

SENATE, No. 3380

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 28, 2021

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Co-Sponsored by:

Senators Brown, Testa, Lagana and Oroho

SYNOPSIS

Creates Veterans' Memorial Home Oversight Board.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/26/2021)

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

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

8
9 1. (New section) a. There is established, in but not of, the
10 Department of Military and Veterans Affairs the Veterans'
11 Memorial Homes Oversight Board. Notwithstanding this
12 allocation, the board shall be independent of any supervision or
13 control by the department or by any officer or employee thereof.

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

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

26
27 2. (New section) a. The Veterans' Memorial Homes Oversight
28 Board shall be comprised of 11 members.

29 b. (1) The Adjutant General shall appoint:

30 one member of the board who is holding full-time employment
31 with the Department of Military and Veterans Affairs;

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

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

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

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.

1 immediate family member of a person admitted to the veterans'
2 memorial home in Paramus.

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

6 (3) The Adjutant General shall appoint one member of the board
7 who shall be recommended by the head of the Veterans of Foreign
8 Wars, Department of New Jersey; one member of the board who
9 shall be recommended by the head of the American Legion,
10 Department of New Jersey; and one member of the board who shall
11 be recommended by the head of the Disabled American Veterans,
12 Department of New Jersey.

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

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

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

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

24 Of the initial appointments made in accordance with subsection
25 b. of this section, three members shall be appointed for a term of
26 one year, three members shall be appointed for a term of two years,
27 and three members shall be appointed for a term of three years.

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

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

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

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

46

47 3. (New section) a. The members of the Veterans' Memorial
48 Homes Oversight Board shall be appointed within 45 days after the

1 effective date of this act, P.L. , c. (C.)(pending before
2 the Legislature as this bill). The board shall organize as soon as
3 may be practicable after the appointment of a majority of its
4 authorized membership.

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

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

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

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

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

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

29

30 4. (New section) a. The Veterans' Memorial Homes Oversight
31 Board shall:

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

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

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

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

45 (5) review, in accordance with subsection b. and c. of this
46 section, violations reported, complaints filed, and investigations
47 conducted at each memorial home to identify systemic issues and
48 problems related to the operation of the memorial homes.

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

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

11 the rights or dignity of an admitted person;

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

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

17 improper transfer or discharge;

18 inappropriate use of chemical or physical restraint; and

19 quality of life.

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

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

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

41

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

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

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

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

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

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

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

10 (cf: P.L.1989, c.162, s.1)

11
12 6. Section 2 of P.L.1989, c.162 (C.38A:3-6.4) is amended to
13 read as follows:

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

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

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

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

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

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

44 (cf: P.L.1989, c.162, s.2)

45
46 7. Section 14 of P.L.1989, c.162 (C.38A:3-6.16) is amended to
47 read as follows:

1 The board will be composed of 11 members.

2 The board will replace the current advisory council of each
3 veterans' memorial home. The statute that created the advisory
4 councils is repealed by this bill.

5 The board will:

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

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

12 (3) recommend standards of care, treatment, and discipline
13 governing the relationship between the memorial homes and the
14 persons admitted to the memorial home;

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

19 (5) review, in accordance with the procedures set forth in the
20 bill, violations reported, complaints filed, and investigations
21 conducted at each memorial home to identify systemic issues and
22 problems related to the operation of the memorial homes.

23 The board will be provided with notice of violation reports,
24 complaints filed, and investigations conducted at a veterans'
25 memorial home that involve:

26 the rights or dignity of an admitted person;

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

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

32 improper transfer or discharge;

33 inappropriate use of chemical or physical restraint; and

34 quality of life.