

52:27G-7 et al.
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2017 **CHAPTER:** 186

NJSA: 52:27G-7 et al. (Requires reporting of suspected abuse of institutionalized elderly to police and that facility employees receive notice of reporting requirement annually; designated as "Peggy's Law.")

BILL NO: S1219 (Substituted for A936)

SPONSOR(S) Holzapfel and others

DATE INTRODUCED: 2/8/2016

COMMITTEE: **ASSEMBLY:** Budget
SENATE: Health, Human Services & Senior Citizens
Budget & Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 6/29/2017
SENATE: 6/29/2017

DATE OF APPROVAL: 8/7/2017

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second Reprint enacted) Yes

S1219

SPONSOR'S STATEMENT: (Begins on page 4 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Budget
SENATE: Yes Health, H.S. & Senior Citizens
Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes 6/5/2017
7/13/2017

A936

SPONSOR'S STATEMENT: (Begins on page 4 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Health & Senior Services
Budget
SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

(continued)

P.L.2017, CHAPTER 186, *approved August 7, 2017*
Senate, No. 1219 (*Second Reprint*)

1 AN ACT concerning the Ombudsman for the Institutionalized
2 Elderly and amending P.L.1977, c.239 and P.L.1983, c.43.

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

6
7 ¹1. Section 7 of P.L.1977, c.239 (C.52:27G-7) is amended to
8 read as follows:

9 7. a. The office shall establish and implement procedures for
10 eliciting, receiving, processing, responding to ^{2,2} and resolving
11 complaints from patients, residents, or clients of facilities, the
12 relatives or guardians of such persons, or from interested citizens,
13 public officials, or government agencies having an interest in the
14 matter. The office shall ensure that a system is in place to receive
15 complaints 24 hours per day, seven days per week, whether or not
16 live staff ²members² are available to receive the complaint.

17 b. When the office receives a complaint or otherwise
18 encounters a deficiency that pertains to a violation of a resident's
19 rights or compliance with State or ²[Federal] federal² laws or
20 regulations or rules administered by any government agency, it
21 shall make referral thereof directly to the appropriate government
22 agency for action pursuant to applicable federal law and
23 regulations.

24 c. When the complaint received or the investigation conducted
25 by the office discloses facts that it determines **[warrants]** constitute
26 a violation of a resident's rights or warrant the institution of civil
27 proceedings by a government agency against any person or
28 government agency, the matter shall be referred to the government
29 agency with authority to institute such proceedings pursuant to
30 applicable federal law and regulations.

31 d. When the complaint received or the investigation conducted
32 by the office reveals information in relation to a violation of a
33 resident's rights or the misconduct or breach of duty of any officer
34 or employee of a facility or a government agency, it shall refer the
35 matter to the appropriate authorities for such action as may be
36 necessary pursuant to applicable federal law and regulations.

37 e. When the complaint received or the investigation conducted
38 by the office discloses information or facts indicating the
39 commission of criminal offenses or violations of standards of

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted January 30, 2017.

²Assembly ABU committee amendments adopted June 26, 2017.

SENATE, No. 1219

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Senator DIANE B. ALLEN

District 7 (Burlington)

Co-Sponsored by:

Senator A.R.Bucco

SYNOPSIS

Requires reporting of suspected abuse of institutionalized elderly to police and that facility employees receive notice of reporting requirement annually; designated as “Peggy’s Law.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/6/2016)

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1219

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 26, 2017

The Assembly Budget Committee reports favorably Senate Bill No. 1219 (1R), with committee amendments.

As amended, this bill designated as “Peggy’s Law,” revises certain requirements concerning the Ombudsman for the Institutionalized Elderly, to require that any caretaker, social worker, physician, registered or licensed practical nurse, or other professional or staff member employed by a facility, and any representative of a managed care entity, who, as a result of information obtained in the course of that individual’s employment, has reasonable cause to suspect or believe that an institutionalized elderly person is being or has been abused or exploited, is to report this information to the ombudsman. The law currently provides that these individuals are to report this information to the ombudsman in a timely manner. The bill requires that, if the events that cause the suspicion or belief that an institutionalized elderly person may be abused or exploited result in serious bodily injury, the individual is to report the suspicion or belief no later than two hours after forming the suspicion or belief; otherwise, the suspicion or belief is to be reported within 24 hours. If the individual making the report suspects or believes the institutionalized elderly person is or has been the victim of a crime, the individual will be required to additionally report the information to the local law enforcement agency and to the health administrator of the facility within the timeframes established under the bill.

The bill revises the civil penalty that may be imposed for failure to make a mandatory report, to impose a \$500 penalty against the individual who fails to make the report and \$2,500 against the facility employing the individual.

The bill provides that any other person who has reasonable cause to suspect or believe that an elderly person is being or has been abused or exploited may, but is not required to, report such information to the local law enforcement agency and to the ombudsman.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO
SENATE, No. 1219

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 30, 2016

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 1219.

As amended by the committee, this bill, designated as “Peggy’s Law,” amends P.L.1977, c.239 (C.52:27G-1 et seq.), which establishes the Ombudsman for the Institutionalized Elderly, to require that any caretaker, social worker, physician, registered or licensed practical nurse, other professional, other staff member, or representative of a managed care entity who, as a result of information obtained in the course of his employment, has reasonable cause to suspect or believe that an institutionalized elderly person is being or has been abused or exploited, must report this information to the local law enforcement agency, as well as to the ombudsman in certain specified timeframes. The law currently provides that these professionals shall report this information “in a timely manner” to the ombudsman. The bill provides that, if the events that cause the suspicion or belief result in serious bodily injury, the person must report the suspicion or belief immediately, but no later than two hours after forming the suspicion or belief; otherwise, the professional must report immediately but no later than within 24 hours.

