

P.L. 1997, CHAPTER 76, *approved April 24, 1997*
Senate, No. 1531

1 AN ACT concerning hospital patients, amending P.L.1989, c.170 and
2 supplementing Title 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. Section 2 of P.L.1989, c.170 (C.26:2H-12.8) is amended to read
8 as follows:

9 2. Every person admitted to a general hospital as licensed by the
10 State Department of Health and Senior Services pursuant to P.L.1971,
11 c.136 (C.26:2H-1 et al.) shall have the right:

12 a. To considerate and respectful care consistent with sound nursing
13 and medical practices, which shall include being informed of the name
14 and licensure status of a student nurse or facility staff member who
15 examines, observes or treats the patient;

16 b. To be informed of the name of the physician responsible for
17 coordinating his care;

18 c. To obtain from the physician complete, current information
19 concerning his diagnosis, treatment, and prognosis in terms he can
20 reasonably be expected to understand. When it is not medically
21 advisable to give this information to the patient, it shall be made
22 available to another person designated by the patient on his behalf;

23 d. To receive from the physician information necessary to give
24 informed consent prior to the start of any procedure or treatment and
25 which, except for those emergency situations not requiring an
26 informed consent, shall include as a minimum the specific procedure
27 or treatment, the medically significant risks involved, and the possible
28 duration of incapacitation, if any, as well as an explanation of the
29 significance of the patient's informed consent. The patient shall be
30 advised of any medically significant alternatives for care or treatment,
31 however, this does not include experimental treatments that are not yet
32 accepted by the medical establishment;

33 e. To refuse treatment to the extent permitted by law and to be
34 informed of the medical consequences of this act;

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 f. To privacy to the extent consistent with providing adequate
2 medical care to the patient. This shall not preclude discussion of a
3 patient's case or examination of a patient by appropriate health care
4 personnel;
- 5 g. To privacy and confidentiality of all records pertaining to his
6 treatment, except as otherwise provided by law or third party payment
7 contract, and to access to those records, including receipt of a copy
8 thereof at reasonable cost, upon request, unless his physician states in
9 writing that access by the patient is not medically advisable;
- 10 h. To expect that within its capacity, the hospital will make
11 reasonable response to his request for services, including the services
12 of an interpreter in a language other than English if 10% or more of
13 the population in the hospital's service area speaks that language;
- 14 i. To be informed by his physician of any continuing health care
15 requirements which may follow discharge and to receive assistance
16 from the physician and appropriate hospital staff in arranging for
17 required follow-up care after discharge;
- 18 j. To be informed by the hospital of the necessity of transfer to
19 another facility prior to the transfer and of any alternatives to it which
20 may exist, which transfer shall not be effected unless it is determined
21 by the physician to be medically necessary;
- 22 k. To be informed, upon request, of other health care and
23 educational institutions that the hospital has authorized to participate
24 in his treatment;
- 25 l. To be advised if the hospital proposes to engage in or perform
26 human research or experimentation and to refuse to participate in these
27 projects. For the purposes of this subsection "human research" does
28 not include the mere collecting of statistical data;
- 29 m. To examine and receive an explanation of his bill, regardless of
30 source of payment, and to receive information or be advised on the
31 availability of sources of financial assistance to help pay for the
32 patient's care, as necessary;
- 33 n. To expect reasonable continuity of care;
- 34 o. To be advised of the hospital rules and regulations that apply to
35 his conduct as a patient;
- 36 p. To treatment without discrimination as to race, age, religion,
37 sex, national origin, or source of payment; and
- 38 q. To contract directly with a New Jersey licensed registered
39 professional nurse of the patient's choosing for private professional
40 nursing care during his hospitalization. A registered professional nurse
41 so contracted shall adhere to hospital policies and procedures in regard
42 to treatment protocols and policies and procedures so long as those
43 policies and procedures are the same for private duty and regularly
44 employed nurses. The registered professional nurse shall not be
45 considered an agent or employee of the hospital for purposes of any
46 financial liabilities, including, but not limited to, State or federal

1 employee taxes, worker's compensation payments or coverage for
2 professional liability.

3 The hospital, upon a patient's or his designee's request for private
4 professional nursing care, shall provide the patient or his designee with
5 a list of local nonprofit professional nurses association registries that
6 refer nurses for private professional nursing care.

7 (cf: P.L.1994, c.22, s.1)

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9 2. (New section) A general hospital shall revise the written
10 summary and written notice required pursuant to section 3 of
11 P.L.1989 (C.26:2H-12.9) within 180 days of the effective date of this
12 act to reflect the amendments made to section 2 of P.L.1989, c.170
13 (C.26:2H-12.8) pursuant to this act.

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15 3. (New section) A general hospital, licensed pursuant to
16 P.L.1971, c.136 (C.26:2H-1 et seq.), shall require a student nurse or
17 facility staff member to wear an identifying badge that includes the
18 person's name and licensure status, and, if appropriate, to verbally
19 identify himself by name and licensure status to the patient and to any
20 guardian or other responsible party when necessary, prior to
21 examining, observing or treating the patient.

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23 4. This act shall take effect immediately.

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STATEMENT

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28 This bill amends P.L.1989, c.170 (C.26:2H-12.8 et seq.) by
29 expanding the bill of rights for general hospital patients. A patient's
30 right to considerate and respectful care consistent with sound nursing
31 and medical practices is expanded to include being informed of the
32 name and licensure status of a student nurse or facility staff member
33 who examines, observes or treats the patient.

34 Under the provisions of the bill, a general hospital must require a
35 student nurse or facility staff member to wear an identifying badge that
36 includes the person's name and licensure status. If appropriate, the
37 person must verbally identify himself or herself by name and licensure
38 status to the patient and to a guardian or other responsible party,
39 where necessary, prior to examining, observing or treating the patient.

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44 Expands bill of rights for general hospital patients by requiring certain
45 caregivers to wear identifying badges.