

[First Reprint]

ASSEMBLY, No. 4484

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JULY 30, 2020

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Aging and Senior Services Committee on October 8, 2020, with amendments.

(Sponsorship Updated As Of: 6/21/2021)

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

2

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

5

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

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

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASE committee amendments adopted October 8, 2020.

1 quarters as [he shall deem] necessary to the proper functioning of
2 the office;

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

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

10 h. Establish ¹[a], in consultation with the Department of
11 Health, an annual¹ long-term care ¹[advocacy and educational]¹
12 training program ¹[that is 18 months in duration]¹ in a manner to
13 be determined by the ombudsman. At a minimum, the program
14 shall ¹[provide training on] address¹ the following subjects: the
15 rights of residents of long-term care facilities; fostering choice and
16 independence among residents of long-term care facilities;
17 identifying and reporting abuse, neglect, or exploitation of residents
18 of long-term care facilities; long-term care facility ownership;
19 updates on State¹ and federal guidelines, laws, and regulations that
20 pertain to long-term care facilities ¹[, including guidelines, laws,
21 and regulations on the inspection of long-term care facilities]; and
22 issues, trends, and policies that impact the rights of long-term care
23 residents¹ . The ¹annual¹ training program shall be completed by
24 ¹[long-term care facility inspectors employed by]¹ the
25 ombudsman's investigative and advocacy staff, the ombudsman's
26 volunteer advocates, and Department of Health ¹[in a manner
27 determined by the Commissioner of Health] long-term care facility
28 surveyors, inspectors, and complaint investigators¹ . Subject to
29 the¹ availability ¹of staff and funding¹, the training program shall
30 be offered to ¹[employees or volunteers of the ombudsman, long-
31 term care advocates,]¹ residents of long-term care facilities ¹[and
32 their], those residents'¹ family members ¹, advocacy organizations,
33 government agencies¹ , and long-term care facility employees. To
34 develop ¹[the curriculum of] and implement¹ the training program,
35 the ombudsman may contract or consult with a non-profit
36 organization that possesses expertise on ¹[federal laws and
37 regulations pertaining to] the rights of residents in¹ long-term care
38 facilities settings¹ .

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

40
41 2. This act shall take effect immediately.