The bill specifically permits, but does not require, any other person who has reasonable cause to suspect or believe that an elderly person is being or has been abused or exploited to report such information to the local law enforcement agency and the ombudsman.

Also, in order to ensure that residents or patients and their family members, as well as employees of facilities for the institutionalized elderly, are aware of the reporting requirements of the law, the bill requires that:

- Notices provided by the ombudsman that include information about the procedure to follow in filing a complaint and other pertinent information, which are posted in the facility and given to patients and their family members, shall be prepared

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1219

STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1219 (1R).

This bill, designated as “Peggy’s Law,” amends P.L.1977, c.239 (C.52:27G-1 et seq.), which establishes the Office of the Ombudsperson for the Institutionalized Elderly in the Department of the Treasury, to revise certain notification and reporting requirements involving the suspected abuse or exploitation of an institutionalized elderly person.

Under section 2 of P.L.1983, c.43 (C.52:27G-7.1), any caretaker, social worker, physician, registered or licensed practical nurse, or other professional who, as a result of information obtained in the course of his or her employment, has reasonable cause to suspect or believe that an institutionalized elderly person is being or has been abused or exploited is required to report this information to the ombudsman in a timely manner. This section also currently permits, but does not require, any other person having reasonable cause to suspect or believe that an elderly person is being or has been abused or exploited to report that information immediately to the ombudsman.

This bill amends that section of law to extend the mandatory reporting requirements that currently apply to caretakers, social workers, physicians, registered or licensed practical nurses, or other professionals to include other staff members and representatives of a managed care entity who have reasonable cause to suspect or believe that an institutionalized elderly person is being or has been abused or exploited. The bill requires these mandatory reports, and the reports that are permitted to be made by other persons having reasonable cause to suspect or believe that an elderly person is being or has been abused or exploited, to be made to the local law enforcement agency (in addition to the ombudsman as is currently required), and specifies the timeframe in which required reports are to be made to the local law enforcement agency and the ombudsman.

Under the bill, if the events that cause the suspicion or belief that an institutionalized elderly person is being or has been abused or exploited result in serious bodily injury, the professional is required to report the suspicion or belief not later than two hours after forming the suspicion or belief. If the events that cause the suspicion or belief that

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1219 STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JUNE 5, 2017

SUMMARY

- Synopsis:** Requires reporting of suspected abuse of institutionalized elderly to police and that facility employees receive notice of reporting requirement annually; designated as "Peggy's Law."
- Type of Impact:** Possible annual expenditure increase, General Fund
- Agencies Affected:** Office of the Ombudsman for the Institutionalized Elderly

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost	Possible minimal expenditure increase

- The Office of Legislative Services (OLS) estimates that this bill may result in increased annual administrative expenditures to the Office of the Ombudsman for the Institutionalized Elderly if the bill causes a significant increase in the volume of reports of suspected abuse of the institutionalized elderly. The office may also incur one-time costs for possible modifications to its telecommunication systems. The total costs for these changes cannot be quantified by the OLS, but are likely to be minimal.

BILL DESCRIPTION

Senate Bill No. 1219 (1R) of 2016, designated as "Peggy's Law," requires that any caretaker, social worker, physician, registered or licensed practical nurse, other professional, other staff member, or representative of a managed care entity who, as a result of information obtained in the course of employment, has reasonable cause to suspect that an institutionalized elderly person is being or has been abused or exploited, report this information in a specified timeframe to the local law enforcement agency, as well as to the Office of the Ombudsman for the Institutionalized Elderly. If the events that cause the suspicion result in serious bodily injury, the person must report the suspicion no later than two hours after forming the suspicion; otherwise, the professional must report no later than within 24 hours.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 1219

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JULY 13, 2017

SUMMARY

- Synopsis:** Requires reporting of suspected abuse of institutionalized elderly to police and that facility employees receive notice of reporting requirement annually; designated as "Peggy's Law."
- Type of Impact:** Possible annual expenditure increase and revenue decrease, State General Fund; possible expenditure increase, Local Entities
- Agencies Affected:** Office of the Ombudsman for the Institutionalized Elderly, certain Local Entities

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost	Possible minimal expenditure increase
State Revenue	Possible minimal revenue decrease
Local Cost	Possible minimal expenditure increase

- The Office of Legislative Services (OLS) estimates that this bill may result in increased annual administrative expenditures to the Office of the Ombudsman for the Institutionalized Elderly if the bill causes a significant increase in the volume of reports of suspected abuse of the institutionalized elderly. The office may also incur one-time costs for possible modifications to its telecommunication systems. The total costs for these changes cannot be quantified by the OLS, but are likely to be minimal.
- The OLS projects that the new fine of up to \$2,500 on facilities whose employees fail to report the suspected abuse of an institutionalized elderly person may increase annual State and county expenditures to the extent that State- and county-owned facilities would be fined. The number of fines imposed and the amount of expenditures cannot be determined due to uncertainty on the future behavior of individuals employed by those entities.
- The bill may decrease annual State revenues due to the reduction from \$5,000 to \$3,000 in the maximum fine per instance that is imposed on individuals and their employers combined. The total amount of revenue forgone cannot be determined due to uncertainty on the number and amount of fines that will be imposed and collected under the bill relative to current law.

