

# SENATE, No. 3153

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

**Sponsored by:**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Co-Sponsored by:**

**Senators Lagana, Gill and Ruiz**

**SYNOPSIS**

Requires State Long-Term Care Ombudsman to establish long-term care advocacy and educational training program.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/21/2021)**

1 AN ACT concerning long-term care and amending P.L.1977, c.239.

2

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

5

6 1. Section 5 of PL.1977, c.239 (C.52:27G-5) is amended to read  
7 as follows:

8 5. The ombudsman, as administrator and chief executive officer  
9 of the office, shall:

10 a. Administer and organize the work of the office and establish  
11 therein such administrative subdivisions as **[he may deem]**  
12 necessary, proper, and expedient. He or she may formulate and adopt  
13 rules and regulations and prescribe duties for the efficient conduct of  
14 the business, work, and general administration of the office. He or  
15 she may delegate to subordinate officers or employees in the office  
16 such **[of his]** power as **[he]** may **[deem]** be desirable to be exercised  
17 under his or her supervision and control;

18 b. Appoint and remove such stenographic, clerical, and other  
19 secretarial assistants as may be required for the proper conduct of the  
20 office, subject to the provisions of Title 11 (Civil Service) of the  
21 Revised Statutes, and other applicable statutes, and within the limits  
22 of funds appropriated or otherwise made available therefor. In  
23 addition, and within such funding limits, the ombudsman may  
24 appoint, retain, or employ, without regard to the provisions of the  
25 said Title 11 (Civil Service), or any other statutes, such officers,  
26 investigators, experts, consultants, or other professionally qualified  
27 personnel on a contract basis or otherwise as **[he deems]** necessary.

28 c. Appoint and employ, notwithstanding the provisions of  
29 P.L.1944, c.20 (C.52:17A-1 et seq.), a general counsel and such other  
30 attorneys or counsel as he or she may require, for the purpose, among  
31 other things, of providing legal advice on such matters as the  
32 ombudsman may from time to time require, of attending to and  
33 dealing with all litigation, controversies, and legal matters in which  
34 the office may be a party or in which its rights and interests may be  
35 involved, and of representing the office in all proceedings or actions  
36 of any kind which may be brought for or against it in any court of  
37 this State. With respect to all of the foregoing, such counsel and  
38 attorneys shall be independent of any supervision or control by the  
39 Attorney General or by the Department of Law and Public Safety, or  
40 by any division or officer thereof;

41 d. Have authority to adopt and promulgate pursuant to law such  
42 rules and regulations as **[he deems]** necessary to carry out the  
43 purposes of this act;

44 e. Maintain suitable headquarters for the office and such other  
45 quarters as **[he shall deem]** necessary to the proper functioning of  
46 the office;

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 f. Solicit and accept grants of funds from the **【Federal**  
2 **Government】** federal government and from other public and any  
3 private sources for any of the purposes of this act; provided, however,  
4 that any such funds shall be expended only pursuant to an  
5 appropriation made by law;

6 g. Perform such other functions as may be prescribed in this act  
7 or by any other law; and

8 h. Establish, in consultation with the Department of Health, an  
9 annual long-term care training program in a manner to be determined  
10 by the ombudsman. At a minimum, the program shall address the  
11 following subjects: the rights of residents of long-term care  
12 facilities; fostering choice and independence among residents of  
13 long-term care facilities; identifying and reporting abuse, neglect, or  
14 exploitation of residents of long-term care facilities; long-term care  
15 facility ownership; updates on State and federal guidelines, laws, and  
16 regulations that pertain to long-term care facilities; and issues, trends,  
17 and policies that impact the rights of long-term care residents. The  
18 annual training program shall be completed by the ombudsman's  
19 investigative and advocacy staff, the ombudsman's volunteer  
20 advocates, and Department of Health long-term care facility  
21 surveyors, inspectors, and complaint investigators. Subject to the  
22 availability of staff and funding, the training program shall be offered  
23 to residents of long-term care facilities, those residents' family  
24 members, advocacy organizations, government agencies, and long-  
25 term care facility employees. To develop and implement the training  
26 program, the ombudsman may contract or consult with a non-profit  
27 organization that possesses expertise on the rights of residents in  
28 long-term care settings.

29 (cf: P.L.1977, c.239, s.5)

30  
31 2. This act shall take effect immediately.

32  
33  
34 STATEMENT

35  
36 This bill requires the State Long-Term Care Ombudsman  
37 (ombudsman) to establish a long-term care advocacy and educational  
38 training program.

39 Under the amended bill, the ombudsman would be required to  
40 establish, in consultation with the Department of Health, an annual long-  
41 term care training program. At a minimum, the program is to address  
42 the following subjects: the rights of residents of long-term care  
43 facilities; fostering choice and independence among residents of long-  
44 term care facilities; identifying and reporting abuse, neglect, or  
45 exploitation of residents of long-term care facilities; long-term care  
46 facility ownership; updates on State and federal guidelines, laws, and  
47 regulations that pertain to long-term care facilities; and issues, trends,

1 and policies that impact the rights of long-term care residents. The  
2 annual training program is to be completed by the ombudsman's  
3 investigative and advocacy staff, the ombudsman's volunteer advocates,  
4 and Department of Health long-term care facility surveyors, inspectors,  
5 and complaint investigators. Subject to the availability of staff and  
6 funding, the training program is to be offered to residents of long-term  
7 care facilities, those residents' family members, advocacy  
8 organizations, government agencies, and long-term care facility  
9 employees. To develop and implement the training program, the  
10 ombudsman may contract or consult with a non-profit organization that  
11 possesses expertise on the rights of residents in long-term care settings.