

# SENATE RESOLUTION No. 126

## STATE OF NEW JERSEY

### 216th LEGISLATURE

INTRODUCED MAY 14, 2015

**Sponsored by:**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

**Senator DIANE B. ALLEN**

**District 7 (Burlington)**

**SYNOPSIS**

Urges hospitals to establish protocols for notifying next of kin when treating patients who lack decision-making capacity.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/12/2016)**

1    **A SENATE RESOLUTION** urging hospitals to establish protocols for  
2       notifying next of kin when treating patients who lack decision-  
3       making capacity.

4  
5    **WHEREAS**, Patients have a fundamental right to make their own  
6       determinations as to health care and treatment, including the right to  
7       have their preferences respected if they are unable to make their  
8       own decisions because they are unconscious, unable to  
9       communicate, or have a mental impairment or disability; and

10   **WHEREAS**, Although health care providers must respect a patient's  
11       fundamental right to privacy, patients can derive great benefit from  
12       the companionship, comfort, and support of their friends and family  
13       as they undergo treatment for illness or injury; and

14   **WHEREAS**, Accidental injury or sudden illness which leaves a person  
15       unable to communicate can cause great anxiety for their loved ones  
16       when they do not know what has happened to the person or they  
17       find themselves unable to contact the person; and

18   **WHEREAS**, Safe and effective treatment depends on obtaining the best  
19       possible information as to a patient's health condition, whether the  
20       patient is taking any medications, and whether there are other facts  
21       which could impact the provision of health care, particularly in an  
22       emergency. When a patient is incapacitated, the patient's family  
23       may be in the best position to provide this essential information;  
24       and

25   **WHEREAS**, New Jersey has recognized the importance of carrying out  
26       a patient's fundamental right to control decisions about the patient's  
27       own health care through the enactment of the "New Jersey Advance  
28       Directives for Health Care Act" in 1991, the "New Jersey Advance  
29       Directives for Mental Health Care Act" in 2005, and the "Physician  
30       Orders for Life-Sustaining Treatment Act" in 2011; and

31   **WHEREAS**, When a patient is incapacitated or unresponsive, a family  
32       member may be in the best position to know whether the patient has  
33       executed an advance directive or a Physician Order for Life-  
34       Sustaining Treatment (POLST) form, or the details of the patient's  
35       health care preferences in the absence of such documents; and

36   **WHEREAS**, Ensuring that hospitals, and emergency departments in  
37       particular, establish standards and protocols for contacting an  
38       incapacitated patient's next of kin is an essential step in protecting  
39       the rights of patients to make their own health care decisions,  
40       ensuring that a patient's loved ones are informed as expeditiously  
41       as possible when an incapacitated patient is admitted for treatment,  
42       and providing patients with safe and effective treatment appropriate  
43       to their health condition; now, therefore,

44  
45       **BE IT RESOLVED** *by the Senate of the State of New Jersey:*

46  
47       1. Each general hospital licensed in this State is respectfully  
48       urged to establish and implement standards, protocols, and

1 procedures for identifying a patient's next of kin and notifying  
2 them, when appropriate, that the patient has been admitted to the  
3 hospital.

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5 2. Copies of this resolution, as filed with the Secretary of State,  
6 shall be transmitted to the Department of Health and to the chief  
7 administrator of each general hospital licensed in New Jersey.

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10 STATEMENT

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12 This resolution respectfully urges general hospitals licensed in  
13 New Jersey to establish and implement standards, protocols, and  
14 procedures for identifying a patient's next of kin and notifying  
15 them, in appropriate situations, that the patient has been admitted to  
16 the hospital.

17 Full knowledge of a patient's health care preferences, health  
18 conditions, current medications, and other relevant facts are  
19 essential to providing the patient with safe, effective, and  
20 appropriate treatment. When a patient is incapacitated or otherwise  
21 unable to communicate, the patient's loved ones may be in the best  
22 position to provide this essential information. Establishing  
23 standards, protocols, and procedures for making next-of-kin  
24 notifications will additionally ensure that a patient's loved ones are  
25 notified as expeditiously as possible when a patient has been  
26 admitted to a hospital.