

ASSEMBLY, No. 434

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman KELLY

1 AN ACT concerning do not resuscitate orders and supplementing Title
2 26 of the Revised Statutes.

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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. a. If a resident of a long-term care facility who was transferred
8 to that facility from a hospital has not executed an advance directive
9 for health care, a do not resuscitate order issued by the resident's
10 attending physician in the hospital shall be operative in the long-term
11 care facility to which the resident has been transferred, until the
12 long-term care facility conducts a comprehensive assessment of the
13 resident and establishes and implements a care plan, pursuant to the
14 provisions of N.J.A.C.8:39-11.2. If the resident is discharged to a
15 hospital and returns to the facility within 30 days of discharge, a do
16 not resuscitate order issued by the resident's attending physician in the
17 hospital shall be operative until the long-term care facility conducts a
18 reassessment in those areas in which the resident's needs have
19 changed.

20 b. A private, religiously-affiliated, long-term care facility may
21 develop institutional policies and practices defining circumstances in
22 which it will decline to participate in a do not resuscitate order issued
23 by an attending physician in a hospital pursuant to subsection a. of this
24 section. Such policies and practices shall be written, and shall be
25 properly communicated to the resident and his family and, if
26 appropriate, to the health care representative as defined pursuant to
27 section 3 of P.L.1991, c.201 (C.26:2H-55), prior to or upon the
28 resident's admission, or as soon after admission as is practicable.

29 If the long-term care facility's policies and practices appear to
30 conflict with the legal rights of a resident, the long-term care facility
31 shall attempt to resolve the conflict through regional or local ethics
32 committees, and if a mutually satisfactory accommodation cannot be
33 reached, shall take all reasonable steps to effect the appropriate, timely
34 and respectful transfer of the resident to the care of another long-term
35 care facility appropriate to the resident's needs, and shall assure that

1 the resident is not abandoned or treated disrespectfully.

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3 2. This act shall take effect immediately.

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STATEMENT

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8 This bill requires a long-term care facility to accept a do not
9 resuscitate order from an attending physician when a resident is
10 transferred from a hospital where the order was issued to the
11 long-term care facility. The do not resuscitate order would be in effect
12 until the facility conducted a comprehensive assessment of the resident
13 and established and implemented a care plan, pursuant to the
14 provisions of N.J.A.C.8:39-11.2.

15 Private, religiously-affiliated long-term care facilities would be
16 permitted to develop policies and practices defining circumstances in
17 which they would decline to accept the do not resuscitate order from
18 the transferring hospital. These facilities would be required to inform
19 residents of their policies and practices in this area. If the policies and
20 practices conflict with the legal rights of resident, the facility would
21 attempt to resolve the conflict through regional or local ethics
22 committees and, if an accommodation could not be made, the resident
23 would be transferred to an appropriate facility.

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28 Requires long-term care facilities to accept do not resuscitate orders
29 from hospitals until independent assessment is completed.