

P.L.2011, CHAPTER 58, *approved April 20, 2011*

Senate, No. 2458

1 AN ACT concerning the rights of residents of assisted living
2 facilities and comprehensive personal care homes, and
3 supplementing Title 26 of the Revised Statutes.

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

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8 1. a. Each assisted living facility and comprehensive personal
9 care home provider licensed pursuant to P.L.1971, c.136 (C.26:2H-
10 1 et seq.) shall distribute to each resident and post in a conspicuous,
11 public place in the facility or home, as applicable, a statement of
12 resident rights. The statement of rights shall include, at a minimum,
13 the rights set forth in subsection b. of this section. Each resident,
14 resident family member, and legally appointed guardian, as
15 applicable, shall be informed of the resident rights, and provided
16 with explanations if needed. The provider shall ensure that each
17 resident, or the resident's legally appointed guardian, as applicable,
18 signs a copy of the statement of rights.

19 b. Every resident of an assisted living facility or comprehensive
20 personal care home that is licensed in the State shall have the right
21 to:

22 (1) receive personalized services and care in accordance
23 with the resident's individualized general service or health service
24 plan;

25 (2) receive a level of care and services that address the
26 resident's changing physical and psychosocial status;

27 (3) have his or her independence and individuality;

28 (4) be treated with respect, courtesy, consideration and
29 dignity;

30 (5) make choices with respect to services and lifestyle;

31 (6) privacy;

32 (7) have or not to have families' and friends' participation in
33 resident service planning and implementation;

34 (8) receive pain management as needed, in accordance with
35 Department of Health and Senior Service regulations;

36 (9) choose a physician, advanced practice nurse, or
37 physician assistant;

38 (10) appeal an involuntary discharge as specified in
39 department regulations;

40 (11) receive written documentation that fee increases based
41 on a higher level of care are based on reassessment of the resident
42 and in accordance with department regulations;

- 1 (12) receive a written explanation of fee increases that are not
2 related to increased services, upon request by the resident;
- 3 (13) participate, to the fullest extent that the resident is able,
4 in planning his or her own medical treatment and care;
- 5 (14) refuse medication and treatment after the resident has
6 been informed, in language that the resident understands, of the
7 possible consequences of this decision;
- 8 (15) refuse to participate in experimental research, including
9 the investigations of new drugs and medical devices, and to be
10 included in experimental research only when the resident gives
11 informed, written consent to such participation;
- 12 (16) be free from physical and mental abuse and neglect;
- 13 (17) be free from chemical and physical restraints, unless a
14 physician, advanced practice nurse, or physician assistant
15 authorizes the use for a limited period of time to protect the resident
16 or others from injury. Under no circumstances shall a resident be
17 confined in a locked room, or restrained, including with the use of
18 excessive drugs, for punishment or for the convenience of staff;
- 19 (18) manage the resident's own finances, and to delegate that
20 responsibility to a family member, assigned guardian, facility
21 administrator, or some other individual with power of attorney. The
22 resident's authorization delegating such authority shall be witnessed
23 and in writing;
- 24 (19) receive prior to or at the time of admission, and
25 afterwards through addenda, an admission agreement that complies
26 with all applicable State and federal laws, describes the services
27 provided and the related charges, and includes the policies for
28 payment of fees, deposits, and refunds;
- 29 (20) receive a quarterly written account of the resident's
30 funds, the itemized property deposited with the facility for the
31 resident's use and safekeeping, and all financial transactions with
32 the resident, next-of-kin, or guardian, which account shall show the
33 amount of property in the account at the beginning and end of the
34 accounting period, as well as a list of all deposits and withdrawals,
35 substantiated by receipts given to the resident or the resident's
36 guardian;
- 37 (21) have daily access during specified hours to the money
38 and property that the resident has deposited with the facility, and to
39 delegate, in writing, this right of access to a representative;
- 40 (22) live in safe and clean conditions that do not admit more
41 residents than can safely be accommodated;
- 42 (23) not be arbitrarily and capriciously moved to a different
43 bed or room;
- 44 (24) wear the resident's own clothes;
- 45 (25) keep and use the resident's personal property, unless
46 doing so would be unsafe, impractical, or an infringement on the
47 rights of other residents;

- 1 (26) reasonable opportunities for private and intimate
2 physical and social interaction with other people, including the
3 opportunity to share a room with another individual unless it is
4 medically inadvisable;
- 5 (27) confidential treatment with regard to information about
6 the resident, subject to the requirements of law;
- 7 (28) receive and send mail in unopened envelopes, unless the
8 resident requests otherwise, and the right to request and receive
9 assistance in reading and writing correspondence unless medically
10 contraindicated;
- 11 (29) have a private telephone in the resident's living quarters
12 at the resident's own expense;
- 13 (30) meet with any visitors of the resident's choice, at any
14 time, in accordance with facility policies and procedures;
- 15 (31) take part in activities, and to meet with and participate in
16 the activities of any social, religious, and community groups, as
17 long as these activities do not disrupt the lives of other residents;
- 18 (32) refuse to perform services for the facility;
- 19 (33) request visits at any time by representatives of the
20 religion of the resident's choice and, upon the resident's request, to
21 attend outside religious services at the resident's own expense;
- 22 (34) participate in meals, recreation, and social activities
23 without being subjected to discrimination based on age, race,
24 religion, sex, marital status, nationality, or disability;
- 25 (35) organize and participate in a resident council that
26 presents residents' concerns to the administrator of the facility;
- 27 (36) be transferred or discharged only in accordance with the
28 terms of the admission agreement and with N.J.A.C. 8:36-5.1(d);
- 29 (37) receive written notice at least 30 days in advance when
30 the facility requests the resident's transfer or discharge, except in an
31 emergency, which notice shall include the name and contact
32 information for the New Jersey Office of the Ombudsman for the
33 Institutionalized Elderly;
- 34 (38) receive a written statement of resident rights and any
35 regulations established by the facility involving resident rights and
36 responsibilities;
- 37 (39) retain and exercise all constitutional, civil and legal
38 rights to which the resident is entitled by law;
- 39 (40) voice complaints without fear of interference, discharge,
40 reprisal, and obtain contact information respecting government
41 agencies to which residents can complain and ask questions, which
42 information also shall be posted in a conspicuous place in the
43 facility;
- 44 (41) hire a private caregiver or companion at the resident's
45 expense and responsibility, as long as the caregiver or companion
46 complies with the facility's policies and procedures; and

1 (42) obtain medications from a pharmacy of the resident's
2 choosing, as long as the pharmacy complies with the facility's
3 medication administration system, if applicable.

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5 2. This act shall take effect on the 30th day after enactment.

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STATEMENT

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10 This bill sets forth the rights of residents who live in assisted
11 living facilities and comprehensive personal care homes in the
12 State, and is a codification of current Department of Health and
13 Senior Services regulations (N.J.A.C.8:36-4.1), which establish the
14 rights of residents.

15 The bill requires assisted living facilities and comprehensive
16 personal care homes to distribute the statement of resident rights to
17 each resident, and post it in a conspicuous, public place in the
18 facility or home, as applicable. In addition, the bill requires
19 providers to inform each resident, the resident's family member,
20 and the resident's legally appointed guardian, if applicable, of the
21 resident's rights, provide explanations if needed, and ensure that
22 each resident, or the resident's legally appointed guardian, as
23 applicable, signs a copy of statement of rights.

24 The bill takes effect on the 30th day after enactment.

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29 Establishes assisted living facility and comprehensive personal
30 care home resident rights.