

SENATE, No. 2489

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MAY 14, 2020

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

SYNOPSIS

Establishes communication and notification requirements for long-term care facilities.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning long-term care facilities and supplementing
2 Title 26 of the Revised Statutes.

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

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7 1. a. Subject to the provisions of subsection c. of this section,
8 each long-term care facility licensed pursuant to P.L.1971, c.136
9 (C.26:2H-1 et seq.) shall provide daily updates to a resident's
10 guardian or, if the resident does not have a guardian, to a family
11 member of the resident who requests such information, concerning
12 the health status of the resident, including any changes in the
13 resident's health status that do not necessitate the provision of
14 intensive or emergent medical care, unless the guardian or family
15 member has opted out of receiving daily updates pursuant to
16 subsection b. of this section.

17 b. A guardian or family member who entitled to receive notice
18 about changes in a resident's health status who does not wish to
19 receive daily updates concerning the resident as provided in
20 subsection a. of this section may opt out of the daily updates, which
21 opt out shall be valid for up to six months and may be renewed by
22 the guardian or family member. Subject to the provisions of
23 subsection c. of this section, a guardian or family member who has
24 opted out of daily updates concerning the resident's health status
25 shall be provided with notice of any clinically-significant changes
26 in the resident's health status no later than 5:00 p.m. on the day
27 following the date on which the change occurred.

28 c. In all cases, if a resident of a long-term care facility
29 experiences a change in health status that necessitates the provision
30 of intensive or emergency care, the long-term care facility shall
31 provide notice of the change to the resident's guardian or, if the
32 resident does not have a guardian, to a family member of the
33 resident who requests such information, within four hours after the
34 onset of the change.

35 d. A long-term care facility that fails to provide daily updates
36 or notice of a change in a resident's health status as required under
37 this section shall be liable to a civil penalty of up to \$500 for each
38 day during which the required update or notice is not provided. A
39 civil penalty imposed under this subsection shall be collected by
40 and in the name of the Department of Health in summary
41 proceedings before a court of competent jurisdiction pursuant to the
42 provisions of the "Penalty Enforcement Law of 1999," P.L.1999,
43 c.274 (C.2A:58-10 et seq.). A long-term care facility shall not be
44 liable to a civil penalty under this subsection if the facility
45 demonstrates that it made reasonable attempts to contact the
46 guardian or family member prior to the deadline for providing the
47 required update or notice but was unable to reach the guardian or
48 family member, and that the facility continued to make reasonable

1 attempts to contact the guardian or family member on at least a
2 daily basis thereafter until the facility was able to reach the
3 guardian or family member.

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5 2. This act shall take effect 30 days after the date of enactment.

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STATEMENT

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10 This bill establishes communication and notification
11 requirements for long-term care facilities. Specifically, the bill
12 requires that long-term care facilities provide daily updates
13 concerning the resident's health status to a resident's guardian, or if
14 the resident does not have a guardian, to a family member who
15 requests such information. The daily update is to include notice of
16 any clinically-significant changes in the resident's health status that
17 do not necessitate the provision of intensive or emergency care.

18 A guardian or family member may opt out of receiving daily
19 updates, which opt out will be valid for up to six months and may
20 be renewed by the guardian or family member. A guardian or
21 family member who opts out of daily updates is to be provided with
22 notice of any clinically-significant changes in the resident's health
23 status no later than 5:00 p.m. on the day after the change occurred.

24 In all cases, if a resident experiences a change in health status
25 that necessitates the provision of intensive or emergent medical
26 care, the facility will be required to provide guardians and families
27 with notice of the change within four hours after the onset of the
28 change, regardless of whether the guardian or family member is
29 receiving or has opted out of daily updates concerning the resident.

30 A long-term care facility that fails to provide daily updates or
31 notice of changes in a resident's health status as required under bill
32 will be liable to a civil penalty of up to \$500 for each day during
33 which the required update or notice is not provided. However, a
34 civil penalty will not be assessed against the facility if the facility
35 demonstrates that it made reasonable attempts to contact the
36 guardian or family member prior to the deadline for providing the
37 update or notice but was unable to reach the guardian or family
38 member, and that the facility continued to make reasonable attempts
39 to contact the guardian or family member on at least a daily basis
40 thereafter until the facility was able to reach the guardian or family
41 member.