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

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

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

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

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

WHEREAS, New Jersey has recognized the importance of carrying out a patient’s fundamental right to control decisions about the patient’s own health care through the enactment of the “New Jersey Advance Directives for Health Care Act” in 1991, the “New Jersey Advance Directives for Mental Health Care Act” in 2005, and the “Physician Orders for Life-Sustaining Treatment Act” in 2011; and

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

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

BE IT RESOLVED by the Senate of the State of New Jersey:

1. Each general hospital licensed in this State is respectfully urged to establish and implement standards, protocols, and
procedures for identifying a patient’s next of kin and notifying them, when appropriate, that the patient has been admitted to the hospital.

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

STATEMENT

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

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