ASSEMBLY, No. 936

STATE OF NEW JERSEY

217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman DAVID W. WOLFE

District 10 (Ocean)

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblywoman SHEILA Y. OLIVER

District 34 (Essex and Passaic)

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Co-Sponsored by:

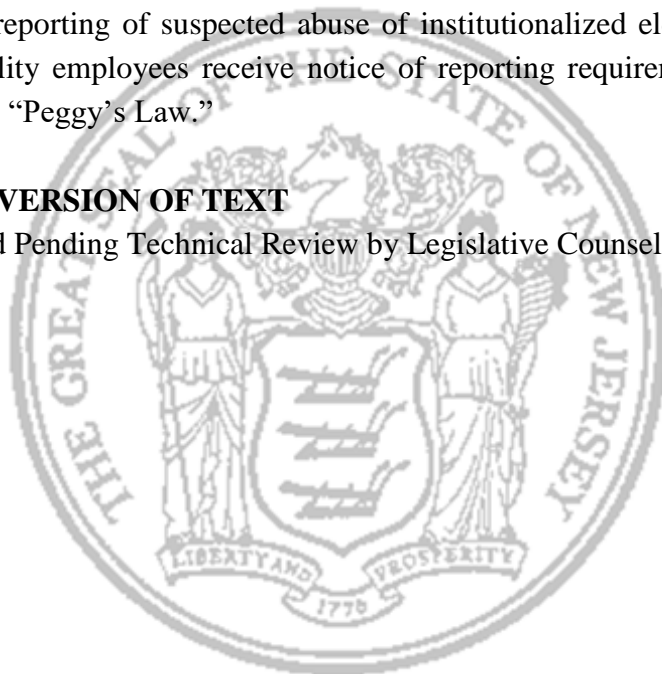
**Assemblywomen Tucker, N.Munoz, Assemblymen O'Scanlon, S.Kean,
Assemblywomen Jasey, Jimenez, Assemblyman Benson and
Assemblywoman McKnight**

SYNOPSIS

Requires reporting of suspected abuse of institutionalized elderly to police and that facility employees receive notice of reporting requirement annually; designated as "Peggy's Law."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/24/2017)

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 936

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 11, 2017

The Assembly Health and Senior Services Committee reports favorably and with committee amendments Assembly Bill No. 936.

As amended by the committee, this bill, designated as “Peggy’s Law,” revises certain requirements concerning the Ombudsman for the Institutionalized Elderly, to require that any caretaker, social worker, physician, registered or licensed practical nurse, or other professional or staff member employed by a facility, and any representative of a managed care entity, who, as a result of information obtained in the course of that individual’s employment, has reasonable cause to suspect or believe that an institutionalized elderly person is being or has been abused or exploited, is to report this information to the ombudsman. The law currently provides that these individuals are to report this information to the ombudsman in a timely manner. As amended by the committee, the bill requires that, if the events that cause the suspicion or belief that an institutionalized elderly person may be abused or exploited result in serious bodily injury, the individual is to report the suspicion or belief no later than two hours after forming the suspicion or belief; otherwise, the suspicion or belief is to be reported within 24 hours. If the individual making the report suspects or believes the institutionalized elderly person is or has been the victim of a crime, the individual will be required to additionally report the information to the local law enforcement agency and to the health administrator of the facility within the timeframes established under the bill.

As amended, the bill revises the civil penalty imposed for failure to make a mandatory report of suspected abuse or exploitation. Currently, a penalty of up to \$5,000 may be imposed against an individual who fails to make a mandatory report; as amended by the committee, the bill provides that a penalty of up to \$500 may be assessed against the facility employing the individual who failed to make the required report.

As amended, the bill provides that any other person who has reasonable cause to suspect or believe that an elderly person is being or has been abused or exploited may, but is not required to, report such information to the local law enforcement agency and to the ombudsman.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 936

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 26, 2017

The Assembly Budget Committee reports favorably Assembly Bill No. 936 (1R), with amendments.

As amended, this bill designated as “Peggy’s Law,” revises certain requirements concerning the Ombudsman for the Institutionalized Elderly, to require that any caretaker, social worker, physician, registered or licensed practical nurse, or other professional or staff member employed by a facility, and any representative of a managed care entity, who, as a result of information obtained in the course of that individual’s employment, has reasonable cause to suspect or believe that an institutionalized elderly person is being or has been abused or exploited, is to report this information to the ombudsman. The law currently provides that these individuals are to report this information to the ombudsman in a timely manner. The bill requires that, if the events that cause the suspicion or belief that an institutionalized elderly person may be abused or exploited result in serious bodily injury, the individual is to report the suspicion or belief no later than two hours after forming the suspicion or belief; otherwise, the suspicion or belief is to be reported within 24 hours. If the individual making the report suspects or believes the institutionalized elderly person is or has been the victim of a crime, the individual will be required to additionally report the information to the local law enforcement agency and to the health administrator of the facility within the timeframes established under the bill.

The bill revises the civil penalty that may be imposed for failure to make a mandatory report from \$5,000 against the individual, to \$500 against the individual and \$2,500 against the facility employing the individual.

The bill provides that any other person who has reasonable cause to suspect or believe that an elderly person is being or has been abused or exploited may, but is not required to, report such information to the local law enforcement agency and to the ombudsman.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 936

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JULY 13, 2017

SUMMARY

- Synopsis:** Requires reporting of suspected abuse of institutionalized elderly to police and that facility employees receive notice of reporting requirement annually; designated as "Peggy's Law."
- Type of Impact:** Possible annual expenditure increase and revenue decrease, State General Fund; possible expenditure increase, Local Entities
- Agencies Affected:** Office of the Ombudsman for the Institutionalized Elderly, certain Local Entities

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost	Possible minimal expenditure increase
State Revenue	Possible minimal revenue decrease
Local Cost	Possible minimal expenditure increase

- The Office of Legislative Services (OLS) estimates that this bill may result in increased annual administrative expenditures to the Office of the Ombudsman for the Institutionalized Elderly if the bill causes a significant increase in the volume of reports of suspected abuse of the institutionalized elderly. The office may also incur one-time costs for possible modifications to its telecommunication systems. The total costs for these changes cannot be quantified by the OLS, but are likely to be minimal.
- The OLS projects that the new fine of up to \$2,500 on facilities whose employees fail to report the suspected abuse of an institutionalized elderly person may increase annual State and county expenditures to the extent that State- and county-owned facilities would be fined. The number of fines imposed and the amount of expenditures cannot be determined due to uncertainty on the future behavior of individuals employed by those entities.
- The bill may decrease annual State revenues due to the reduction from \$5,000 to \$3,000 in the maximum fine per instance that is imposed on individuals and their employers combined.

