

SENATE, No. 4284

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED DECEMBER 16, 2021

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Requires hospitals to provide certain resources to certain patients and to ask patients if patients have completed advance directive or practitioner orders for life-sustaining treatment form.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT end-of-life planning and amending P.L.2019, c.420.

2

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

5

6 1. Section 1 of P.L.2019, c.420 (C.26:2H-132.2) is amended to
7 read as follows:

8 1. a. Assisted living facilities, dementia care homes, nursing
9 homes, assisted living residences, comprehensive personal care
10 homes, residential health care facilities, hospitals, and long-term
11 care facilities licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et
12 seq.) shall:

13 (1) require all administrative personnel and professional staff to
14 complete an annual training on advance care planning, end-of-life
15 care, and the use of advance directives and Physician Orders for
16 Life-Sustaining Treatment (POLST) forms;

17 (2) provide patients and residents, and their families, as
18 appropriate, with educational materials on POLST forms, advance
19 directives, and hospice and palliative care; and

20 (3) develop and implement policies to identify and address end-
21 of-life care issues for patients and residents upon admission to the
22 facility.

23 b. The Department of Health shall:

24 (1) issue a training manual via regulation to establish uniform
25 policies and procedures that a facility, at a minimum, shall follow in
26 order to comply with the requirements outlined in subsection a. of
27 this section. A facility may implement policies and procedures
28 beyond those issued in the department's manual, provided that such
29 policies and procedures do not conflict with the department's
30 regulations; and

31 (2) require a facility that fails to comply with the provisions of
32 this section to submit a plan of corrective action to the department
33 for approval, and may impose additional penalties or administrative
34 disciplinary action as shall be prescribed by the Commissioner of
35 Health by regulation.

36 c. (1) Upon the discharge of a patient from a hospital, each
37 hospital shall make an affirmative inquiry of the patient to
38 determine if the patient has completed an advance directive or a
39 POLST form if there is not a current advance directive or POLST
40 form in the patient's medical records. A hospital shall offer to
41 provide the patient a paper copy of a POLST form and a link to
42 advance directive and POLST form resources available through the
43 Department of Health's Internet website if there is not an advance
44 directive or POLST form in the patient's medical records or if the
45 patient indicates that the patient's advance directive or POLST form
46 is not current.

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 (2) A primary care provider shall not be required to make an
2 affirmative inquiry of a patient as to whether the patient has
3 completed an advance directive or POLST form more than once per
4 year. The requirements of this subsection shall not affect policies
5 and procedures adopted by a health care institution pursuant to
6 section 13 of P.L.1991, c.201 (C.26:2H-65).

7 (3) An affirmative inquiry made pursuant to this subsection
8 shall be deemed to satisfy the requirements of section 10 of
9 P.L.1991, c.201 (C.26:2H-62).

10 (cf: P.L.2019, c.420, s.1)

11
12 2. This act shall take effect immediately.

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15 STATEMENT

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17 This bill requires hospitals to make an affirmative inquiry of
18 patients as to whether a patient has completed an advance directive
19 or a practitioner orders for life-sustaining treatment (POLST) form.

20 Under current law, “advance directive” means a writing executed
21 in accordance with the requirements of P.L.1991, c.201. An
22 “advance directive” may include a proxy directive or an instruction
23 directive, or both. A POLST form complements an advance
24 directive by converting a person's wishes regarding life-sustaining
25 treatment into a medical order.

26 Under the bill, upon the discharge of a patient from a hospital,
27 each hospital is to make an affirmative inquiry of the patient to
28 determine if the patient has completed an advance directive or a
29 POLST form if there is not a current advance directive or POLST
30 form in the patient’s medical records. A hospital is to offer to
31 provide the patient a paper copy of a POLST form and a link to
32 advance directive and POLST form resources available through the
33 Department of Health’s Internet website if there is not an advance
34 directive or POLST form in the patient’s medical records or if the
35 patient indicates that the patient’s advance directive or POLST form
36 is not current.