SENATE, No. 3368

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 21, 2021

Sponsored by:
Senator KRISTIN M. CORRADO
District 40 (Bergen, Essex, Morris and Passaic)
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

Co-Sponsored by:
Senator Pou

SYNOPSIS

Creates "Disability Life-Sustaining Measures Advisory Council."

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 5/20/2021)

AN ACT creating the "Disability Life-Sustaining Measures Advisory Council" and supplementing Title 26 of the Revised Statutes.

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

1. a. There is created, within the Department of Health, the "Disability Life-Sustaining Measures Advisory Council." The purpose of the Disability Life-Sustaining Measures Advisory Council shall be to ensure that the rights of people with disabilities are protected during public health emergencies. The advisory council shall at a minimum:

(1) recommend policies, procedures, regulations, and legislation to help the State provide life-sustaining measures to people with disabilities during a public health emergency, including, but not be limited to policies, procedures, regulations, and legislation regarding emergency care, ventilators, resuscitation orders, testing, and immunizations;

(2) recommend policies that protect the rights of people with disabilities in any medical setting where the life of a person with a disability is at risk;

(3) analyze and review the State's emergency care standards to determine compliance with federal laws on discrimination against people with disabilities; and

(4) receive public comment on the treatment of people with disabilities during public health emergencies.

b. The advisory council shall consist of 14 members to be appointed as follows:

(1) the State Long-Term Care Ombudsman or a designee who shall be a non-voting member and shall serve ex officio;

(2) the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families or a designee who shall be a non-voting member and shall serve ex officio;

(3) the Commissioner of Human Services or a designee who shall be a non-voting member and shall serve ex officio;

(4) the Commissioner of Health or a designee who shall be a non-voting member and shall serve ex officio;

(5) the Executive Director of Disability Rights New Jersey or a designee who shall be a non-voting member and shall serve ex officio;

(6) five public members appointed by Governor, three of whom are persons with disabilities or family members of persons with disabilities, and two members who represent organizations that advocate for people with disabilities;

(7) two public members appointed by the President of the Senate, one of whom is a person with a disability or a family

member of a person with a disability, and one who shall represent an organization that advocates for people with disabilities; and

(8) two public members appointed by the Speaker of the General Assembly, one of whom is a person with a disability or a family member of a person with a disability, and one who shall represent an organization that advocates for people with disabilities.

c. Each member of the advisory council shall serve for a term of three years, but, of the members first appointed, two shall serve an initial term of one year, two shall serve an initial term of two years, and one shall serve an initial term of three years. Members shall be eligible for reappointment to the advisory council upon the conclusion of their respective membership terms. Any member of the council may be removed by the Governor, for cause, following a public hearing. Any vacancy in the membership of the advisory council shall be filled in the same manner as the original appointment.

d. Members of the advisory council shall be appointed within 30 days after the effective date of this act, and the advisory council shall hold its initial organizational meeting as soon as practicable, but no later than 30 days following appointment of a majority of its authorized membership. At the initial organizational meeting, the members shall elect a chairperson and vice-chairperson, from among the council's members, by a majority vote of the members present. The advisory council shall meet at the times and places designated by the chair, but not less than twice per year.

e. Members of the advisory council shall serve without compensation, but may be reimbursed for travel and other miscellaneous expenses incurred in the necessary performance of their duties, within the limits of funds made available to the council for its purposes.

f. A majority of all the authorized members of the advisory council shall constitute a quorum. No action of the council shall be taken without the affirmative vote of a majority of all of its authorized members, except the election of the chairperson and vice-chairperson at the initial organizational meeting pursuant to subsection d. of this section.

g. The advisory council shall be entitled to receive assistance, information, and services from any State, county, or municipal department, board, commission, or agency, as it may require, and as may be available to it for its purposes. The council shall further be authorized to consult with any association, organization, or individual having knowledge of, or experience with, the issues under the council's purview. The Department of Health shall provide primary staff and administrative support to the advisory council.

h. The council shall prepare an annual report on its findings, conclusions, and recommendations and shall submit the report to

the Governor and to the Legislature in accordance with the requirements of section 2 of P.L.1991, c.164 (C.52:14-19.1).

2. This act shall take effect immediately.

STATEMENT

This bill creates the "Disability Life-Sustaining Measures Advisory Council" (council) in the Department of Health. The purpose of the council is to ensure that the rights of people with disabilities are protected during public health emergencies. The advisory council is to at a minimum:

(1) recommend policies, procedures, regulations, and legislation to help the State provide life-sustaining measures to people with disabilities during a public health emergency, including, but not be limited to policies, procedures, regulations, and legislation regarding emergency care, ventilators, resuscitation orders, testing, and immunizations;

(2) recommend policies that protect the rights of people with disabilities in any medical setting where the life of a person with a disability is at risk;

(3) analyze and review the State's emergency care standards to determine compliance with federal laws on discrimination against people with disabilities; and

(4) receive public comment on the treatment of people with disabilities during public health emergencies.

Under the bill, the council is to consist of 14 as provided for in the bill. Each member of the advisory council is to serve for a term of three years; however, of the members first appointed, two are to serve an initial term of one year, two are to serve an initial term of two years, and one is to serve an initial term of three years. Members will be eligible for reappointment to the advisory council upon the conclusion of their respective membership terms. Any member may also be removed by the Governor, for cause, following a public hearing.

Members of the council are to be appointed within 30 days after the bill's effective date, and the council is to hold its first organizational meeting within 30 days after the appointment of a majority of its membership.

Each year following the council's organization, the council will be required to submit a report of its activities to the Governor and Legislature.