

[Third Reprint]

SENATE, No. 3116

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED OCTOBER 18, 2018

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Assemblywoman SHANIQUE SPEIGHT

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District 21 (Morris, Somerset and Union)

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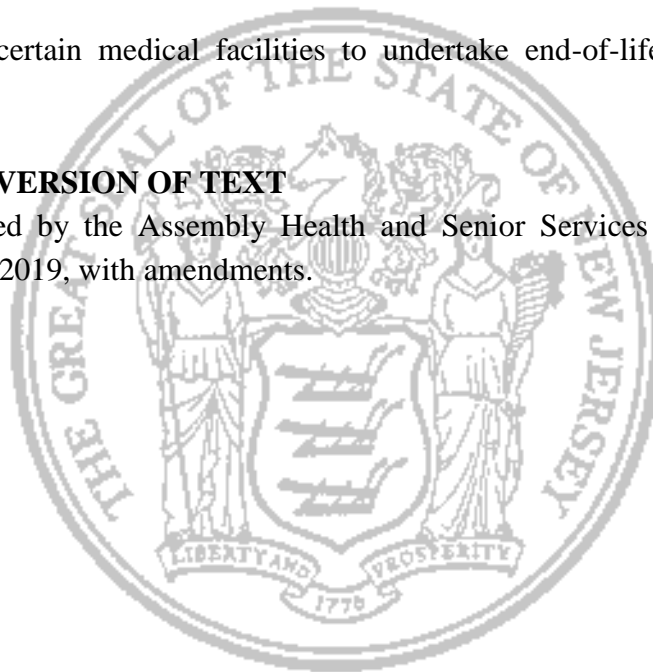
Senator Pou, Assemblywoman Vainieri Huttle, Assemblymen Johnson, Calabrese, Assemblywomen McKnight and Murphy

SYNOPSIS

Requires certain medical facilities to undertake end-of-life planning and training.

CURRENT VERSION OF TEXT

As reported by the Assembly Health and Senior Services Committee on December 5, 2019, with amendments.



(Sponsorship Updated As Of: 12/17/2019)

1 AN ACT concerning end-of-life care and supplementing Title 26 of
2 the Revised Statutes.

3

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

6

7 1. a. Assisted living facilities, dementia care ¹**[facilities]**
8 homes, nursing homes, assisted living residences, comprehensive
9 personal care homes, residential health care facilities¹, hospitals,
10 and long-term care facilities ¹licensed pursuant to P.L.1971, c.136
11 (C.26:2H-1 et seq.)¹ shall:

12 (1) require ¹all administrative personnel and professional staff
13 to complete an¹ annual ¹**[education]** training¹ on advance care
14 planning, end-of-life care ¹,¹ and ¹**[POLST]** the use of advance
15 directives and Physician Orders for Life-Sustaining Treatment
16 (POLST)¹ forms ¹**[** for administrative and professional medical
17 staff¹];

18 (2) provide patients ¹and residents,¹ and their families, as
19 appropriate, ¹with¹ educational materials on POLST forms, advance
20 directives, and hospice and palliative care; and

21 (3) ¹develop and¹ implement policies to identify and address
22 end-of-life ¹care¹ issues ¹for patients and residents¹ upon
23 ¹**[patients']**¹ admission to ¹the¹ facility.

24 b. The ¹**[department]** Department of Health ¹ ²[may suspend
25 the license of] shall ³:

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

33 (1)³ require² a facility that fails to comply with the provisions of
34 this section ²to submit a plan of corrective action to the department
35 for approval, and may impose additional penalties or administrative
36 disciplinary action as shall be prescribed by the Commissioner of
37 Health by regulation².

38 ¹**[c. As used in this section:**

39 “ Advance directive, department, and POLST form shall have the
40 same meaning as prescribed for those terms in section 3 of
41 P.L.2011, c.145 (C.26:2H-131).

42 "Assisted living facility" means an assisted living residence or
43 comprehensive personal care home licensed pursuant to P.L.1971,
44 c.136 (C.26:2H-1 et seq.).

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted May 13, 2019.

²Senate floor amendments adopted June 10, 2019.

³Assembly AHE committee amendments adopted December 5, 2019.

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1 "Dementia care home" means a community residential facility
2 which: (1) provides services to residents with special needs,
3 including, but not limited to, persons with Alzheimer's disease and
4 related disorders or other forms of dementia; (2) is subject to the
5 licensure authority of the Department of Health as a health care
6 facility pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.); (3) and
7 meets the requirements of section 19 of P.L.2015, c.125 (C.26:2H-
8 150).

9 "Hospital" means an acute care hospital licensed by the
10 Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et
11 al.).

12 "Long-term care facility" means a nursing home, assisted living
13 residence, comprehensive personal care home, residential health
14 care facility, or dementia care home licensed pursuant to P.L.1971,
15 c.136 (C.26:2H-1 et seq.).¹

16

17 2. The Department of Health, pursuant to the "Administrative
18 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
19 rules and regulations as are necessary to effectuate the provisions of
20 section 1 of this act.

21

22 3. This act shall take effect 180 days after the date of
23 enactment ³, except that the Commissioner of Health may take such
24 anticipatory administrative action in advance thereof as shall be
25 necessary for the implementation of this act³.