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Governor Christie Takes Action On Pending Legislation

Monday, August 7, 2017

Tags: [Bill Action](#)

Trenton, NJ - Governor Chris Christie today announced that he has taken action on the following pending legislation:

BILL SIGNINGS:

S-169/A-4329 (Bateman/McKeon, Zwicker) - Allows certain emergency squad volunteers holding municipal elective office to vote on emergency squad concerns

S-452/A-838 (Sacco, Greenstein/Jimenez, Moriarty) - Requires waiver of dealer obligation regarding necessary repairs impacting vehicle inspection to include description of known defects

S-678/A-4967 (Rice/Watson, Tucker, Caputo) - Requires local government units to certify compliance with certain federal hiring requirements when filing annual budgets

S-726/A-4460 (Cruz-Perez, Oroho/Jones, Mosquera, Downey, Johnson) – Extends full protection of Law Against Discrimination to persons having liability for service in Armed Forces of United States; guarantees equal employment opportunity in State contracting to all veterans

S-996wGR/A-1378 (Rice, Van Drew, Turner/Muoio, Benson, Pintor Marin, Quijano, Schaer) – Requires report on status of lead-safe program in DCA

S-1219/A-936 (Holzapfel, Allen/Wolfe, McGuckin, Oliver, Giblin, Wimberly) - Requires reporting of suspected abuse of institutionalized elderly to police and that facility employees receive notice of reporting requirement annually; designated as "Peggy's Law"

S-1359/A-4096 (A.R. Bucco, Stack/A.M. Bucco, Vainieri Huttie, McKnight, Mazzeo) - Guarantees full and equal access to all housing to disabled persons who retain their retired service or guide dog as a pet, and who also obtain a new service or guide dog

S-1497/A-3225 (A.R. Bucco, Pennacchio/Dancer, Clifton, Munoz, A.M. Bucco) - Designates Killed in Action flag as an official State flag; mandates it be displayed at certain public buildings

SCS for S-1640, 1642, 1013/AS AS ACS for A-3152, 3154, 2426 (Van Drew, Holzapfel, Singer, Turner/Andrzejczak, McGuckin, Land, Wolfe, Vainieri Huttie, Taliaferro, Benson) - Establishes requirements concerning necessary care of dogs, domestic companion animals, and service animals, and for tethering of dogs

S-1660/A-770 (Van Drew, Cruz-Perez/Andrzejczak, Land, Houghtaling, DeAngelo, Johnson) - Provides for voluntary contributions by taxpayers on gross income tax returns for maintenance of certain State memorials honoring war veterans

S-1731/A-2368 (Gordon, Allen/Vainieri Huttie) - Permits municipality to establish civil penalty for smoking in public places

S-1739/A-2167 (Turner, Diegnan/Johnson, Vainieri Huttie, Wimberly) - Establishes sexual assault training requirements for law enforcement officers

S-1750/A-2729 (Madden, Cruz-Perez/A.M. Bucco, DeAngelo, Space, Mosquera, Wisniewski, DeCroce, Mukherji, Jones) - Establishes special motorcycle license plates for veterans

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S-1808/A-3342 (Van Drew, Diegnan/Karabinchak) - Designates striped bass as NJ State Saltwater Fish; redesignates brook trout as NJ Freshwater Fish

S-2153/A-3520 (Gordon/Eustace, Sumter, Wimberly, Vainieri Huttie, Johnson) – Requires NJTA to study impact of constructing rail stations at certain park and ride facilities

S-2369/A-4152 (Whelan, Van Drew, Connors/Andrzejczak, Mazzeo, Land, Burzichelli) - Limits application of DEP shellfish habitat rules for certain dredging activities

S-2457/A-3999 (Van Drew, Oroho/Houghtaling, Andrzejczak, Mazzeo, Space, Downey) - Enables collection of voluntary contributions for Jersey Fresh Program through gross income tax returns

S-2578/A-4239 (Cunningham, Pou, Gordon/Sumter, Jasey, Benson, Muoio, Downey, Mukherji) - Revises New Jersey College Loans to Assist State Students Loan Program to require applicants first exhaust federal student loans, require income verification, and limit total student loan amounts

S-2884/A-4484 (Whelan, Greenstein/Eustace, Quijano, Chiaravalloti, Caride) - Declares that deed restrictions or agreements that prevent raising or constructing of a structure to certain flood elevation standards are unenforceable

S-2892/A-5042 (Sweeney/Giblin) - Exempts certain real estate brokers, broker-salespersons and salespersons from continuing education requirement

S-3074/A-4586 (Lesniak, Turner/Johnson, Oliver, Holley, Chiaravalloti) - Establishes gubernatorial veto power over Waterfront Commission of New York Harbor's meeting minutes; expands gubernatorial oversight powers over commission

