

ASSEMBLY, No. 4484

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JULY 30, 2020

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Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblyman JAMES J. KENNEDY

District 22 (Middlesex, Somerset and Union)

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District 33 (Hudson)

Assemblywoman DIANNE C. GOVE

District 9 (Atlantic, Burlington and Ocean)

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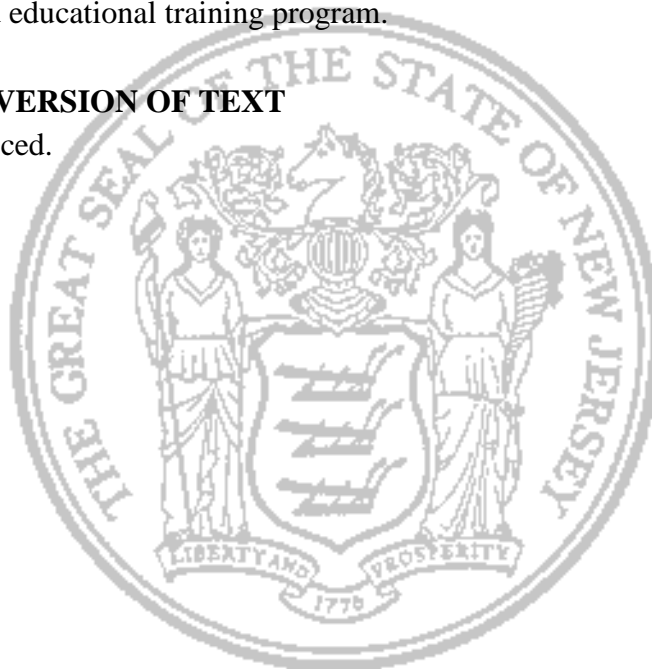
**Assemblyman Benson, Assemblywomen Vainieri Huttle, Speight, Dunn,
B.DeCroce, DiMaso, Tucker and Assemblyman Holley**

SYNOPSIS

Requires State Long-Term Care Ombudsman to establish long-term care advocacy and educational training program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/8/2020)

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

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

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

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

10 a. Administer and organize the work of the office and establish
11 therein such administrative subdivisions as **[he may deem]**
12 necessary, proper, and expedient. He or she may formulate and
13 adopt rules and regulations and prescribe duties for the efficient
14 conduct of the business, work, and general administration of the
15 office. He or she may delegate to subordinate officers or employees
16 in the office such **[of his]** power as **[he]** may **[deem]** be desirable
17 to be exercised under his or her supervision and control;

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

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

41 d. Have authority to adopt and promulgate pursuant to law such
42 rules and regulations as **[he deems]** necessary to carry out the
43 purposes of this act;

44 e. Maintain suitable headquarters for the office and such other
45 quarters as **[he shall deem]** necessary to the proper functioning of
46 the office;

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 f. Solicit and accept grants of funds from the **【Federal**
2 **Government】** federal government and from other public and any
3 private sources for any of the purposes of this act; provided,
4 however, that any such funds shall be expended only pursuant to an
5 appropriation made by law;

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

8 h. Establish a long-term care advocacy and educational training
9 program that is 18 months in duration in a manner to be determined
10 by the ombudsman. At a minimum, the program shall provide
11 training on the following subjects: the rights of residents of long-
12 term care facilities; fostering choice and independence among
13 residents of long-term care facilities; identifying and reporting
14 abuse, neglect, or exploitation of residents of long-term care
15 facilities; long-term care facility ownership; and federal guidelines,
16 laws, and regulations that pertain to long-term care facilities,
17 including guidelines, laws, and regulations on the inspection of
18 long-term care facilities. The training program shall be completed
19 by long-term care facility inspectors employed by the Department
20 of Health in a manner determined by the Commissioner of Health.
21 Subject to availability, the training program shall be offered to
22 employees or volunteers of the ombudsman, long-term care
23 advocates, residents of long-term care facilities and their family
24 members, and long-term care facility employees. To develop the
25 curriculum of the training program, the ombudsman may contract or
26 consult with a non-profit organization that possesses expertise on
27 federal laws and regulations pertaining to long-term care facilities.

28 (cf: P.L.1977, c.239, s.5)

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30 2. This act shall take effect immediately.

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33 STATEMENT

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35 This bill requires the State Long-Term Care Ombudsman
36 (ombudsman) to establish a long-term care advocacy and
37 educational training program.

38 Under the bill, the ombudsman is to establish a long-term care
39 advocacy and educational training program that is 18 months in
40 duration in a manner to be determined by the ombudsman. At a
41 minimum, the program is to provide training on the following
42 subjects: the rights of residents of long-term care facilities;
43 fostering choice and independence among residents of long-term
44 care facilities; identifying and reporting abuse, neglect, and
45 exploitation of residents of long-term care facilities; long-term care
46 facility ownership; and federal guidelines, laws, and regulations that
47 pertain to long-term care facilities, including guidelines, laws, and
48 regulations on the inspection of long-term care facilities. The

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2 inspectors employed by the Department of Health in a manner
3 determined by the Commissioner of Health. Subject to availability,
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6 care facilities and their family members, and long-term care facility
7 employees. To develop the curriculum of the training program, the
8 ombudsman may contract or consult with a non-profit organization
9 that possesses expertise on federal laws and regulations pertaining
10 to long-term care facilities.