

# ASSEMBLY, No. 5174

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 21, 2020

**Sponsored by:**

**Assemblywoman CLEOPATRA G. TUCKER**

**District 28 (Essex)**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**SYNOPSIS**

Creates Veterans' Memorial Home Oversight Board.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 1/4/2021)

A5174 TUCKER, CONAWAY

2

1 AN ACT creating a Veterans' Memorial Homes Oversight Board  
2 and amending P.L.1989, c.162, supplementing Title 38A of the  
3 New Jersey Statutes, and repealing sections 11 and 12 of  
4 P.L.1989, c.162 (C.38A:3-6.13 and 38A:3-6.14).

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8

9 1. (New section) a. There is established, in but not of, the  
10 Department of Military and Veterans Affairs the Veterans'  
11 Memorial Homes Oversight Board. Notwithstanding this  
12 allocation, the board shall be independent of any supervision or  
13 control by the department or by any officer or employee thereof.

14 The purpose of the board shall be to: review the activities,  
15 policies, and operations of the veterans' memorial homes; review  
16 violations reported, complaints filed, and investigations conducted  
17 at the veterans' memorial homes; identify systemic issues and  
18 problems requiring action; and make such recommendations as the  
19 board shall deem appropriate.

20 b. For the purposes of this act, P.L. , c. (C. )(pending  
21 before the Legislature as this bill), the board shall have oversight  
22 responsibility for the Veterans' Memorial Home-Menlo Park, the  
23 Veterans' Memorial Home-Vineland, and the Veterans' Memorial  
24 Home-Paramus, and for any other veterans' memorial home that  
25 may be established after the effective date of this act.

26

27 2. (New section) a. The Veterans' Memorial Homes Oversight  
28 Board shall be comprised of 11 members.

29 b. (1) The Adjutant General shall appoint:

30 one member of the board who is holding full-time employment  
31 with the Department of Military and Veterans Affairs;

32 one member of the board who is a nursing supervisor holding  
33 full-time employment with one of the veterans' memorial homes at  
34 Menlo Park, Vineland, or Paramus; and

35 one member of the board who is holding full-time employment  
36 with one of the veterans' memorial homes at Menlo Park, Vineland,  
37 or Paramus, but not with the same home at which the nursing  
38 supervisor is employed.

39 (2) The Adjutant General shall appoint: one member of the  
40 board who, at the time of appointment, shall be an immediate  
41 family member of a person admitted to the veterans' memorial  
42 home in Menlo Park; one member of the board who, at the time of  
43 appointment, shall be an immediate family member of a person  
44 admitted to the veterans' memorial home in Vineland; and one  
45 member of the board who, at the time of appointment, shall be an

**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 immediate family member of a person admitted to the veterans'  
2 memorial home in Paramus.

3 For the purpose of this paragraph, "immediate family member"  
4 means a spouse, a child by blood or adoption, or sibling by blood or  
5 adoption.

6 (3) The Adjutant General shall appoint one member of the board  
7 who shall be recommended by the head of the Veterans of Foreign  
8 Wars, Department of New Jersey; one member of the board who  
9 shall be recommended by the head of the American Legion,  
10 Department of New Jersey; and one member of the board who shall  
11 be recommended by the head of the Disabled American Veterans,  
12 Department of New Jersey.

13 c. The President of the Senate shall appoint one member who  
14 shall be a member of the Senate serving on the Senate Military and  
15 Veterans Affairs Committee.

16 The Speaker of the General Assembly shall appoint one member  
17 who shall be of the General Assembly serving on the Assembly  
18 Military and Veterans Affairs Committee.

19 These members shall serve during the two-year term of the  
20 Legislature in which they were appointed.

21 d. The members appointed in accordance with subsection b. of  
22 this section shall serve for a period of three years and until a  
23 successor is appointed and qualified.

24 Of the initial appointments made in accordance with subsection  
25 b. of this section, three members shall be appointed for a term of  
26 one year, three members shall be appointed for a term of two years,  
27 and three members shall be appointed for a term of three years.

