

# ASSEMBLY, No. 1148

## STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 30 (Burlington, Mercer, Monmouth and Ocean)**

**Assemblywoman JENNIFER BECK**

**District 12 (Mercer and Monmouth)**

**Co-Sponsored by:**

**Assemblymen Pennacchio and Panter**

**SYNOPSIS**

Requires inclusion of resident of continuing care retirement community as member of facility's local governing body and discussion of certain matters with resident representatives.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 1/5/2007)**

1 AN ACT concerning continuing care retirement communities and  
2 amending P.L.1986, c.103.

3

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

6

7 1. Section 16 of P.L.1986, c.103, (C.52:27D-345) is amended to  
8 read as follows:

9 a. Residents living in a facility which holds a certificate of  
10 authority issued pursuant to this act have the right of self-  
11 organization. No retaliatory conduct shall be permitted against a  
12 resident for organization or membership or participation in a  
13 residents' organization; for the resident's lawful efforts to secure or  
14 enforce his rights under the continuing care agreement, the laws of  
15 the State of New Jersey or its governmental subdivisions, or of the  
16 United States; or for the resident's good faith complaint to a  
17 governmental authority of the provider's alleged violation of any  
18 health or safety law, regulation, code or ordinance or State law or  
19 regulation which has as its objective the regulation of the facility or  
20 the delivery of health care services.

21 b. The board of directors or other local governing body, or a  
22 designated representative[,] who is not the chief executive officer  
23 or other [governing body] staff member, of a continuing care  
24 facility shall hold quarterly meetings with the residents or their  
25 elected representatives of the [continuing care]facility, for the  
26 purpose of free discussion of subjects which may include income,  
27 expenditures and financial matters as they apply to the facility and  
28 proposed changes in policies, programs and services. Any  
29 questions on these subjects may be raised, except for confidential  
30 personnel matters, and shall be answered or explained promptly  
31 when possible, or within a reasonable period of time. Residents  
32 shall be given at least seven days' notice of each quarterly meeting.

33 c. The provider shall designate and make knowledgeable  
34 personnel available to address resident complaints about the  
35 operation and management of the facility.

36 d. The board of directors or other local governing body of a  
37 facility shall include at least one resident as a full voting member of  
38 that board or body. Resident members shall be nominated by the  
39 elected representatives of the residents and selected by the board of  
40 directors or other local governing body.

41 e. The board of directors or other local governing body of the  
42 facility shall consult and discuss with the representatives of the  
43 residents a proposed action that might significantly affect the well-  
44 being of the residents or the financial stability of the facility, before

**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 taking any such action.  
2 (cf: P.L.1986, c.103, s.16)

3  
4 2. Section 28 of P.L.1986, c.103 (C.52:27D-357) is amended to  
5 read as follows:

6 a. There is created a Continuing Care Advisory Council which  
7 consists of 17 members as follows: the Commissioners of the  
8 Departments of Community Affairs, Health and Senior Services and  
9 Banking and Insurance, or their designees, who shall serve ex  
10 officio and shall be non-voting members; 10 public members  
11 appointed by the Governor, with the advice and consent of the  
12 Senate, who are residents of the State and two of whom are  
13 administrators of continuing care facilities in this State, one of  
14 whom is a representative of the business community and  
15 knowledgeable in the area of management, one of whom is a  
16 certified public accountant, one of whom is an attorney licensed to  
17 practice in this State, three of whom are residents of continuing care  
18 retirement communities in this State chosen by the Organization of  
19 Residents Associations of New Jersey, one of whom is a trustee or  
20 director of a continuing care retirement community in this State and  
21 one of whom is a representative of the New Jersey Association of  
22 Non-Profit Homes for the Aging; two members of the Senate  
23 appointed by the President thereof; and two members of the General  
24 Assembly appointed by the Speaker thereof.

25 b. The term of office for each public member is three years, or  
26 until the member's successor has been appointed; except that of the  
27 public members first appointed, two shall be appointed for a term of  
28 one year, two for a term of two years and three for a term of three  
29 years. The legislative members shall be appointed for their  
30 legislative terms of office.

31 A vacancy in the membership of the council shall be filled in the  
32 same manner as the original appointment, but for the unexpired  
33 term. A member of the council is eligible for reappointment.

34 The members of the council shall serve without compensation,  
35 but the council shall reimburse the members for the reasonable  
36 expenses incurred in the performance of their duties.

37 c. The council shall hold an organizational meeting within 30  
38 days after the appointment of its members. The members of the  
39 council shall elect from among them a chairman, who shall be the  
40 chief executive officer of the council, and the members shall elect a  
41 secretary, who need not be a member of the council.

42 d. The council shall meet at least four times a year but may  
43 meet more frequently at the discretion of the chairman or the  
44 commissioner.

45 e. The council may call to its assistance and avail itself of the  
46 services and assistance of any officials and employees of the  
47 Department of Community Affairs or other State agency and  
48 political subdivisions and their departments, boards, bureaus,

1 commissions and agencies as it requires and as is available to it for  
2 this purpose and may expend any funds that are appropriated or  
3 otherwise made available to it pursuant to this act.

4 f. The council shall:

5 (1) Advise and provide information to the commissioner on  
6 matters pertaining to the operation and regulation of continuing care  
7 retirement facilities, upon request of the commissioner;

8 (2) Review and comment upon, as appropriate, any proposed  
9 rules and regulations and legislation pertaining to continuing care  
10 retirement facilities;

11 (3) Make recommendations to the commissioner about any  
12 needed changes in rules and regulations and State and federal laws  
13 pertaining to continuing care retirement facilities; and

14 (4) Assist in the rehabilitation of a continuing care retirement  
15 facility, upon request of the commissioner.

16 g. The commissioner shall report annually to the Governor and  
17 the Legislature, the commissioner's and the council's findings and  
18 recommendations concerning continuing care retirement  
19 communities and the implementation of this act.

20 (cf: P.L.1986, c.103, s.28)

21

22 3. This act shall take effect immediately, except that section 1  
23 shall take effect on the 90th day after enactment.

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#### STATEMENT

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28 This bill amends N.J.S.A.52:27D-345 concerning quarterly  
29 meetings of the board of directors or other local governing body of  
30 a continuing care facility with the residents or their elected  
31 representatives in the facility. Under current law, the board of  
32 directors, a designated representative, or other governing body of a  
33 continuing care facility must hold the quarterly meetings. The bill  
34 stipulates that a designated representative who holds the quarterly  
35 meetings may not be the chief executive officer or another staff  
36 member of the continuing care facility. In addition, the bill  
37 provides that, except for confidential personnel matters, any  
38 questions concerning subjects such as income, expenditures and  
39 financial matters and proposed changes in policies, programs and  
40 services may be raised and must be answered or explained  
41 promptly when possible, or within a reasonable period of time.

42 The bill also provides that the board of directors or other local  
43 governing body must include at least one resident as a full voting  
44 member. Resident members would be nominated by the elected  
45 representatives of the residents and selected by the board of  
46 directors or other local governing body.

47 In addition, the board of directors or other local governing body  
48 must consult and discuss with the representatives of the residents a

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1 proposed action that might significantly affect the well-being of the  
2 residents or the financial stability of the facility, before taking any  
3 such action.

4 Lastly, the bill amends N.J.S.A.52:27D-357, concerning the  
5 Continuing Care Advisory Council, to provide that the three public  
6 members of the council who are residents of continuing care  
7 retirement communities in this State be chosen by the Organization  
8 of Residents Associations of New Jersey.