S-3244/A-4854 (Sweeney, Allen/Singleton, Burzichelli, Taliaferro) - Designates portion of Interstate Highway Route 295 in West Deptford Township as "State Trooper Sean E. Cullen Memorial Highway"

A-445/S-1661 (Mazzeo, Pinkin, DeAngelo, Chiaravalloti/Van Drew, A.R. Bucco) - Provides for voluntary contributions by taxpayers on gross income tax returns for the NJ World War II Veterans' Memorial Fund

A-1185/S-2771 (Mosquera, Holley, Moriarty, Quijano/Cruz-Perez, Van Drew) - Requires State Comptroller to report findings of audit compliance reviews

A-1199/S-1326 (Mosquera, Moriarty, Lagana, Zwicker, Downey/Turner, Oroho) - Permits a victim or witness of any age to testify by closed circuit television under certain circumstances in prosecutions for domestic violence, sexual assault, and certain other crimes

ACS for A-1690/SCS SCS for S-660, 2002 (Dancer, Singleton, Andrzejczak, Land, Benson, Moriarty, Houghtaling/Turner, Beach, Van Drew) - Allows fire district elections to be moved to November; eliminates certain fire district budget referenda; and eliminates certain fire district capital purchase referenda

A-1953/S-2448 (Coughlin, Lagana, Muoio, Benson, Houghtaling, Danielsen, Mukherji/Vitale, Whelan) - Allows installment payments for senior and disabled property taxpayers to repay overpayments of homestead credits and homestead property tax reimbursements

A-1955/SCS for S-1795 (Jones, Lampitt, Phoebus, Space/A.R. Bucco, Oroho) - Provides for voluntary discharge of personal representatives overseeing administration of estates by application to the Surrogate's Court

A-2176/S-156 (Taliaferro, Eustace, Benson, Mazzeo, Chiaravalloti/Madden, Ruiz) - Criminalizes possession and sale of alpha-pyrrolidinopentophenone (alpha-PVP), commonly known as "flakka" or "flocka"

A-3056/SCS for S-2360, 3030 (Taliaferro, Dancer, Houghtaling, Space, Andrzejczak, Webber/Allen, Greenstein, Bateman, Smith, Wimberly) – Requires DEP to establish voluntary guidelines for K-12 schools and institutions of higher education to reduce, recover, and recycle food waste; extends "Food Bank Good Samaritan Act" immunity protections to public and nonpublic schools.

A-3058/S-2366 (Space, Taliaferro, Dancer, Houghtaling, Andrzejczak/Oroho, Ruiz) - Establishes Farm to School Coordinating Council

A-3381 (McKnight, Holley, Vainieri Huttie, Houghtaling, Chiaravalloti, Quijano, Gordon) – Authorizes municipal volunteer programs for free removal of snow from certain residential properties occupied by seniors or disabled persons.

A-3386/S-2711 (Schaer, Vainieri Huttie, Chiaravalloti, Caride, Mukherji, Wimberly/Vitale, Rice) - Provides protections for children under the age of 18 with developmental disabilities and individuals with developmental disabilities ages 18-21 receiving services from Division of Children's System of Care

A-3437/S-1076 (DeAngelo, Gusciora, Land, Andrzejczak/Turner) - Designates "Garden State" as State Slogan

A-3896/S-2790 (Sumter, Mukherji, Pintor Marin/Scutari, Turner) - Concerns sale of certain tires

A-3908/S-3021 (Mazzeo, DeAngelo, Mukherji, Houghtaling, Quijano/Whelan, T. Kean) - Establishes 9/11 Memorial Registry

A-3911/S-2863 (Wisniewski, Vainieri Huttie, Mukherji/Cardinale, Pennacchio) - Provides that motor vehicle registration expires on registrant's numerical calendar day of birth

A-4164/S-2588 (Houghtaling, Downey, Holley, Muoio, Webber/Van Drew, Cruz-Perez) - Requires State Auditor to annually report on unspent State account balances

A-4206/S-2676 (Karabinchak, Prieto, Webber, Holley/Diegnan, A.R. Bucco) - Requires candidates for election to school board to file with their nominating petitions specific affirmation that they have not been convicted of crimes that would disqualify them from office

A-4230/S-3141 (Conaway, O'Scanlon, Mukherji, Pintor Marin/Codey) - Requires health insurance carriers; SHBP, and SEHBP to inform covered persons about organ and tissue donation

ACS for A-4432/SCS for S-2841 (Schaer, Lampitt, Benson, Singleton, Chiaravalloti, Wimberly/Cunningham) - Provides increased tax credit amounts under Grow New Jersey Assistance Program for certain businesses that have collaborative research relationships with colleges or universities

A-4542/S-2986 (Mazzeo, Johnson, Land, Andrzejczak, DeCroce/Van Drew) - Designates portion of State Highway Route 55 as "State Trooper Frankie L. Williams Memorial Highway"

A-4580/S-2989 (Taliaferro, Burzichelli, Quijano, Houghtaling/Lesniak, Oroho) - Appropriates \$2,900,000 from "2009 Farmland Preservation Fund" for grants to certain nonprofit organizations for farmland preservation purposes

A-4581/S-2987 (Houghtaling, Andrzejczak, Singleton, Downey/Cruz-Perez, Oroho) - Appropriates \$22,385,743 to State Agriculture Development Committee for farmland preservation purposes

A-4582/S-2990 (Andrzejczak, Mazzeo, Taliaferro, Zwicker, Houghtaling/Whelan, Van Drew) - Appropriates \$32.5 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants

A-4584/S-2988 (Zwicker, Taliaferro, Burzichelli, Houghtaling/Sweeney) - Appropriates \$7,500,000 from constitutionally dedicated CBT revenues for planning incentive grants to municipalities for farmland preservation purposes

