

ASSEMBLY, No. 5108

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED DECEMBER 10, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Co-Sponsored by:

Assemblywomen Stanfield and N.Munoz

SYNOPSIS

Establishes Office of Inspector General for Veterans' Facilities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/22/2021)

1 **AN ACT** establishing the Office of Inspector General for Veterans’
2 Facilities and supplementing Title 52 of the Revised Statutes.

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

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7 1. There is established in, but not of, the Department of Law
8 and Public Safety the Office of Inspector General for Veterans’
9 Facilities. Notwithstanding this allocation, the office shall be
10 independent of any supervision or control by the department or by
11 any officer thereof. The inspector general shall be a person
12 qualified by experience as either a prosecutor or investigator, or in
13 the operation of veterans’ facilities, nursing homes, or long-term
14 care facilities. The inspector general shall be appointed by the
15 Governor with the advice and consent of the Senate. The inspector
16 general shall be appointed to a term of five years.

17 As used in this act: “veterans’ facilities” shall have the same
18 meaning as set forth in section 1 of P.L.1989, c.162 (C.38A:3-6.3),
19 “nursing homes” shall the same meaning as set forth in section 1 of
20 P.L.1977, c.237 (C.26:2H-32), and “long-term care facilities”
21 means a nursing home, assisted living residence, comprehensive
22 personal care home, residential health care facility, or dementia care
23 home licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

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25 2. a. The Inspector General for Veterans’ Facilities shall
26 establish the internal organizational structure of the office in a
27 manner appropriate to carrying out the duties and responsibilities of
28 the office. The inspector general shall have the power to appoint,
29 employ, promote, and remove such assistants, employees, and
30 personnel as deemed necessary for the efficient and effective
31 administration of the office.

32 b. The inspector general may obtain the services of consultants
33 or other professionals necessary to perform the duties and
34 responsibilities of the office. Consultants shall be selected through
35 an open competitive process and the inspector general shall
36 establish standards and protocols to ensure the fairness and integrity
37 of the process.

38
39 3. The inspector general is authorized to call upon any
40 department, office, division, or agency of State government to
41 provide such information, resources, or other assistance deemed
42 necessary to discharge the duties and responsibilities of the
43 inspector general. Each department, office, division, and agency of
44 this State shall cooperate with the inspector general and furnish the
45 office with any necessary assistance.

46 The inspector general is authorized to cooperate and conduct
47 joint investigations with other State oversight or law enforcement
48 authorities, including the State Long-Term Care Ombudsman.

1 4. a. The Inspector General for Veterans' Facilities shall
2 receive and investigate complaints concerning policies and
3 procedures in place at State veterans' facilities. In exercising
4 investigatory powers, the inspector general shall also be empowered
5 to conduct evaluations, inspections, and other such reviews as
6 necessary to ensure the safety and quality of care provided at
7 veterans' facilities. The inspector general shall further be
8 empowered to initiate investigations independent of any received
9 complaint as deemed necessary to ensure the safety and quality of
10 care provided at veterans' facilities.

11 b. The inspector general shall conduct investigations in
12 accordance with prevailing national and professional standards,
13 rules, and practices concerning investigations conducted in
14 governmental environments. The inspector general shall ensure that
15 the office remains in compliance with such standards, rules, and
16 practices. The inspector general shall provide a process for
17 complaints to be submitted confidentially by employees, residents,
18 or family members of residents at veterans' facilities.

19 c. In furtherance of an investigation, the inspector general may
20 compel at a specific time and place, by subpoena, the appearance
21 and sworn testimony of any person whom the inspector general
22 reasonably believes may be able to provide information relating to
23 the policies and procedures under investigation. For this purpose,
24 the inspector general is empowered to administer oaths, examine
25 witnesses under oath, and compel any person to produce at a
26 specific time and place, by subpoena, any documents, books,
27 records, papers, objects, or other evidence that the inspector general
28 reasonably believes may relate to a matter under investigation.

29 If any person to whom such subpoena is issued fails to appear or,
30 having appeared, refuses to give testimony, or fails to produce the
31 books, papers, or other documents required, the inspector general
32 may apply to the Superior Court and the court may order the person
33 to appear and give testimony or produce the books, paper, or other
34 documents as applicable. Any person failing to obey the court's
35 order may be punished by the court for contempt.

36 d. A person compelled to appear by the inspector general and
37 provide sworn testimony shall have the right to be accompanied by
38 counsel, who shall be permitted to advise the witness of his or her
39 rights. A witness compelled to appear and testify shall be accorded
40 all due process rights.