28 A vacancy occurring other than by expiration of term shall be  
29 filled in the same manner as the original appointment but for the  
30 unexpired term only.

31 e. The members appointed in accordance with paragraph (1) of  
32 subsection b. of this section shall be provided with paid leave of  
33 absence from their full-time employment to attend the meetings and  
34 activities of the board. The leave of absence shall be in addition to  
35 any other leave provided to the employee for the position held.

36 f. The members appointed in accordance with paragraphs (2)  
37 and (3) of subsection b. of this section shall not hold any  
38 employment or office with the State or a political subdivision of the  
39 State during the term service.

40 g. The members of the board appointed in accordance with  
41 paragraphs (2) and (3) of subsection b. of this section shall serve  
42 without compensation, but shall be eligible for reimbursement for  
43 necessary and reasonable expenses incurred in the performance of  
44 their official duties within the limits of funds appropriated or  
45 otherwise made available to the board for its purposes.

46

47 3. (New section) a. The members of the Veterans' Memorial  
48 Homes Oversight Board shall be appointed within 45 days after the

1 effective date of this act, P.L. , c. (C. )(pending before  
2 the Legislature as this bill). The board shall organize as soon as  
3 may be practicable after the appointment of a majority of its  
4 authorized membership.

5 The members shall elect one of the members of the board to  
6 serve as chair, and one of the members of the board to serve as vice-  
7 chair. The chair shall appoint a secretary who need not be a  
8 member of the board.

9 The board shall meet at the call of the chair or upon the request  
10 by a majority of its authorized members. The board shall meet at  
11 such times and places within the State as the chair shall determine.

12 A majority of the board's authorized membership shall constitute  
13 a quorum for the transaction of any business, including the adoption  
14 of any recommendations.

15 b. At the direction of the Adjutant General, the Department of  
16 Military and Veterans Affairs shall provide legal, stenographic,  
17 technical, clerical, and other staff and resource assistance to the  
18 board. The board may incur expenses as may be necessary in order  
19 to perform its duties within the limits of funds appropriated or  
20 otherwise made available to it for its purposes.

21 c. The board shall submit quarterly reports to the Legislature,  
22 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1). The report  
23 shall contain a summary of the activities, reviews, and  
24 recommendations of the board; a summary of violations reported,  
25 complaints filed, and investigations conducted at each of the  
26 veterans' memorial homes; and corrective actions implemented.

27 The report shall be publicly available and posted on the website  
28 of the Department of Military and Veterans Affairs.

29

30 4. (New section) a. The Veterans' Memorial Homes Oversight  
31 Board shall:

32 (1) recommend standards and procedures for application and  
33 termination of eligibility for admission to a memorial home;

34 (2) recommend standards and methods for designating the  
35 memorial home in which an eligible person shall receive care and  
36 treatment consistent with available services and individual needs  
37 and circumstances;

38 (3) recommend standards of care, treatment, and discipline  
39 governing the relationship between the memorial home and a person  
40 admitted to the memorial home;

41 (4) recommend standards and procedures for the determination  
42 and payment of amounts which a person admitted to a memorial  
43 home may be required to contribute toward the cost of care and  
44 treatment in accordance with their financial ability; and

45 (5) review, in accordance with subsection b. and c. of this  
46 section, violations reported, complaints filed, and investigations  
47 conducted at each memorial home to identify systemic issues and  
48 problems related to the operation of the memorial homes.

1       b. The board shall be provided with access to such government  
2 records as the board may request after adoption by a majority of the  
3 authorized membership of the board of a resolution that specifies  
4 the records to be requested. The government records requested  
5 shall be directly related to the board's duties and responsibilities.

6       c. (1) The chair and the vice chair of the board shall be  
7 provided with a notice that summarizes the date, time, place, and  
8 general category of a violation reported, complaint filed, and  
9 investigation initiated and completed at a veterans' memorial home  
10 when the violation, complaint, or investigation involves:

- 11       the rights or dignity of an admitted person;
- 12       physical, verbal, or mental abuse, deprivation of services  
13 necessary to maintain physical and mental health, or unreasonable  
14 confinement;
- 15       poor quality of care, including inadequate personal hygiene and  
16 slow response to requests for assistance;
- 17       improper transfer or discharge;
- 18       inappropriate use of chemical or physical restraint; and  
19       quality of life.