A-4630/S-1938 (Jones/Cruz-Perez) - Repeals law regulating charges assessed by a miller for grinding grain

A-4673/S-3095 (Houghtaling, Downey/Van Drew) - Concerns assessment of buildings or structures on real property located in certain counties following material depreciation thereof

A-4713/S-3235 (Burzichelli, Prieto, Gusciora, DeAngelo, Benson/Kyrillos, Whelan) - Designates building where NJEDA is located in memory of Caren Franzini to commemorate her outstanding service to State

A-4895/S-3056 (Egan, Sumter, Pinkin/Cunningham) - Eliminates UI exemption for interns employed by hospitals

BILL VETOED:

S-2214/A-3847 (Turner, Cunningham/Lampitt, Mukherji, Johnson, Eustace) - CONDITIONAL - Requires institutions of higher education and proprietary degree-granting institutions to improve transparency of tuition and fees

###

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The total amount of revenue forgone cannot be determined due to uncertainty on the number and amount of fines that will be imposed and collected under the bill relative to current law.

BILL DESCRIPTION

Assembly Bill No. 936 (2R) of 2016, designated as “Peggy’s Law,” clarifies the requirements on certain professionals concerning the reporting of suspected abuse of an institutionalized elderly person to the Office of the Ombudsman for the Institutionalized Elderly and, if applicable, the local law enforcement agency and the health administrator of the facility.

The bill also reduces from \$5,000 to \$500 the maximum civil penalty that may be imposed on an individual for failure to make a mandatory report, and creates a new civil penalty of up to \$2,500 on the facility employing the individual.

In addition, the bill requires the Office of the Ombudsman for the Institutionalized Elderly to establish a system to receive complaints 24 hours per day, seven days per week, regardless of whether live staff members are available to receive the complaint. The bill clarifies the office’s responsibilities to refer the complaint to other governmental authorities pursuant to applicable federal laws and regulations.

The bill also requires that notices currently provided by the office to facilities for distribution to patients, clients, residents, and their guardians and families; which set forth the name, contact information, and a brief description of the function of the office and the procedures to be followed when filing a complaint; are to be provided in English and Spanish and are to indicate the option to call 9-1-1. The bill requires facilities, rather than the office, to inform these individuals of their rights and entitlements under State and federal law. This information is to be provided in a format and language that the recipient understands using the notices developed by the office. The bill eliminates a requirement that the information also be provided through the use of group meetings.

The bill requires facility administrators to annually provide all caretakers, social workers, physicians, registered or licensed professional nurses, and other staff and professionals employed at the facility with a notice explaining the requirement to report incidents of suspected abuse or exploitation of an institutionalized elderly person. The employee is to provide written acknowledgement of receipt of this notice, which is to be retained in the employee’s personnel file.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS projects that the bill may result in increased annual administrative expenditures for the Office of the Ombudsman for the Institutionalized Elderly, increased annual State and county expenditures to the extent that State- and county-owned facilities would be required to pay a new fine, and decreased annual State revenue collections from a revision to the fine schedule for the failure to report the suspected abuse or exploitation of an institutionalized elderly person.

Office of the Ombudsman for the Institutionalized Elderly: The OLS estimates that this bill may result in increased annual administrative expenditures for the office if the bill causes a significant increase in the volume of reports of suspected abuse of the institutionalized elderly. The office may also incur one-time costs for possible modifications to its telecommunication systems. The total costs for these changes cannot be quantified by the OLS, but are likely to be minimal.

The bill clarifies the requirements on certain professionals concerning the reporting of suspected abuse of an institutionalized elderly person to the office and, if applicable, the local law enforcement agency and the health administrator of the facility. The clarified reporting and related information requirements may result in an increase in calls to the office. Additionally, the office is required to ensure a system is in place to receive complaints 24 hours per day, seven days per week, whether or not live staff are available to receive the complaint.

Currently, the office is open from 8:30 to 4:30 and complaints can be received 24 hours a day via fax, email, or voicemail. It is possible that the office may need to modify its current communications system to ensure the receipt of any complaint is timestamped and responses are timely, but the OLS cannot quantify the cost for this possible modification. Furthermore, the office currently employs four administrative staff¹ and it is possible that any increase in the number of reports related to this bill may result in a need for one more administrative staff. The cost for staff would most likely result in increased expenditures of less than \$100,000 per year.

Penalties: The bill reduces from \$5,000 to \$500 the maximum fine which may be imposed on an individual who fails to make the required report of the suspected abuse or exploitation of an institutionalized elderly person, and creates a new maximum \$2,500 fine on the facility employing that individual.

This provision may increase annual State and county expenditures to the extent that State- and county-owned facilities would be required to pay the new maximum \$2,500 fine for each instance in which an employee of that facility fails to report the suspected abuse or exploitation of an institutionalized elderly person, as required by the bill, to the Office of the Ombudsman for the Institutionalized Elderly and, if applicable, the local law enforcement agency and the health administrator of the facility. The number of fines imposed and the amount of expenditures by the facilities cannot be determined due to uncertainty on the future behavior of individuals employed by those entities.

The revised fee schedule may also decrease annual State revenues due to the reduction in the overall maximum fine per instance from \$5,000 to \$3,000. The total amount of revenue forgone cannot be determined due to uncertainty on the number and amount of fines that will be imposed and collected under the bill relative to current law.