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42 5. a. The inspector general may decline to investigate a
43 complaint received when it is determined that:

44 the complaint is trivial, frivolous, vexatious, or not made in good
45 faith;

46 if, in the opinion of the inspector general, the complaint has been
47 delayed too long to produce sufficient evidence or witnesses to
48 justify a present investigation;

1 the resources available, in considering established priorities, are
2 insufficient for an adequate investigation; or

3 the matter complained of is not within the inspector general's
4 investigatory authority.

5 b. The inspector general is authorized to refer a complaint
6 received that alleges possible criminal conduct and any independent
7 investigation initiated by the inspector general that alleges possible
8 criminal conduct to the Division of Criminal Justice within the
9 Office of the Attorney General, or other appropriate prosecutorial
10 authority. In the course of conducting investigations, evaluations,
11 inspections, and other reviews, the inspector general may also refer
12 matters for further civil and administrative action to the appropriate
13 authorities.

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15 6. Whenever a person places a request with a public agency for
16 a record that has been provided to the inspector general during the
17 course of an investigation and that record was open for public
18 inspection, examination, or copying before the investigation
19 commenced, the public agency from which the inspector general
20 obtained the record shall comply with the request pursuant to
21 P.L.1963, c.73 (C.47:1A-1 et seq.) provided that the request does
22 not in any way identify the record sought by means of a reference to
23 the inspector general's investigation or to an investigation by any
24 other public agency, including, but not limited to, a reference to a
25 subpoena issued pursuant to such investigation. Requests for a
26 record made to the inspector general pursuant to this section shall
27 be referred to the agency that initially provided such records to the
28 inspector general.

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30 7. The inspector general shall meet at least twice annually with
31 the Attorney General, the Adjutant General of the Department of
32 Military and Veterans' Affairs, the Commissioner of Health, the
33 Long-Term Care Ombudsman, and any other public officers or
34 employees deemed necessary who perform audits, investigations,
35 and performance reviews similar or identical to those authorized to
36 be performed by the inspector general for the purpose of consulting,
37 coordinating, and cooperating with those officers and employees in
38 the conduct of audits, investigations, and reviews. The purpose of
39 such meetings will be to:

40 facilitate communication and exchange information on
41 completed, current, and future investigations of veterans' facilities
42 policies and procedures;

43 avoid duplication and fragmentation of efforts;

44 optimize the use of resources;

45 avoid divisiveness and organizational uncertainty;

46 promote effective working relationships; and

47 avoid the unnecessary expenditure of public funds.

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b. The inspector general shall review the policies and practices that may have caused or contributed to the high number of deaths in the veterans' facilities during the COVID-19 pandemic.

d. At the conclusion of the investigation, the inspector general shall prepare and submit to the Governor and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a report containing the findings from the investigation and recommendations for corrective or remedial action. The report shall be made available to the public on the official website of the Office of Inspector General for Veterans' Facilities and be sent to the veterans' facilities that are subject to the investigation.

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41 This bill would create the Office of Inspector General for
42 Veterans' Facilities. The inspector general will be appointed to a
43 five-year term by the Governor with the advice and consent of the
44 Senate. The inspector general must have experience as either a
45 prosecutor or investigator, or in the operation of veterans' facilities,
46 nursing homes, or long-term care facilities. The inspector general
47 will be independent of supervision or control by any other State
48 officer or employee.

1 The role of the Inspector General for Veterans' Facilities will be
2 to receive and investigate complaints concerning policies and
3 procedures at State veterans' facilities. In exercising investigatory
4 powers, the inspector general would also be empowered to conduct
5 evaluations, inspections, and other such reviews as deemed
6 necessary to ensure the safety and quality of care provided at State
7 veterans' facilities. The inspector general would also be
8 empowered to initiate investigations independent of any complaints
9 received. Upon the appointment of the inspector general, the
10 inspector general will immediately begin an investigation into the
11 policies and practices that may have caused or contributed to the
12 high number of deaths in the veterans' facilities during the COVID-
13 19 pandemic. The inspector general may refer possible criminal
14 conduct or activity to the appropriate prosecutorial authority.

15 In light of the uncontrolled outbreak of COVID-19 at veterans'
16 facilities in Paramus and Menlo Park, there is need for additional
17 State oversight of the policies and procedures at all State veterans'
18 facilities. By establishing the position of Inspector General for
19 Veterans' Facilities, the State can ensure that the health and well-
20 being of New Jersey's veterans are protected and that tragedies like
21 those that occurred in Paramus and Menlo Park never happen again.