

SENATE, No. 1481

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1996

By Senator LIPMAN

1 AN ACT concerning the rights of hospital patients and amending  
2 P.L.1989, c.170.

3

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 pursuant to P.L.1971, c.136 (C.26:2H-1  
11 et al.) shall have the right:

12 a. To considerate and respectful care consistent with sound  
13 nursing and medical practices;

14 b. To be informed of the name of the physician responsible for  
15 coordinating his care;

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

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

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

33 f. To privacy to the extent consistent with providing adequate  
34 medical care to the patient. This shall not preclude discussion of a

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

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

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

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

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13       3. This act shall take effect immediately.

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#### STATEMENT

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18       This bill adds to the list of rights of general hospital patients the  
19 right to treatment without discrimination as to sexual orientation.

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25 Provides that hospital patients have right to treatment without  
discrimination as to sexual orientation.