Section: Human Services

*Analyst: Robin Ford
Lead Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

¹ Page 17, NJ State Annual Ombudsman Report for Federal FY2015, <http://www.nj.gov/ooie/pdf/2015NJStateOmbudsmanReport.pdf>

The bill requires the Office of the Ombudsman to establish a system to receive complaints 24 hours per day, seven days per week, regardless of whether live staff members are available to receive the complaint. The bill clarifies the office's responsibilities to report to other governmental authorities, such that the office is to make appropriate referrals to other government agencies pursuant to applicable federal laws and regulations.

The bill requires that notices currently provided by the office to facilities for distribution to patients, clients, residents, and their guardians and families, which set forth the name, contact information, and a brief description of the function of the office and the procedures to be followed when filing a complaint, are to be provided in English and Spanish and are to indicate the option to call 9-1-1. The bill requires facilities, rather than the office, to inform patients, clients, residents, and their guardians, families, and patient representatives, of their rights and entitlements under State and federal law. This information is to be provided in a format and language that the recipient understands using the notice developed by the office. The bill eliminates a requirement that the information also be provided through the use of group meetings.

The bill revises language concerning the maintenance of a toll free telephone line by office in conjunction with the Division on Aging, to provide that the telephone line is to be maintained in conjunction with another appropriate State agency.

The bill requires facility administrators to annually provide all caretakers, social workers, physicians, registered or licensed professional nurses, and other staff and professionals employed at the facility with a notice explaining the requirement to report incidents of abuse or exploitation of an institutionalized elderly person. The employee is to provide written acknowledgement of receipt of this notice, which is to be retained in the employee's personnel file.

As reported by the committee, this bill is identical to Senate Bill No. 1219 (1R), which the committee also reported on this date with amendments.

COMMITTEE AMENDMENTS:

The committee amendments revise the civil penalties that may be imposed for failure to report suspect abuse or exploitation of an elderly person from the individual to the facility; as amended, a civil penalty of \$500 may be imposed against the individual and \$2,500 may be imposed against the facility employing the individual.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that this bill may result in increased annual administrative expenditures to the

Office of the Ombudsman for the Institutionalized Elderly if the bill causes a significant increase in the volume of reports of suspected abuse of the institutionalized elderly. The office may also incur one-time costs for possible modifications to its telecommunication systems. The total costs for these changes cannot be quantified by the OLS, but are likely to be minimal.

In addition, the OLS projects that the bill may increase annual State and county expenditures to the extent that State- and county-owned facilities would be required to pay the new \$2,500 fine for each instance in which an employee of that facility fails to report the suspected abuse or exploitation of an institutionalized elderly person, as required by the bill, to the Office of the Ombudsman for the Institutionalized Elderly and, if applicable, the local law enforcement agency and the health administrator of the facility.

As amended by the committee, the bill requires the Office of the Ombudsman to establish a system to receive complaints 24 hours per day, seven days per week, regardless of whether live staff members are available to receive the complaint. The bill clarifies the office's responsibilities to report to other governmental authorities, such that the office is to make appropriate referrals to other government agencies pursuant to applicable federal laws and regulations.

As amended, the bill requires that notices currently provided by the office to facilities for distribution to patients, clients, residents, and their guardians and families, which set forth the name, contact information, and a brief description of the function of the office and the procedures to be followed when filing a complaint, are to be provided in English and Spanish and are to indicate the option to call 9-1-1. As amended, the bill requires facilities, rather than the office, to inform patients, clients, residents, and their guardians, families, and patient representatives, of their rights and entitlements under State and federal law. This information is to be provided in a format and language that the recipient understands using the notice developed by the office. The bill eliminates a requirement that the information also be provided through the use of group meetings.

As amended, the bill revises language concerning the maintenance of a toll free telephone line by office in conjunction with the Division on Aging, to provide that the telephone line is to be maintained in conjunction with another appropriate State agency.

As amended, the bill requires facility administrators to annually provide all caretakers, social workers, physicians, registered or licensed professional nurses, and other staff and professionals employed at the facility with a notice explaining the requirement to report incidents of abuse or exploitation of an institutionalized elderly person. The employee is to provide written acknowledgement of receipt of this notice, which is to be retained in the employee's personnel file.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments require the Office of the Ombudsman to establish system to receive complaints 24 hours per day, seven days per week, regardless of whether live staff members are available to receive the complaint.

The committee amendments require the office to submit reports of complaints involving violations of resident rights to the appropriate government agency pursuant to applicable federal law and regulations.

The committee amendments include representatives of managed care entities in the list of professionals required to report incidents

involving suspected elder abuse or exploitation, and clarify the reporting requirement applies to all staff members, even if not expressly included in the list.

The committee amendments provide that facility employees are only required to report suspected abuse or exploitation to a local law enforcement agency if the employee suspects or believes that the elderly person is or has been the victim of a crime. If the employee reports an incident of suspected abuse or exploitation to a local law enforcement agency, the employee is to additionally report the incident to the health administrator of the facility.

The committee amendments revise the requirement, in the bill as introduced, to immediately report a suspected incident of elder abuse or exploitation, to require reporting within two hours of forming the suspicion or belief if the incident results in serious bodily injury, and to require reporting within 24 hours of forming the suspicion or belief if it does not result in serious bodily injury.

The committee amendments revise the civil penalty that may be assessed for failure to make a mandatory report of suspected abuse or exploitation. Currently, a civil penalty of up to \$5,000 may be assessed against an individual who fails to make a mandatory report; as amended by the committee, the bill provides that a civil penalty of up to \$500 may be assessed against the facility employing the individual who failed to make the mandatory report.

The committee amendments revise the requirements for other individuals who are not employed by a facility to report suspected incidents of elder abuse or exploitation. As introduced, the bill would have revised the current requirements to make this reporting mandatory, require the reporting be done immediately, and require the report be made to the local law enforcement agency as well as to the Ombudsman for the Institutionalized Elderly; the committee amendments remove language making the reporting mandatory and requiring the reporting to be immediate.

