorities can evict tenants due to criminal activity that imposes risk on other housing residents and other individuals in the immediate vicinity. These housing providers do not need evidence of convictions or arrests; it is sufficient to have evidence of criminal activity having occurred. If household members use illegal drugs or alcohol and this negatively affects others, they can be evicted.

Public housing providers need to take into account mitigating circumstances, such as the seriousness of crimes, their impact on the community and household members’ involvement with criminal activity vs. clients’ involvement. The household members may be evicted while clients may be retained in housing. Housing providers should also consider any remediation steps that have been taken.

Private Landlords

Tenants can be evicted for criminal activity under various grounds for eviction based on the circumstances. Criminal activity can be couched under several causes of action such as disorderly conduct, destruction of property, conviction of a drug offense or engaging in illegal drug activity, assault or terroristic threats against the landlord, and theft from landlord or another tenant. These are just a few examples where certain criminal activity may be a basis for eviction.

The above grounds for eviction require only a 3-day Notice to Quit prior to filing for eviction and only a few require a warning notice prior to taking legal action.

Employment

Most New Jersey employees are “at will” which means they can be terminated at any time for any reason including arrests or being convicted of a crime.

NJ’s Opportunity to Compete Act or “Ban the Box Law” states that employers are not permitted to ask about an applicant’s criminal record on the employment application or during the initial interview. If they do, the applicant can file a complaint with the NJ Department of Labor. However, after the initial interview, employers can ask questions about an applicant’s history of arrests and convictions, including arrests that did not lead to conviction.

Continued on the next page.
General Assistance and Temporary Assistance for Needy Families (TANF)

- Any person convicted on or after August 22, 1996 of a felony drug distribution offense is permanently ineligible to receive General Assistance.
- Individuals charged with possession or use of drugs might be able to receive General Assistance if they are enrolled in or have completed a licensed treatment program through the Substance Abuse Initiative.
- There is no restriction to receiving TANF despite criminal backgrounds.

Other Information Provided – Expungements of Criminal Records

- A state law was passed in December 2019 that makes the process of expunging criminal records easier so that more people may be eligible to get expungements. The possibility of expunging a client’s criminal record should always be explored because it can make finding housing and employment much easier.