

ASSEMBLY AGING AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4957

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 13, 2021

The Assembly Aging and Senior Services Committee reports favorably and with committee amendments Assembly Bill No. 4957.

As amended by the committee, this bill requires long-term care facilities to annually review residents' proxy directives. A "proxy directive" is defined to mean a written document, executed in accordance with applicable law, that designates an adult with decision-making capacity to act as the declarant's representative in the event that the declarant is determined by a court or authorized practitioner to lack decision-making capacity following the execution of the document.

Under the bill, a long-term care facility will be required to meet with each resident at least once annually to determine whether the resident's proxy directive, if any, is accurate and current. Nothing in the bill's provisions would be deemed to require a resident to have a proxy directive.

COMMITTEE AMENDMENTS:

The committee amended the bill to address the fact that not all residents of long-term care facilities will have a proxy directive. To that end, the amended bill requires a long-term care facility to annually meet with each resident to determine whether a residents' proxy directive, "if any," is accurate and current. The amendments further specify that nothing in the bill's provisions may be deemed to require a resident to execute or maintain a proxy directive.

The amendments additionally make minor technical changes to clarify that a "proxy directive" is a written document, executed in accordance with applicable law, which becomes effective only when the declarant is determined, by a court or other authorized practitioner, to lack decision-making capacity.