

SENATE, No. 1085

STATE OF NEW JERSEY

INTRODUCED MAY 9, 1996

By Senators SINGER and BASSANO

1 AN ACT establishing an Office of the Ombudsman for the Disabled.

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

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6 1. As used in this act:

7 "Office" means the Office of the Ombudsman for the Disabled
8 established herein;

9 "Ombudsman" means the administrator and chief executive officer
10 of the Office of the Ombudsman for the Disabled.

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12 2. There is established in the Executive Branch of the State
13 Government the Office of the Ombudsman for the Disabled. For the
14 purposes of complying with the provisions of Article V, Section IV,
15 paragraph 1 of the New Jersey Constitution, the Office of the
16 Ombudsman for the Disabled is allocated to the Department of
17 Health, but, notwithstanding this allocation, the office shall be
18 independent of any supervision or control by the department or by any
19 board or officer thereof.

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21 3. The administrator and chief executive officer of the office is the
22 ombudsman, who shall be a person qualified by training and experience
23 to perform the duties of the office. The ombudsman shall be appointed
24 by the Governor, with the advice and consent of the Senate, for a term
25 of five years. The ombudsman shall devote his entire time to the
26 duties of the position and shall receive a salary as provided by law.
27 Any vacancy occurring in the position of ombudsman shall be filled in
28 the same manner as the original appointment; except that if the
29 ombudsman dies, resigns, becomes ineligible to serve for any reason,
30 or is removed from office, the Governor shall appoint an acting
31 ombudsman who shall serve until the appointment and qualification of
32 the ombudsman's successor, but in no event longer than six months
33 from the occurrence of the vacancy, and who shall exercise during the
34 period all the powers and duties of the ombudsman pursuant to the
35 provisions of this act.

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37 4. The ombudsman, as administrator and chief executive officer of

- 1 the office, shall:
- 2 a. Administer and organize the work of the office and establish
3 those administrative subdivisions which the ombudsman may deem
4 necessary, proper and expedient. The ombudsman may formulate and
5 adopt procedures and prescribe duties for the efficient conduct of the
6 business, work and general administration of the office and may
7 delegate to subordinate officers or employees in the office the power
8 which the ombudsman may deem desirable to be exercised under the
9 ombudsman's supervision and control;
- 10 b. Appoint and remove the stenographic, clerical and other
11 secretarial assistants that are required for the proper conduct of the
12 office, subject to the provisions of Title 11A (Civil Service) of the
13 New Jersey Statutes, and other applicable statutes, and within the
14 limits of funds appropriated or otherwise made available therefor. In
15 addition, and within these funding limits, the ombudsman may appoint,
16 or employ, without regard to the provisions of Title 11A (Civil
17 Service), or any other statutes, the experts, consultants or other
18 professionally qualified personnel on a contract basis or otherwise that
19 the ombudsman deems necessary;
- 20 c. Appoint and employ, notwithstanding the provisions of
21 P.L.1944, c.20 (C.52:17A-1 et seq.) to the contrary, a general counsel
22 and other attorneys or counsel that the ombudsman may require, for
23 the purpose, among other things, of providing legal advice on matters
24 which the ombudsman may from time to time require, of attending to
25 and dealing with all litigation, controversies and legal matters in which
26 the office may be a party or in which its rights and interests may be
27 involved, and of representing the office in all proceedings or actions
28 of any kind which may be brought for or against it in any court of this
29 State. With respect to all of the foregoing, the counsel and attorneys
30 are independent of any supervision or control by the Attorney General
31 or by the Department of Law and Public Safety, or by any division or
32 officer thereof;
- 33 d. Maintain suitable headquarters for the office and other quarters
34 which the ombudsman shall deem necessary to the proper functioning
35 of the office;
- 36 e. Solicit and accept grants of funds from the federal government
37 and from other public and any private sources for any of the purposes
38 of this act, except that these funds shall be expended only pursuant to
39 an appropriation made by law;
- 40 f. Perform other functions which may be prescribed in this act or
41 by any other law.
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- 43 5. a. The office shall monitor State agencies which provide
44 services to individuals with disabilities; serve as an advocate for
45 individuals with disabilities when accessing services provided by the
46 State and provide an articulate voice for the needs of the disabled; and

1 disseminate information to the public regarding the unique problems
2 facing individuals with disabilities.

3 b. The office shall, at a minimum, provide the following services:

4 (1) Outreach services to the public to encourage greater access to
5 services provided by government agencies;

6 (2) Referrals to appropriate social services and health care agencies
7 throughout the State;

8 (3) Assistance, as requested, in arranging health, social and
9 rehabilitative services;

10 (4) Representation in appealing the decisions of State agencies
11 denying appropriate services to individuals with disabilities; and

12 (5) The maintenance of a toll-free telephone number.

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14 6. The office shall report to the Governor and the Legislature on
15 or before September 30 of each year, which report shall: summarize its
16 activities for the preceding fiscal year; document the significant
17 problems affecting individuals with disabilities when accessing public
18 services; indicate and analyze the trends in the systems of care and
19 services for individuals with disabilities; and set forth any
20 recommendations which will further the State's capacity in advocating
21 for the rights of the disabled, including suggestions or
22 recommendations for legislative consideration and for changes in the
23 policy or rules and regulations of government agencies.

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25 7. Subject to the "Administrative Procedure Act," P.L.1968, c.410
26 (C.52:14B-1 et seq.), the ombudsman shall adopt all rules and
27 regulations necessary to effectuate the purposes of this act.

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29 8. This act shall take effect immediately.

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STATEMENT

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34 This bill establishes an Office of the Ombudsman for the Disabled,
35 in, but not of, the Department of Health. The office shall serve as an
36 advocate for individuals with disabilities when accessing public
37 services, provide a voice for their needs and disseminate information
38 to the public regarding the problems facing individuals with
39 disabilities. The office shall also provide: outreach services in order
40 to encourage greater access to services provided by government
41 agencies for individuals with disabilities; referrals to appropriate social
42 services and health care agencies throughout the State; assistance, as
43 requested, in arranging health, social and rehabilitative services;
44 representation in appealing the decisions of State agencies to deny
45 appropriate services to certain individuals with disabilities; and the
46 maintenance of a toll-free telephone number.

1 The bill also requires the office to report to the Governor and the
2 Legislature by September 30 of each year. The report shall include:
3 a summary of the office's activities for the preceding year;
4 documentation of the significant problems which affect individuals
5 with disabilities when accessing public services; an analysis of the
6 trends in the systems of care and services for individuals with
7 disabilities; and, any recommendations which will further the State's
8 capacity in advocating for the rights of the disabled, including
9 suggestions or recommendations for legislative consideration and for
10 changes in the policy or rules and regulations of government agencies.

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15 Establishes an Office of the Ombudsman for the Disabled.