

ASSEMBLY, No. 4282

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 27, 2018

Sponsored by:

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Co-Sponsored by:

**Assemblywomen Vainieri Huttle, Lopez, McKnight, Murphy, Mosquera
and Pinkin**

SYNOPSIS

Provides nursing home residents with right to timely response to certain complaints, concerns, or requests.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/24/2019)

1 AN ACT concerning the rights of nursing home residents and
2 amending P.L.1976, c.120.

3

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

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7 1. Section 5 of P.L.1976, c.120 (C.30:13-5) is amended to read
8 as follows:

9 5. Every resident of a nursing home shall:

10 a. Have the right to manage his own financial affairs unless he
11 or his guardian authorizes the administrator of the nursing home to
12 manage such resident's financial affairs. Such authorization shall
13 be in writing and shall be attested by a witness that is unconnected
14 with the nursing home, its operations, its staff personnel and the
15 administrator thereof, in any manner whatsoever.

16 b. Have the right to wear his own clothing. If clothing is
17 provided to the resident by the nursing home, it shall be of a proper
18 fit.

19 c. Have the right to retain and use his personal property in his
20 immediate living quarters, unless the nursing home can demonstrate
21 that it is unsafe or impractical to do so.

22 d. Have the right to receive and send unopened correspondence
23 and, upon request, to obtain assistance in the reading and writing of
24 such correspondence.

25 e. Have the right to unaccompanied access to a telephone at a
26 reasonable hour, including the right to a private phone at the
27 resident's expense.

28 f. Have the right to privacy.

29 g. Have the right to retain the services of his own personal
30 physician at his own expense or under a health care plan. Every
31 resident shall have the right to obtain from his own physician or the
32 physician attached to the nursing home complete and current
33 information concerning his medical diagnosis, treatment and
34 prognosis in terms and language the resident can reasonably be
35 expected to understand, except when the physician deems it
36 medically inadvisable to give such information to the resident and
37 records the reason for such decision in the resident's medical record.
38 In such a case, the physician shall inform the resident's next-of-kin
39 or guardian. The resident shall be afforded the opportunity to
40 participate in the planning of his total care and medical treatment to
41 the extent that his condition permits. A resident shall have the right
42 to refuse treatment. A resident shall have the right to refuse to
43 participate in experimental research, but if he chooses to participate,
44 his informed written consent must be obtained. Every resident shall
45 have the right to confidentiality and privacy concerning his medical

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 condition and treatment, except that records concerning said
2 medical condition and treatment may be disclosed to another
3 nursing home or health care facility on transfer, or as required by
4 law or third-party payment contracts.

5 h. Have the right to unrestricted communication, including
6 personal visitation with any persons of his choice, at any reasonable
7 hour.

8 i. Have the right to present grievances on behalf of himself or
9 others to the nursing home administrator, State governmental
10 agencies or other persons without threat of discharge or reprisal in
11 any form or manner whatsoever. The administrator shall provide all
12 residents or their guardians with the name, address, and telephone
13 number of the appropriate State governmental office where
14 complaints may be lodged. Such telephone number shall be posted
15 in a conspicuous place near every public telephone in the nursing
16 home.

17 j. Have the right to a safe and decent living environment and
18 considerate and respectful care that recognizes the dignity and
19 individuality of the resident, including the right to expect and
20 receive appropriate assessment, management and treatment of pain
21 as an integral component of that person's care consistent with sound
22 nursing and medical practices.

23 k. Have the right to refuse to perform services for the nursing
24 home that are not included for therapeutic purposes in his plan of
25 care as recorded in his medical record by his physician.

26 l. Have the right to reasonable opportunity for interaction with
27 members of the opposite sex. If married, the resident shall enjoy
28 reasonable privacy in visits by his spouse and, if both are residents
29 of the nursing home, they shall be afforded the opportunity, where
30 feasible, to share a room, unless medically inadvisable.

31 m. Not be deprived of any constitutional, civil or legal right
32 solely by reason of admission to a nursing home.

33 n. Have the right to receive, upon request, food that meets the
34 resident's religious dietary requirements, provided that the request is
35 made prior to or upon admission to the nursing home, and if the
36 resident is not a Medicaid recipient, that the resident agrees to
37 assume any additional cost incurred by the nursing home in order to
38 meet those dietary requirements. If the resident is a Medicaid
39 recipient upon admission, or becomes eligible for Medicaid after
40 admission, the nursing home shall include the cost of the religious
41 dietary requirements in its Medicaid cost report for consideration
42 under applicable reimbursement processes. As used in this section,
43 "Medicaid" means the Medicaid program established pursuant to
44 P.L.1968, c.413 (C.30:4D-1 et seq.).

45 o. Have the right to receive a timely response, and corrective
46 action when appropriate, to a complaint, concern, or request
47 concerning resident health, safety, or welfare, or conditions in the
48 nursing home, and a timely response to a request, following the

1 resident's discharge, for assistance that is within the nursing home's
2 capacity to provide.

3 (cf: P.L.2008, c.43, s.1)

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5 2. This act shall take effect immediately.

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STATEMENT

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10 This bill amends the statutory list of rights of nursing home
11 residents to expressly include the right to receive a timely response,
12 and corrective action when appropriate, to a complaint, concern, or
13 request by the resident concerning resident health, safety, or
14 welfare, or conditions in the nursing home, and the right for a
15 timely request for assistance, made after the resident's discharge
16 from the nursing home, that is within the nursing home's capacity
17 to provide.

18 It is the sponsor's intent that this legislation codify the need for
19 nursing homes to respond to resident complaints in a timely
20 manner, and take corrective action when appropriate. Further,
21 nursing home residents, following their discharge, may have
22 questions or need assistance concerning insurance, payment, or
23 related matters implicated by their stay in a nursing home. It is the
24 sponsor's intent that this legislation codify the need for nursing
25 homes to assist discharged residents with such matters, when it is
26 within the nursing home's capacity to provide such assistance.