

ASSEMBLY, No. 4282

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 18, 2020

Sponsored by:

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblywoman Murphy and Assemblyman Benson

SYNOPSIS

Requires nursing homes to maintain certain supply of personal protection equipment for residents.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/16/2020)

1 AN ACT concerning nursing homes and personal protection
2 equipment and amending P.L.1976, c.120.

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

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7 1. Section 3 of P.L.1976, c.120 (C.30:13-3) is amended to read
8 as follows:

9 3. Every nursing home shall have the responsibility for:

10 a. (1) Maintaining a complete record of all funds, personal
11 property and possessions of a nursing home resident from any
12 source whatsoever, which have been deposited for safekeeping with
13 the nursing home for use by the resident. This record shall contain a
14 listing of all deposits and withdrawals transacted, and these shall be
15 substantiated by receipts given to the resident or his guardian. A
16 nursing home shall provide to each resident or his guardian a
17 quarterly statement which shall account for all of such resident's
18 property on deposit at the beginning of the accounting period, all
19 deposits and withdrawals transacted during the period, and the
20 property on deposit at the end of the period. The resident or his
21 guardian shall be allowed daily access to his property on deposit
22 during specific periods established by the nursing home for such
23 transactions at a reasonable hour. A nursing home may, at its own
24 discretion, place a limitation as to dollar value and size of any
25 personal property accepted for safekeeping.

26 (2) Offering an incoming resident or the resident's guardian, in
27 accordance with current law, at the time of admission to a nursing
28 home on or after the effective date of P.L.2015, c.230, a form
29 designating the beneficiary of any remaining balance in the
30 resident's personal needs allowance account that does not exceed
31 \$1,000 upon the resident's death. In the case of a person residing in
32 a nursing home prior to the effective date of P.L.2015, c.230, the
33 nursing home shall have the responsibility for offering the resident
34 or the resident's guardian, in accordance with current law, whenever
35 possible, a form designating the beneficiary of any remaining
36 balance in the resident's personal needs allowance account that does
37 not exceed \$1,000 upon the resident's death. Funds remaining in a
38 personal needs allowance account at the time of a resident's death
39 shall be included in that resident's estate and shall, consistent with
40 N.J.S.3B:22-2, be subject to claims made by estate creditors prior to
41 distribution to a designated beneficiary.

42 b. Providing for the spiritual needs and wants of residents by
43 notifying, at a resident's request, a clergyman of the resident's
44 choice and allowing unlimited visits by such clergyman.
45 Arrangements shall be made, at the resident's expense, for

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 attendance at religious services of his choice when requested. No
2 religious beliefs or practices, or any attendance at religious services,
3 shall be imposed upon any resident.

4 c. Admitting only that number of residents for which it
5 reasonably believes it can safely and adequately provide nursing
6 care. Any applicant for admission to a nursing home who is denied
7 such admission shall be given the reason for such denial in writing.

8 d. Ensuring that an applicant for admission or a resident is
9 treated without discrimination as to age, race, religion, sex or
10 national origin. However, the participation of a resident in
11 recreational activities, meals or other social functions may be
12 restricted or prohibited if recommended by a resident's attending
13 physician in writing and consented to by the resident.

14 e. Ensuring that no resident shall be subjected to physical
15 restraints except upon written orders of an attending physician for a
16 specific period of time when necessary to protect such resident from
17 injury to himself or others. Restraints shall not be employed for
18 purposes of punishment or the convenience of any nursing home
19 staff personnel. The confinement of a resident in a locked room
20 shall be prohibited.

21 f. Ensuring that drugs and other medications shall not be
22 employed for purposes of punishment, for convenience of any
23 nursing home staff personnel or in such quantities so as to interfere
24 with a resident's rehabilitation or his normal living activities.

25 g. Permitting citizens, with the consent of the resident being
26 visited, legal services programs, employees of the Office of Public
27 Defender and employees and volunteers of the Office of the
28 Ombudsman for the Institutionalized Elderly, whose purposes
29 include rendering assistance without charge to nursing home
30 residents, full and free access to the nursing home in order to visit
31 with and make personal, social and legal services available to all
32 residents and to assist and advise residents in the assertion of their
33 rights with respect to the nursing home, involved governmental
34 agencies and the judicial system.

35 (1) Such access shall be permitted by the nursing home at a
36 reasonable hour.

37 (2) Such access shall not substantially disrupt the provision of
38 nursing and other care to residents in the nursing home.

39 (3) All persons entering a nursing home pursuant to this section
40 shall promptly notify the person in charge of their presence. They
41 shall, upon request, produce identification to substantiate their
42 identity. No such person shall enter the immediate living area of
43 any resident without first identifying himself and then receiving
44 permission from the resident to enter. The rights of other residents
45 present in the room shall be respected. A resident shall have the
46 right to terminate a visit by a person having access to his living area
47 pursuant to this section at any time. Any communication

1 whatsoever between a resident and such person shall be confidential
2 in nature, unless the resident authorizes the release of such
3 communication in writing.

4 h. Ensuring compliance with all applicable State and federal
5 statutes and rules and regulations.

6 i. Ensuring that every resident, prior to or at the time of
7 admission and during his stay, shall receive a written statement of
8 the services provided by the nursing home, including those required
9 to be offered by the nursing home on an as-needed basis, and of
10 related charges, including any charges for services not covered
11 under Title XVIII and Title XIX of the Social Security Act, as
12 amended, or not covered by the nursing home's basic per diem rate.
13 This statement shall further include the payment, fee, deposit and
14 refund policy of the nursing home.

15 j. Ensuring that a prospective resident or the resident's family
16 or guardian receives a copy of the contract or agreement between
17 the nursing home and the resident prior to or upon the resident's
18 admission.

19 k. Maintaining, at all times, a supply of personal protection
20 equipment that is sufficient to sustain the health care needs of 20
21 percent of the total number of residents within the nursing home for
22 a reasonable period of time, if there is sufficient personal protection
23 equipment available, either by contribution from a third-party or for
24 purchase at a reasonable cost to the nursing home, and if the
25 purchase of such personal protection equipment is within the
26 financial means of the nursing home. A nursing home shall submit
27 a report biennially to the Department of Health detailing its
28 personal protection equipment inventory. As used in this
29 subsection, "personal protection equipment" means equipment, such
30 as gloves, masks, or gowns, which is worn by nursing home
31 residents to minimize the spread of disease.

32 (cf: P.L.2015, c.230, s.3)

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34 2. The Commissioner of Health may adopt rules and
35 regulations, in accordance with the "Administrative Procedure Act,"
36 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
37 the provisions of this act.

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39 3. This act shall take effect immediately 180 days after the date
40 of enactment.

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STATEMENT

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45 This bill requires nursing homes to maintain a certain supply of
46 personal protection equipment for residents.

47 Under the bill, a nursing home is to maintain, at all times, a
48 supply of personal protection equipment that is sufficient to sustain

1 the health care needs of 20 percent of the total number of residents
2 within the nursing home for a reasonable period of time, if there is
3 sufficient personal protection equipment available, either by
4 contribution from a third-party or for purchase at a reasonable cost
5 to the nursing home, and if the purchase of such personal protection
6 equipment is within the financial means of the nursing home.

7 The bill provides that a nursing home is to submit a report
8 biennially to the Department of Health detailing its personal
9 protection equipment inventory. The bill defines “personal
10 protection equipment” to mean equipment, such as gloves, masks,
11 or gowns, which is worn by nursing home residents to minimize the
12 spread of disease.