20       The notice shall be provided within 30 days after the violation is  
21 reported, complaint is filed, or investigation is initiated and  
22 completed.

23       (2) Upon the adoption by a majority of the authorized  
24 membership of the board of a resolution that specifies the incident  
25 report sought, the chair and vice-chair of the board shall be  
26 provided with the entire contents of a violation report or complaint  
27 for which a notice was submitted to the board in accordance with  
28 paragraph (1) of this subsection. Upon the conclusion of an  
29 investigation by the appropriate authority, the chair and vice-chair  
30 shall be provided with the entire contents of the file compiled in the  
31 course of an investigation that is in the possession of the veterans'  
32 memorial home or the Department of Military and Veterans Affairs.

33       (3) Prior to providing a notice, report, or file to the board in  
34 accordance with this subsection, information shall be redacted to  
35 prevent disclosure of privileged information, confidential  
36 information, and any other information protected from disclosure  
37 under State or federal law, or as may be necessary to protect an  
38 individual's reasonable expectation of privacy, or as may be  
39 necessary when the information is specific enough to be used to  
40 identify an individual.

41

42       5. Section 1 of P.L.1989, c.162 (C.38A:3-6.3) is amended to  
43 read as follows:

44       1. As used in this act, unless otherwise indicated by the  
45 context:

46       a. "Adjutant General" means the Adjutant General of the  
47 Department of Military and Veterans' Affairs.

1       b. "Advisory council" means the advisory council of [a  
2 veterans' facility or of] the veterans' cemetery.

3       c. "Member" means a person admitted to and receiving care in  
4 a veterans' facility.

5       d. "Veteran" means a person who has been honorably  
6 discharged from the active military service of the United States.

7       e. "Veterans' facility" means any home, institution, hospital, or  
8 part thereof, the admission to which is under the jurisdiction of the  
9 Department of Military and Veterans' Affairs.

10 (cf: P.L.1989, c.162, s.1)

11

12       6. Section 2 of P.L.1989, c.162 (C.38A:3-6.4) is amended to  
13 read as follows:

14       2. Subject to the provisions of this act, the Adjutant General of  
15 the Department of Military and Veterans' Affairs is authorized,  
16 directed and empowered to take such actions, and to issue such  
17 reasonable rules and regulations, as may be necessary for carrying  
18 out the purposes of this act, including specifically the following:

19       a. To provide standards and procedures for application and  
20 determination of eligibility for admission to veterans' facilities;

21       b. To establish standards and methods for designating the  
22 veterans' facility in which an eligible person shall receive care and  
23 treatment consistent with available services and individual needs  
24 and circumstances;

25       c. To establish standards of care, treatment and discipline  
26 governing the relationships between the veterans' facilities and  
27 persons admitted thereto;

28       d. To establish standards and procedures for determination and  
29 payment of such amounts, if any, which members shall be required  
30 to contribute toward the cost of care and treatment in accordance  
31 with their financial ability, basing such determination upon a  
32 formula of financial ability to pay promulgated annually, provided,  
33 however, that the amount so determined shall first be approved by  
34 the Director of the Division of Budget and Accounting in the  
35 Department of the Treasury;

36       e. To negotiate and enter into agreements or contracts with the  
37 Veterans Administration or any other appropriate State or federal  
38 agency, and to organize the work of the veterans' facilities, giving  
39 due regard to the opinion of the [advisory councils] Veterans'  
40 Memorial Homes Oversight Board, in any manner consistent with  
41 law to comply with the reasonable requirements of such State and  
42 federal agencies, in order to secure the maximum financial  
43 assistance and services for carrying out the purposes of this act.

