SENATE, No. 2566

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 11, 2020

Sponsored by:
Senator PATRICK J. DIEGNAN, JR.
District 18 (Middlesex)
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District 11 (Monmouth)

SYNOPSIS

Requires nursing homes to maintain certain supply of personal protection equipment for residents.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning nursing homes and personal protection equipment and amending P.L.1976, c.120.

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

1. Section 3 of P.L.1976, c.120 (C.30:13-3) is amended to read as follows:

3. Every nursing home shall have the responsibility for:

a. (1) Maintaining a complete record of all funds, personal property and possessions of a nursing home resident from any source whatsoever, which have been deposited for safekeeping with the nursing home for use by the resident. This record shall contain a listing of all deposits and withdrawals transacted, and these shall be substantiated by receipts given to the resident or his guardian. A nursing home shall provide to each resident or his guardian a quarterly statement which shall account for all of such resident's property on deposit at the beginning of the accounting period, all deposits and withdrawals transacted during the period, and the property on deposit at the end of the period. The resident or his guardian shall be allowed daily access to his property on deposit during specific periods established by the nursing home for such transactions at a reasonable hour. A nursing home may, at its own discretion, place a limitation as to dollar value and size of any personal property accepted for safekeeping.

(2) Offering an incoming resident or the resident's guardian, in accordance with current law, at the time of admission to a nursing home on or after the effective date of P.L.2015, c.230, a form designating the beneficiary of any remaining balance in the resident's personal needs allowance account that does not exceed $1,000 upon the resident's death. In the case of a person residing in a nursing home prior to the effective date of P.L.2015, c.230, the nursing home shall have the responsibility for offering the resident or the resident's guardian, in accordance with current law, whenever possible, a form designating the beneficiary of any remaining balance in the resident's personal needs allowance account that does not exceed $1,000 upon the resident's death. Funds remaining in a personal needs allowance account at the time of a resident's death shall be included in that resident's estate and shall, consistent with N.J.S.3B:22-2, be subject to claims made by estate creditors prior to distribution to a designated beneficiary.

b. Providing for the spiritual needs and wants of residents by notifying, at a resident's request, a clergyman of the resident's choice and allowing unlimited visits by such clergyman. Arrangements shall be made, at the resident's expense, for

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.

attendance at religious services of his choice when requested. No religious beliefs or practices, or any attendance at religious services, shall be imposed upon any resident.

c. Admitting only that number of residents for which it reasonably believes it can safely and adequately provide nursing care. Any applicant for admission to a nursing home who is denied such admission shall be given the reason for such denial in writing.

d. Ensuring that an applicant for admission or a resident is treated without discrimination as to age, race, religion, sex or national origin. However, the participation of a resident in recreational activities, meals or other social functions may be restricted or prohibited if recommended by a resident's attending physician in writing and consented to by the resident.

e. Ensuring that no resident shall be subjected to physical restraints except upon written orders of an attending physician for a specific period of time when necessary to protect such resident from injury to himself or others. Restraints shall not be employed for purposes of punishment or the convenience of any nursing home staff personnel. The confinement of a resident in a locked room shall be prohibited.

f. Ensuring that drugs and other medications shall not be employed for purposes of punishment, for convenience of any nursing home staff personnel or in such quantities so as to interfere with a resident's rehabilitation or his normal living activities.

g. Permitting citizens, with the consent of the resident being visited, legal services programs, employees of the Office of Public Defender and employees and volunteers of the Office of the Ombudsman for the Institutionalized Elderly, whose purposes include rendering assistance without charge to nursing home residents, full and free access to the nursing home in order to visit with and make personal, social and legal services available to all residents and to assist and advise residents in the assertion of their rights with respect to the nursing home, involved governmental agencies and the judicial system.

(1) Such access shall be permitted by the nursing home at a reasonable hour.

(2) Such access shall not substantially disrupt the provision of nursing and other care to residents in the nursing home.

(3) All persons entering a nursing home pursuant to this section shall promptly notify the person in charge of their presence. They shall, upon request, produce identification to substantiate their identity. No such person shall enter the immediate living area of any resident without first identifying himself and then receiving permission from the resident to enter. The rights of other residents present in the room shall be respected. A resident shall have the right to terminate a visit by a person having access to his living area pursuant to this section at any time. Any communication

whatsoever between a resident and such person shall be confidential in nature, unless the resident authorizes the release of such communication in writing.

h. Ensuring compliance with all applicable State and federal statutes and rules and regulations.

i. Ensuring that every resident, prior to or at the time of admission and during his stay, shall receive a written statement of the services provided by the nursing home, including those required to be offered by the nursing home on an as-needed basis, and of related charges, including any charges for services not covered under Title XVIII and Title XIX of the Social Security Act, as amended, or not covered by the nursing home's basic per diem rate. This statement shall further include the payment, fee, deposit and refund policy of the nursing home.

j. Ensuring that a prospective resident or the resident's family or guardian receives a copy of the contract or agreement between the nursing home and the resident prior to or upon the resident's admission.

<u>k. Maintaining, at all times, a supply of personal protection equipment that is sufficient to sustain the health care needs of 20 percent of the total number of residents within the nursing home for a reasonable period of time, if there is sufficient personal protection equipment available, either by contribution from a third-party or for purchase at a reasonable cost to the nursing home, and if the purchase of such personal protection equipment is within the financial means of the nursing home. A nursing home shall submit a report biennially to the Department of Health detailing its personal protection equipment inventory. As used in this subsection, "personal protection equipment" means equipment, such as gloves, masks, or gowns, which is worn by nursing home residents to minimize the spread of disease.</u>

(cf: P.L.2015, c.230, s.3)

2. The Commissioner of Health may adopt rules and regulations, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the provisions of this act.

3. This act shall take effect immediately 180 days after the date of enactment.

STATEMENT

This bill requires nursing homes to maintain a certain supply of personal protection equipment for residents.

Under the bill, a nursing home is to maintain, at all times, a supply of personal protection equipment that is sufficient to sustain

the health care needs of 20 percent of the total number of residents within the nursing home for a reasonable period of time, if there is sufficient personal protection equipment available, either by contribution from a third-party or for purchase at a reasonable cost to the nursing home, and if the purchase of such personal protection equipment is within the financial means of the nursing home.

The bill provides that a nursing home is to submit a report biennially to the Department of Health detailing its personal protection equipment inventory. The bill defines "personal protection equipment" to mean equipment, such as gloves, masks, or gowns, which is worn by nursing home residents to minimize the spread of disease.