

P.L. 2021, CHAPTER 294, *approved November 8, 2021*
 Assembly, No. 4484 (*First Reprint*)

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
 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;

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 d. Have authority to adopt and promulgate pursuant to law such
2 rules and regulations as **【he deems】** necessary to carry out the
3 purposes of this act;

4 e. Maintain suitable headquarters for the office and such other
5 quarters as **【he shall deem】** necessary to the proper functioning of
6 the office;

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

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

14 h. Establish ¹**【a】**, in consultation with the Department of
15 Health, an annual¹ long-term care ¹**【advocacy and educational】**¹
16 training program ¹**【that is 18 months in duration】**¹ in a manner to
17 be determined by the ombudsman. At a minimum, the program
18 shall ¹**【provide training on】** address¹ the following subjects: the
19 rights of residents of long-term care facilities; fostering choice and
20 independence among residents of long-term care facilities;
21 identifying and reporting abuse, neglect, or exploitation of residents
22 of long-term care facilities; long-term care facility ownership;
23 ¹updates on State¹ and federal guidelines, laws, and regulations that
24 pertain to long-term care facilities ¹**【**, including guidelines, laws,
25 and regulations on the inspection of long-term care facilities**】**; and
26 issues, trends, and policies that impact the rights of long-term care
27 residents¹ . The ¹annual¹ training program shall be completed by
28 ¹**【long-term care facility inspectors employed by】**¹ the
29 ¹ombudsman's investigative and advocacy staff, the ombudsman's
30 volunteer advocates, and¹ Department of Health ¹**【in a manner**
31 **determined by the Commissioner of Health】** long-term care facility
32 surveyors, inspectors, and complaint investigators¹ . Subject to
33 ¹the¹ availability ¹of staff and funding¹, the training program shall
34 be offered to ¹**【employees or volunteers of the ombudsman, long-**
35 **term care advocates,】**¹ residents of long-term care facilities ¹**【and**
36 **their】**, those residents¹ family members¹, advocacy organizations,
37 government agencies¹, and long-term care facility employees. To
38 develop ¹**【the curriculum of】** and implement¹ the training program,
39 the ombudsman may contract or consult with a non-profit
40 organization that possesses expertise on ¹**【federal laws and**
41 **regulations pertaining to】** the rights of residents in¹ long-term care
42 ¹**【facilities】** settings¹.

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

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45 2. This act shall take effect immediately.

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