

ASSEMBLY, No. 202

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman WEINBERG and Assemblyman ZISA

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

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 3 of P.L.1976, c.120 (C.30:13-3) is amended to read as  
8 follows:

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

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

26 b. Providing for the spiritual needs and wants of residents by  
27 notifying, at a resident's request, a clergyman of the resident's choice  
28 and allowing unlimited visits by such clergyman. Arrangements shall  
29 be made, at the resident's expense, for attendance at religious services  
30 of his choice when requested. No religious beliefs or practices, or any  
31 attendance at religious services, shall be imposed upon any resident.

32 c. Admitting only that number of residents for which it reasonably

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 believes it can safely and adequately provide nursing care. Any  
2 applicant for admission to a nursing home who is denied such  
3 admission shall be given the reason for such denial in writing.

4 d. Ensuring that discrimination based upon age, race, religion, sex  
5 or nationality with respect to participation in recreational activities,  
6 meals or other social functions is prohibited. However, the  
7 participation of a resident in recreational activities, meals or other  
8 social functions may be restricted or prohibited if recommended by a  
9 resident's attending physician in writing and consented to by the  
10 resident.

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

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

21 g. Permitting citizens, with the consent of the resident being  
22 visited, legal services programs, employees of the Department of  
23 Public Advocate, and employees and volunteers of the Office of the  
24 Nursing Home Ombudsman Program in the Department of Community  
25 Affairs, whose purposes include rendering assistance without charge  
26 to nursing home residents, full and free access to the nursing home in  
27 order to visit with and make personal, social and legal services  
28 available to all residents and to assist and advise residents in the  
29 assertion of their rights with respect to the nursing home, involved  
30 governmental agencies and the judicial system.

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

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

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

46 h. Ensuring compliance with all applicable State and Federal

1 statutes and rules and regulations.

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

11 j. Ensuring that a prospective resident or the resident's family or  
12 guardian receives a copy of the contract or agreement between the  
13 nursing home and the resident prior to or upon admission, pursuant to  
14 P.L. \_\_\_\_\_ c. \_\_\_\_\_ (C. \_\_\_\_\_)(pending before the Legislature as this  
15 bill).

16 (cf: P.L.1976, c.120, s.3)

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18 2. (New section) a. The contract or agreement furnished by a  
19 nursing home to a prospective resident prior to or upon admission  
20 shall include the following statement prominently displayed at the top  
21 thereof:

22 "This is a legally binding contract that will become final three  
23 business days after the date of your receipt of this contract, unless you  
24 notify us in writing that you wish to cancel this contract during this  
25 period. You may consult an attorney who may review or cancel this  
26 contract on your behalf, as described below. Pursuant to federal law,  
27 a nursing home may not require a third party payment or guarantee of  
28 payment as a condition of admission or expedited admission to, or  
29 continuing residence in, the nursing home. This document is being  
30 furnished to you as required by State law."

31 b. The prospective resident or that person's family or guardian may  
32 have an attorney of their choosing review the contract or agreement  
33 between the nursing home and the patient during a period of three  
34 business days after the date of receipt of a copy of the document by  
35 the resident or that person's family member or guardian.

36 c. The contract or agreement shall become legally binding upon the  
37 nursing home and the resident after a period of three business days has  
38 elapsed from the date of receipt of a copy of the document by the  
39 prospective resident or that person's family member or guardian,  
40 unless the resident or that person's family member or guardian, or the  
41 resident's attorney, notifies the nursing home of their decision to  
42 cancel the contract, subject to the requirements of subsection d. of this  
43 section.

44 d. The prospective resident or the resident's family or guardian, or  
45 an attorney chosen by the resident or the resident's family or guardian,  
46 shall notify the nursing home in writing of a decision to cancel the

1 contract or agreement. Notification may be provided by certified mail  
2 or telegram, which shall be considered effective upon sending, or by  
3 personal delivery of the notice of cancellation, which shall be  
4 considered effective upon delivery to the nursing home admissions  
5 office.

6 e. The prospective resident or the resident's family or guardian, or  
7 an attorney chosen by the resident or the resident's family or guardian,  
8 may, during the three business-day period after receipt of the contract  
9 or agreement, notify the nursing home in writing of any suggested  
10 revisions to the contract or agreement that would be satisfactory to the  
11 resident or the resident's family or guardian, or their attorney.

12 f. Notwithstanding the provisions of this section to the contrary,  
13 the three-business day period between the date of receipt of a copy of  
14 the contract or agreement by the prospective resident or the resident's  
15 family or guardian and the date that it becomes legally binding may be  
16 extended by mutual written agreement of the nursing home and the  
17 prospective resident or the resident's family or guardian, or their  
18 attorney.

19 g. An explanation of the provisions of this section shall be included  
20 in the contract or agreement furnished by a nursing home to a  
21 prospective resident or the resident's family or guardian prior to or  
22 upon admission.

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24 3. This act shall take effect immediately.

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#### STATEMENT

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29 This bill requires that a nursing home furnish a prospective resident  
30 or the resident's family or guardian with a copy of the contract or  
31 agreement between the nursing home and the resident prior to or upon  
32 admission. The contract or agreement shall include the following  
33 statement prominently displayed at the top thereof:

34 "This is a legally binding contract that will become final three  
35 business days after the date of your receipt of this contract, unless you  
36 notify us in writing that you wish to cancel this contract during this  
37 period. You may consult an attorney who may review or cancel this  
38 contract on your behalf, as described below. Pursuant to federal law,  
39 a nursing home may not require a third party payment or guarantee of  
40 payment as a condition of admission or expedited admission to, or  
41 continuing residence in, the nursing home. This document is being  
42 furnished to you as required by State law."

43 The bill stipulates that the contract or agreement shall become  
44 legally binding upon the nursing home and the resident after a period  
45 of three business days has elapsed from the date of receipt of a copy  
46 of the document by the prospective resident or that person's family

1 member or guardian, unless the resident or that person's family  
2 member or guardian, or the resident's attorney, notifies the nursing  
3 home of their decision to cancel the contract. The three business-day  
4 period may be extended by mutual written agreement of the nursing  
5 home and the prospective resident or the resident's family or guardian,  
6 or their attorney.

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11 Requires nursing home to permit attorney review of contract with  
12 prospective resident prior to or at time of admission.