44 (cf: P.L.1989, c.162, s.2)

45

46       7. Section 14 of P.L.1989, c.162 (C.38A:3-6.16) is amended to  
47 read as follows:

1 14. Moneys, choses in action and effects deposited by a member  
2 in trust with the veterans' facility and unclaimed at the death of the  
3 member, dying intestate, shall be deemed to be the property of the  
4 veterans' facility. Such property shall be held in trust for three years  
5 following the death of the depositor, with power to invest the funds  
6 and to use the income for the benefit of the members as the  
7 **【advisory council of the veterans' facility】** Veterans' Memorial  
8 Homes Oversight Board and the Adjutant General may deem most  
9 advisable.

10 Upon claim made within three years following the death of the  
11 depositor and sustained by legal proof, the sufficiency of which  
12 shall be determined by the **【advisory council of the veterans'**  
13 **facility】** Veterans' Memorial Homes Oversight Board and the  
14 Adjutant General, such property shall be paid over to the claimant  
15 entitled thereto upon acknowledging, executing and delivering a  
16 proper release and discharge.

17 Such property remaining unclaimed three years after the death of  
18 its depositor shall be deemed to be the property of and subject to the  
19 absolute control and disposal of the veterans' facility, to be used for  
20 such purposes as the **【advisory council of the veterans' facility】**  
21 Veterans' Memorial Homes Oversight Board and the Adjutant  
22 General may deem most advisable.

23 (cf: P.L.1989, c.162, s.14)

24

25 8. Sections 11 and 12 of P.L.1989, c.162 (C.38A:3-6.13 and  
26 38A:3-6.14) are repealed.

27

28 9. This act shall take effect on the first day of the second month  
29 following enactment.

30

31

32 STATEMENT

33

34 This bill establishes, in but not of, the Department of Military  
35 and Veterans Affairs the Veterans' Memorial Homes Oversight  
36 Board. The board shall be independent of any supervision or  
37 control by the department or by any officer or employee thereof.

38 The purpose of the board will be to: review the activities,  
39 policies, and operations of the veterans' memorial homes; review  
40 reported violations, complaints filed, and investigations conducted  
41 at the veterans' memorial homes; identify systemic issues and  
42 problems requiring action; and make such recommendations as the  
43 board shall deem appropriate.

44 For the purposes of this bill, the board will have oversight  
45 responsibilities for the Veterans' Memorial Home-Menlo Park, the  
46 Veterans' Memorial Home-Vineland, and the Veterans' Memorial  
47 Home-Paramus, and for any other veterans' memorial home that  
48 may be established after the effective date of this bill.

1 The board will be composed of 11 members.

2 The board will replace the current advisory council of each  
3 veterans' memorial home. The statute that created the advisory  
4 councils is repealed by this bill.

5 The board will:

6 (1) recommend standards and procedures for application and  
7 termination of eligibility for admission to a memorial home;

8 (2) recommend standards and methods for designating the  
9 memorial home in which an eligible person shall receive care and  
10 treatment consistent with available services and individual needs  
11 and circumstances;

12 (3) recommend standards of care, treatment, and discipline  
13 governing the relationship between the memorial homes and the  
14 persons admitted to the memorial home;

15 (4) recommend standards and procedures for the determination  
16 and payment of amounts which persons admitted to a memorial  
17 home may be required to contribute toward the cost of care and  
18 treatment in accordance with their financial ability; and

19 (5) review, in accordance with the procedures set forth in the  
20 bill, violations reported, complaints filed, and investigations  
21 conducted at each memorial home to identify systemic issues and  
22 problems related to the operation of the memorial homes.

23 The board will be provided with notice of violation reports,  
24 complaints filed, and investigations conducted at a veterans'  
25 memorial home that involve:

26 the rights or dignity of an admitted person;

27 physical, verbal, or mental abuse, deprivation of services  
28 necessary to maintain physical and mental health, or unreasonable  
29 confinement;

30 poor quality of care, including inadequate personal hygiene and  
31 slow response to requests for assistance;

32 improper transfer or discharge;

33 inappropriate use of chemical or physical restraint; and

34 quality of life.