

CHAPTER 294

AN ACT concerning long-term care and amending P.L.1977, c.239.

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

1. Section 5 of P.L.1977, c.239 (C.52:27G-5) is amended to read as follows:

C.52:27G-5 Duties and powers.

5. The ombudsman, as administrator and chief executive officer of the office, shall:

- a. Administer and organize the work of the office and establish therein such administrative subdivisions as necessary, proper, and expedient. He or she may formulate and adopt rules and regulations and prescribe duties for the efficient conduct of the business, work, and general administration of the office. He or she may delegate to subordinate officers or employees in the office such power as may be desirable to be exercised under his or her supervision and control;

- b. Appoint and remove such stenographic, clerical, and other secretarial assistants as may be required for the proper conduct of the office, subject to the provisions of Title 11 (Civil Service) of the Revised Statutes, and other applicable statutes, and within the limits of funds appropriated or otherwise made available therefor. In addition, and within such funding limits, the ombudsman may appoint, retain, or employ, without regard to the provisions of the said Title 11 (Civil Service), or any other statutes, such officers, investigators, experts, consultants, or other professionally qualified personnel on a contract basis or otherwise as necessary.

- c. Appoint and employ, notwithstanding the provisions of P.L.1944, c.20 (C.52:17A-1 et seq.), a general counsel and such other attorneys or counsel as he or she may require, for the purpose, among other things, of providing legal advice on such matters as the ombudsman may from time to time require, of attending to and dealing with all litigation, controversies, and legal matters in which the office may be a party or in which its rights and interests may be involved, and of representing the office in all proceedings or actions of any kind which may be brought for or against it in any court of this State. With respect to all of the foregoing, such counsel and attorneys shall be independent of any supervision or control by the Attorney General or by the Department of Law and Public Safety, or by any division or officer thereof;

- d. Have authority to adopt and promulgate pursuant to law such rules and regulations as necessary to carry out the purposes of this act;

- e. Maintain suitable headquarters for the office and such other quarters as necessary to the proper functioning of the office;

- f. Solicit and accept grants of funds from the federal government and from other public and any private sources for any of the purposes of this act; provided, however, that any such funds shall be expended only pursuant to an appropriation made by law;

- g. Perform such other functions as may be prescribed in this act or by any other law; and

- h. Establish, in consultation with the Department of Health, an annual long-term care training program in a manner to be determined by the ombudsman. At a minimum, the program shall address the following subjects: the rights of residents of long-term care facilities; fostering choice and independence among residents of long-term care facilities; identifying and reporting abuse, neglect, or exploitation of residents of long-term care facilities; long-term care facility ownership; updates on State and federal guidelines, laws, and regulations that pertain to long-term care facilities; and issues, trends, and policies that impact the rights of long-term care residents. The annual training program shall be completed by the ombudsman's investigative and advocacy staff, the ombudsman's volunteer advocates, and Department of Health long-term care facility surveyors, inspectors, and complaint investigators. Subject to

the availability of staff and funding, the training program shall be offered to residents of long-term care facilities, those residents' family members, advocacy organizations, government agencies, and long-term care facility employees. To develop and implement the training program, the ombudsman may contract or consult with a non-profit organization that possesses expertise on the rights of residents in long-term care settings.

2. This act shall take effect immediately.

Approved November 8, 2021.