

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 425

STATE OF NEW JERSEY
212th LEGISLATURE

ADOPTED FEBRUARY 26, 2007

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Mercer, Monmouth and Ocean)

Senator ELLEN KARCHER

District 12 (Mercer and Monmouth)

Assemblyman MICHAEL J. PANTER

District 12 (Mercer and Monmouth)

Co-Sponsored by:

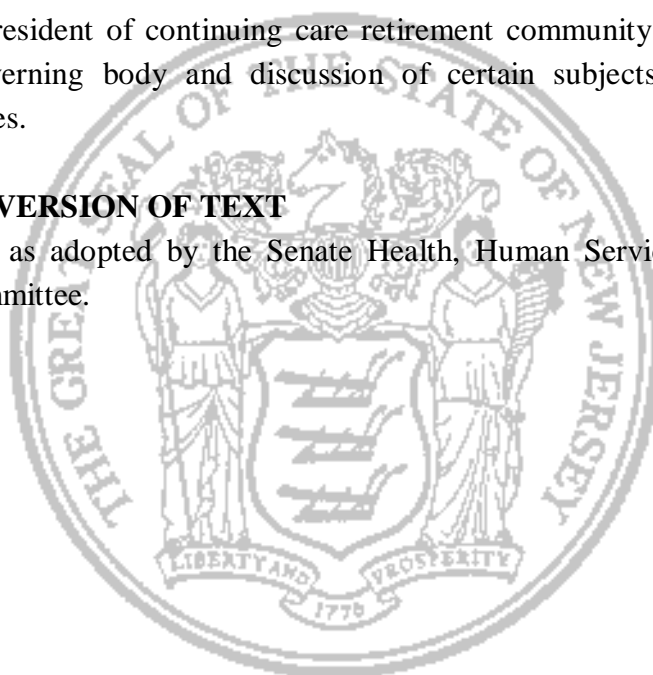
Assemblyman Epps, Assemblywoman Beck and Assemblyman Stack

SYNOPSIS

Requires resident of continuing care retirement community be member of facility's governing body and discussion of certain subjects with resident representatives.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Health, Human Services and Senior Citizens Committee.



(Sponsorship Updated As Of: 6/12/2007)

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

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

37 d. The board of directors or other governing body of a facility
38 shall consult and discuss with the representatives of the residents
39 any proposed action that might significantly affect the well-being of
40 the residents or the financial stability of the facility, before taking
41 the proposed action.

42 e. The board of directors or other governing body of a facility
43 shall include at least one resident as a full voting member of the
44 board or body. Resident members shall be nominated by the elected
45 representatives of the residents and selected by the board of

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 directors or other governing body. If the board of directors or other
2 governing body governs more than one facility, the occupancy of
3 each seat on that body that is reserved for a resident member shall
4 rotate among the facilities governed by that body on a term-by-term
5 basis.

6 (cf: P.L.1986, c.103, s.16)

7

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

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

30 b. The term of office for each public member is three years, or
31 until the member's successor has been appointed; except that of the
32 public members first appointed, two shall be appointed for a term of
33 one year, two for a term of two years and three for a term of three
34 years. **[The legislative members shall be appointed for their**
35 **legislative terms of office.]**

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

39 The members of the council shall serve without compensation,
40 but the council shall reimburse the members for the reasonable
41 expenses incurred in the performance of their duties.

42 c. The council shall hold an organizational meeting within 30
43 days after the appointment of its members. The members of the
44 council shall elect from among them a chairman, who shall be the
45 chief executive officer of the council, and the members shall elect a
46 secretary, who need not be a member of the council.

- 1 d. The council shall meet at least four times a year but may
2 meet more frequently at the discretion of the chairman or the
3 commissioner.
- 4 e. The council may call to its assistance and avail itself of the
5 services and assistance of any officials and employees of the
6 Department of Community Affairs or other State agency and
7 political subdivisions and their departments, boards, bureaus,
8 commissions and agencies as it requires and as is available to it for
9 this purpose and may expend any funds that are appropriated or
10 otherwise made available to it pursuant to this act.
- 11 f. The council shall:
- 12 (1) Advise and provide information to the commissioner on
13 matters pertaining to the operation and regulation of continuing care
14 retirement facilities, upon request of the commissioner;
- 15 (2) Review and comment upon, as appropriate, any proposed
16 rules and regulations and legislation pertaining to continuing care
17 retirement facilities;
- 18 (3) Make recommendations to the commissioner about any
19 needed changes in rules and regulations and State and federal laws
20 pertaining to continuing care retirement facilities; and
- 21 (4) Assist in the rehabilitation of a continuing care retirement
22 facility, upon request of the commissioner.
- 23 g. The commissioner shall report annually to the Governor and
24 the Legislature, the commissioner's and the council's findings and
25 recommendations concerning continuing care retirement
26 communities and the implementation of this act.
27 (cf: P.L.1986, c.103, s.28)
- 28
- 29 3. This act shall take effect on the 90th day after enactment.