

**ASSEMBLY, No. 4290**

---

**STATE OF NEW JERSEY**

**219th LEGISLATURE**

---

INTRODUCED JUNE 22, 2020

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman NICHOLAS CHIARAVALLOTI**

**District 31 (Hudson)**

**Assemblywoman BETTYLOU DECROCE**

**District 26 (Essex, Morris and Passaic)**

**Co-Sponsored by:**

**Assemblymen Benson, Verrelli and Assemblywoman Chaparro**

**SYNOPSIS**

Establishes communication and notification requirements for long-term care facilities.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/8/2021)**

1   **AN ACT** concerning long-term care facilities and supplementing  
2       Title 26 of the Revised Statutes.

3

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

6

7       1.   a. Subject to the provisions of subsection c. of this section,  
8 each long-term care facility licensed pursuant to P.L.1971, c.136  
9 (C.26:2H-1 et seq.) shall provide daily updates to a resident's  
10 guardian or, if the resident does not have a guardian, to a family  
11 member of the resident who requests such information, concerning  
12 the health status of the resident, including any changes in the  
13 resident's health status that do not necessitate the provision of  
14 intensive or emergent medical care, unless the guardian or family  
15 member has opted out of receiving daily updates pursuant to  
16 subsection b. of this section.

17       b. A guardian or family member who entitled to receive notice  
18 about changes in a resident's health status who does not wish to  
19 receive daily updates concerning the resident as provided in  
20 subsection a. of this section may opt out of the daily updates, which  
21 opt out shall be valid for up to six months and may be renewed by  
22 the guardian or family member. Subject to the provisions of  
23 subsection c. of this section, a guardian or family member who has  
24 opted out of daily updates concerning the resident's health status  
25 shall be provided with notice of any clinically significant changes in  
26 the resident's health status no later than 5:00 p.m. on the day  
27 following the date on which the change occurred.

28       c. In all cases, if a resident of a long-term care facility  
29 experiences a change in health status that necessitates the provision  
30 of intensive or emergency care, the long-term care facility shall  
31 provide notice of the change to the resident's guardian or, if the  
32 resident does not have a guardian, to a family member of the  
33 resident who requests such information, within four hours after the  
34 onset of the change.

35       d. A long-term care facility that fails to provide daily updates  
36 or notice of a change in a resident's health status as required under  
37 this section shall be liable to a civil penalty of up to \$500 for each  
38 day during which the required update or notice is not provided. A  
39 civil penalty imposed under this subsection shall be collected by  
40 and in the name of the Department of Health in summary  
41 proceedings before a court of competent jurisdiction pursuant to the  
42 provisions of the "Penalty Enforcement Law of 1999," P.L.1999,  
43 c.274 (C.2A:58-10 et seq.). A long-term care facility shall not be  
44 liable to a civil penalty under this subsection if the facility  
45 demonstrates that it made reasonable attempts to contact the  
46 guardian or family member prior to the deadline for providing the  
47 required update or notice but was unable to reach the guardian or  
48 family member, and that the facility continued to make reasonable

1 attempts to contact the guardian or family member on at least a  
2 daily basis thereafter until the facility was able to reach the  
3 guardian or family member.

4

5 2. This act shall take effect 30 days after the date of enactment.

6

7

8

STATEMENT

9

10 This bill establishes communication and notification  
11 requirements for long-term care facilities. Specifically, the bill  
12 requires that long-term care facilities provide daily updates  
13 concerning the resident's health status to a resident's guardian, or if  
14 the resident does not have a guardian, to a family member who  
15 requests such information. The daily update is to include notice of  
16 any clinically significant changes in the resident's health status that  
17 do not necessitate the provision of intensive or emergency care.

18 A guardian or family member may opt out of receiving daily  
19 updates, which opt out will be valid for up to six months and may  
20 be renewed by the guardian or family member. A guardian or  
21 family member who opts out of daily updates is to be provided with  
22 notice of any clinically significant changes in the resident's health  
23 status no later than 5:00 p.m. on the day after the change occurred.

24 In all cases, if a resident experiences a change in health status  
25 that necessitates the provision of intensive or emergent medical  
26 care, the facility will be required to provide guardians and families  
27 with notice of the change within four hours after the onset of the  
28 change, regardless of whether the guardian or family member is  
29 receiving or has opted out of daily updates concerning the resident.

30 A long-term care facility that fails to provide daily updates or  
31 notice of changes in a resident's health status as required under bill  
32 will be liable to a civil penalty of up to \$500 for each day during  
33 which the required update or notice is not provided. However, a  
34 civil penalty will not be assessed against the facility if the facility  
35 demonstrates that it made reasonable attempts to contact the  
36 guardian or family member prior to the deadline for providing the  
37 update or notice but was unable to reach the guardian or family  
38 member, and that the facility continued to make reasonable attempts  
39 to contact the guardian or family member on at least a daily basis  
40 thereafter until the facility was able to reach the guardian or family  
41 member.