

SENATE, No. 3390

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JANUARY 24, 2019

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Requires telecommunications, cable television, and Internet service providers to allow service recipients to terminate service agreements following a physician's referral to a long-term care facility.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT allowing certain telecommunications service recipients to
2 terminate service agreements following a physician's referral to
3 certain long-term care facilities and supplementing Title 56 of
4 the Revised Statutes.

5
6 BE IT ENACTED by the Senate and General Assembly of the State
7 of New Jersey:

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9 1. a. A service provider doing business in this State shall be
10 prohibited from entering into any new contract, or renew any
11 existing contract, to provide telecommunications service, cable
12 television service, or Internet connection service to a service
13 recipient unless the contract includes provisions that allow the
14 service recipient to terminate the contract in accordance with
15 subsection b. of this section.

16 b. (1) A contract to provide telecommunications service, cable
17 television service, or Internet connection service shall permit a
18 service recipient to terminate, without penalty, the contract for
19 those services at any time after the service recipient receives a
20 physician's order, or develops a plan of care in collaboration with a
21 physician responsible for the care of the service recipient, to
22 relocate the service recipient to a long-term care facility for a period
23 of at least 90 days, if the service recipient relocates to a long-term
24 care facility that meets the description in the physician's order or
25 the plan of care.

26 (2) If a service recipient terminates a contract as described in
27 paragraph (1) of this subsection, the service provider under the
28 contract shall provide the service recipient terminating the contract
29 with written or electronic notice of the service recipient's rights
30 under P.L. , c. (C.) (pending before the Legislature as this
31 bill).

32 (3) Termination of a contract under paragraph (1) of this
33 subsection shall be made by delivery of a written notice to the
34 service provider of the termination and a letter signed by the service
35 recipient's physician that describes the physician's order or the plan
36 of care for the service recipient to relocate to a long-term care
37 facility, delivered by certified mail.

38 (4) Not later than 60 days after the effective date of the
39 termination of a contract under this subsection, the service provider
40 under the contract shall refund to the service recipient any fee or
41 other amount to the extent paid for a period extending until after the
42 date, including any amount, on a prorated basis, for the remainder
43 of the billing period in which the termination occurs.

44 c. For purposes of this section:

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

1 "Cable television company" and "cable television service" shall
2 have the same meaning as provided in section 3 of P.L.1972, c.186
3 (C.48:5A-3).

4 "Certified mail" shall have same meaning as provided in
5 R.S.1:1-2.

6 "Dementia care home" means a community residential facility
7 which: (1) provides services to residents with special needs,
8 including, but not limited to, persons with Alzheimer's disease and
9 related disorders or other forms of dementia; (2) is subject to the
10 licensure authority of the Department of Health as a health care
11 facility pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.); (3) and
12 meets the requirements of section 19 of P.L.2015, c.125 (C.26:2H-
13 150).

14 "Internet service provider" shall have same meaning as provided
15 in section 3 of P.L.2007, c.272 (C.56:8-170).

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

20 "Physician" means a physician authorized by law to practice
21 medicine in this or any other state and any other person authorized
22 by law to treat sick and injured human beings in this or any other
23 state.

24 "Service provider" means a telecommunications service
25 provider, a cable television company, or an Internet service
26 provider.

27 "Service recipient" means any individual who resides in this
28 State who receives telecommunications service, cable television
29 service, or Internet service from a service provider through
30 equipment that is located in this State.

31 "Telecommunications service provider" means any person,
32 business or organization qualified to do business in this State that
33 provides a telecommunications service that is subject to regulation
34 by the Board of Public Utilities pursuant to Title 48 of the Revised
35 Statutes.

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37 2. This act shall take effect on the first day of the seventh
38 month next following enactment.

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STATEMENT

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43 This bill requires telecommunications, cable television, and
44 Internet service providers to allow service recipients to terminate
45 service agreements following a physician's referral to a long-term
46 care facility.

47 Under the bill, a service provider doing business in this State is
48 prohibited from entering into a new contract, or renewing any

1 existing contract, to provide telecommunications service, cable
2 television service, or Internet connection service to a resident of
3 New Jersey unless the contract includes provisions that allow a
4 service recipient to terminate the contract in accordance with the
5 bill. The bill requires that a contract to provide those services,
6 permit a service recipient to terminate, without penalty, the contract
7 for those services at any time after the service recipient receives a
8 physician's order, or develops a plan of care in collaboration with a
9 physician, to relocate the service recipient to a long-term care
10 facility for a period of at least 90 days, if the service recipient
11 relocates to a long-term care facility that meets the description in
12 the physician's order or the plan of care.

13 The bill establishes and provides for certain notification and
14 prorating requirements related to the termination of the service
15 contracts.