[First Reprint]

ASSEMBLY, No. 5174

STATE OF NEW JERSEY

219th LEGISLATURE

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SYNOPSIS

Creates Veterans' Memorial Homes Oversight Board.

CURRENT VERSION OF TEXT

As reported by the Assembly Military and Veterans' Affairs Committee on January 25, 2021, with amendments.

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

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

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

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

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

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

2. (New section) a. The Veterans' Memorial Homes Oversight Board shall be comprised of [1]**[**11**]** <u>12</u>[1] members.

b. (1) The Adjutant General shall appoint:

one member of the board who is holding full-time employment with the Department of Military and Veterans Affairs [1]<u>, who shall be a non-voting member</u>[1];

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

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

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

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 <u>thus</u> is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Assembly AMV committee amendments adopted January 25, 2021.

time of appointment, shall be an immediate family member of a person admitted to the veterans' memorial home in Paramus.

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

(3) The Adjutant General shall appoint one member of the board who shall be recommended by the head of the Veterans of Foreign Wars, Department of New Jersey; one member of the board who shall be recommended by the head of the American Legion, Department of New Jersey; **[1]**[and]**[1]** one member of the board who shall be recommended by the head of the Disabled American Veterans, Department of New Jersey[1]; and one member of the board who shall be recommended by the head of the Military Order of the Purple Heart, Department of New Jersey[1].

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

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

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

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

Of the initial appointments made in accordance with subsection b. of this section, three members shall be appointed for a term of one year, three members shall be appointed for a term of two years, and **[1]**[three] four[1] members shall be appointed for a term of three years.

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

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

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

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

3. (New section) a. The members of the Veterans' Memorial Homes Oversight Board shall be appointed within 45 days after the effective date of this act, P.L. , c. (C.)(pending before the Legislature as this bill). The board shall organize as soon as may be practicable after the appointment of a majority of its authorized membership.

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

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

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

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

c. The board shall submit [1][quarterly] monthly[1] reports to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1). The report shall contain a summary of the activities, reviews, and recommendations of the board; a summary of violations reported, complaints filed, and investigations conducted at each of the veterans' memorial homes; and corrective actions implemented.

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

4. (New section) a. The Veterans' Memorial Homes Oversight Board shall [1][:

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

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

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

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

(5)]1 review, in accordance with subsection b. and c. of this section, violations reported, complaints filed, and investigations

conducted at each memorial home to identify systemic issues and problems related to the operation of the memorial homes.

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

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

the rights or dignity of an admitted person;

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

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

improper transfer or discharge;

inappropriate use of chemical or physical restraint; and

quality of life.

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

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

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

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

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

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

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

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

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

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

(cf: P.L.1989, c.162, s.1)**]**[1]

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

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

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

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

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

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

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

(cf: P.L.1989, c.162, s.2)**]**[1]

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

14. Moneys, choses in action and effects deposited by a member in trust with the veterans' facility and unclaimed at the death of the

member, dying intestate, shall be deemed to be the property of the veterans' facility. Such property shall be held in trust for three years following the death of the depositor, with power to invest the funds and to use the income for the benefit of the members as the ⟦advisory council of the veterans' facility⟧ Veterans' Memorial Homes Oversight Board and the Adjutant General may deem most advisable.

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

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

(cf: P.L.1989, c.162, s.14)⟧[1]

[1]⟦8. Sections 11 and 12 of P.L.1989, c.162 (C.38A:3-6.13 and 38A:3-6.14) are repealed.⟧[1]

[1]⟦9.⟧ 5.[1] This act shall take effect on the first day of the second month following enactment.