

SENATE, No. 1989

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 5, 2020

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

SYNOPSIS

Increases fines for failing to report suspected abuse or exploitation of institutionalized elderly person.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning institutionalized elderly persons and amending
2 P.L.1983, c.43.

3

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

6

7 1. Section 2 of P.L.1983, c.43 (C.52:27G-7.1) is amended to
8 read as follows:

9 2. a. Any caretaker, social worker, physician, registered or
10 licensed practical nurse, or other professional or staff member
11 employed at a facility, and any representative of a managed care
12 entity, who, as a result of information obtained in the course of that
13 individual's employment, has reasonable cause to suspect or believe
14 that an institutionalized elderly person is being or has been abused
15 or exploited, shall report such information to the ombudsman or to
16 the person designated by the ombudsman to receive such report. If
17 an individual reporting suspected abuse or exploitation pursuant to
18 this subsection has reasonable cause to suspect or believe that the
19 institutionalized elderly person is or has been the victim of a crime,
20 the individual shall additionally report such information to the local
21 law enforcement agency and to the health administrator of the
22 facility.

23 (1) If the events that cause the suspicion or belief result in
24 serious bodily injury, the individual shall report the suspicion or
25 belief immediately, but not later than two hours after forming the
26 suspicion or belief.

27 (2) If the events that cause the suspicion or belief do not result
28 in serious bodily injury, the individual shall report the suspicion or
29 belief immediately, but not later than 24 hours after forming the
30 suspicion or belief.

31 b. Such report shall contain the name and address of the elderly
32 person, information regarding the nature of the suspected abuse or
33 exploitation and any other information which might be helpful in an
34 investigation of the case and the protection of such elderly person.

35 c. Any other person having reasonable cause to suspect or
36 believe that an elderly person is being or has been abused or
37 exploited may report such information to the local law enforcement
38 agency and to the ombudsman or the person designated by the
39 ombudsman to receive such report.

40 d. The name of any person who reports suspected abuse or
41 exploitation pursuant to this act shall not be disclosed, unless the
42 person who reported the abuse or exploitation specifically requests
43 such disclosure or a judicial proceeding results from such report.

44 e. Any person who reports suspected abuse or exploitation
45 pursuant to this act or who testifies in any administrative or judicial

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 proceeding arising from such report or testimony shall have
2 immunity from any civil or criminal liability on account of such
3 report or testimony, unless such person has acted in bad faith or
4 with malicious purpose.

5 f. Any person required to report suspected abuse or
6 exploitation pursuant to this act who fails to make such report shall
7 be fined not more than ~~【\$500】~~ \$1,500, and the facility employing
8 the individual shall be fined not more than ~~【\$2,500】~~ \$5,000. Such
9 penalty shall be collected and enforced by summary proceedings
10 pursuant to the "Penalty Enforcement Law of 1999,"
11 P.L.1999, c.274 (C.2A:58-10 et seq.). Each violation of this act
12 shall constitute a separate offense.

13 g. No provision of this act shall be deemed to require the
14 disclosure of, or penalize the failure to disclose, any information
15 which would be privileged pursuant to the provisions of sections 18
16 through 23 inclusive of P.L.1960, c.52 (C.2A:84A-18 through
17 2A:84A-23).

18 h. When a person has been penalized under this section, a letter
19 making note of the penalty shall immediately be sent by the court to
20 the licensing authority or the professional board, if any, having
21 jurisdiction over the person who has been penalized.

22 i. The office may bring suit in a court of competent
23 jurisdiction to enforce any of the powers enumerated in this section.
24 (cf: P.L.2017, c.186, s.2)

25
26 2. This act shall take effect immediately.

27 28 29 STATEMENT

30
31 This bill increases the fine for a person required to report
32 suspected abuse or exploitation of an institutionalized elderly
33 person, who fails to make a report, as well as the fine for the facility
34 that employs the person. The bill increases the fine for the person
35 from not more than \$500 to not more than \$1,500, and the fine for
36 the facility from not more than \$2,500 to not more than \$5,000.