The committee amendments revise the requirements concerning written notices provided to facilities by the Office of the Ombudsman to provide that, instead of including the phone number of the local law enforcement agency in the notice, as would be required under the bill as introduced, the notice is to indicate the option to call 9-1-1.

The committee amendments revise the current requirements that certain enumerated individuals be informed of their rights and entitlements under State and federal law. Currently, the office is required to provide this information through the distribution of educational materials and group meetings; as amended by the committee, facilities will be required to provide this information using informational materials prepared by the office. The amendments remove the requirement to conduct group meetings to provide the information, and further provide that resident

representatives are to receive this information in addition to patients, residents, clients, and their guardians and families, as required under current law.

The committee amendments update an outdated reference to the Division on Aging to refer instead to another appropriate State agency.

The committee amendments revise the requirement in the bill, as introduced, that facility administrators provide all staff members and professionals employed at the facility with written notice of the statutory reporting requirements, to clarify that the provision applies to any staff members not expressly enumerated in this list of facility employees.

The committee amendments make certain technical corrections to the bill.

A936 WOLFE, MCGUCKIN

2

1 AN ACT concerning the Ombudsman for the Institutionalized
2 Elderly and amending P.L.1983, c.43.

3

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

6

7 1. Section 2 of P.L.1983, c.43 (C.52:27G-7.1) is amended to
8 read as follows:

9 2. a. Any caretaker, social worker, physician, registered or
10 licensed practical nurse, or other professional, who, as a result of
11 information obtained in the course of his employment, has
12 reasonable cause to suspect or believe that an institutionalized
13 elderly person is being or has been abused or exploited, shall report
14 such information **in a timely manner** immediately to the local law
15 enforcement agency and to the ombudsman or to the person
16 designated by him to receive such report.

17 b. Such report shall contain the name and address of the elderly
18 person, information regarding the nature of the suspected abuse or
19 exploitation and any other information which might be helpful in an
20 investigation of the case and the protection of such elderly person.

21 c. Any other person having reasonable cause to suspect or
22 believe that an elderly person is being or has been abused or
23 exploited **may** shall report such information immediately to the
24 local law enforcement agency and the ombudsman or to the person
25 designated by him to receive such report.

26 d. The name of any person who reports suspected abuse or
27 exploitation pursuant to this act shall not be disclosed, unless the
28 person who reported the abuse or exploitation specifically requests
29 such disclosure or a judicial proceeding results from such report.

30 e. Any person who reports suspected abuse or exploitation
31 pursuant to this act or who testifies in any administrative or judicial
32 proceeding arising from such report or testimony shall have
33 immunity from any civil or criminal liability on account of such
34 report or testimony, unless such person has acted in bad faith or
35 with malicious purpose.

36 f. Any person required to report suspected abuse or
37 exploitation pursuant to this act who fails to make such report shall
38 be fined not more than \$5,000.00. Such penalty shall be collected
39 and enforced by summary proceedings pursuant to **["the penalty**
40 **enforcement law" (N.J.S.2A:58-1 et seq.)]** the "Penalty
41 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
42 Each violation of this act shall constitute a separate offense.

43 g. No provision of this act shall be deemed to require the
44 disclosure of, or penalize the failure to disclose, any information
45 which would be privileged pursuant to the provisions of sections 18

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 through 23 inclusive of P.L.1960, c.52 (C.2A:84A-18 through
2 2A:84A-23).

3 h. When a person has been penalized under this section, a letter
4 making note of the penalty shall immediately be sent by the court to
5 the licensing authority or the professional board, if any, having
6 jurisdiction over the person who has been penalized.

7 i. The office may bring suit in a court of competent
8 jurisdiction to enforce any of the powers enumerated in this section.
9 (cf: P.L.1987, c.104, s.2)

10

11 2. Section 11 of P.L.1977, c.239 (C.52:27G-11) is amended to
12 read as follows:

13 11. a. Any correspondence or written communication from any
14 patient, resident or client of a facility to the office shall, if delivered
15 to or received by the facility, be promptly forwarded, unopened, by
16 the facility to the office. Any correspondence or written
17 communication from the office to any patient, resident or client of a
18 facility shall, if delivered to or received by the facility, be promptly
19 forwarded, unopened, by the facility to such patient, resident, or
20 client.

21 b. The office shall prepare and distribute to each facility
22 written notices, in English and Spanish, which set forth the address
23 and telephone number of the office, a brief explanation of the
24 function of the office, the procedure to follow in filing a complaint
25 and other pertinent information. The notice shall also include the
26 phone number of the local law enforcement agency.

27 The administrator of each facility shall ensure that such written
28 notice is given to every patient, resident or client or his guardian
29 upon admission to the facility and to every person already in
30 residence or his guardian. The administrator shall also post such
31 written notice in a conspicuous, public place in the facility in the
32 number and manner set forth in the guidelines adopted by the
33 office.

34 c. The office shall inform patients, residents or clients, their
35 guardians or their families, of their rights and entitlements under
36 State and Federal laws and rules and regulations by means of the
37 distribution of educational materials and group meetings.

38 d. The office shall facilitate the filing of complaints with the
39 office concerning matters within the authority of the office. The
40 measures taken in connection therewith shall include, but need not
41 be limited to, maintenance of a toll-free telephone, either by the
42 office or in conjunction with the **【Division on Aging】** Department
43 of Health and Senior Services, at least during regular working hours
44 of the office for the filing of complaints.

45 e. The administrator of each facility shall annually provide all
46 caretakers, social workers, physicians, registered or licensed
47 practical nurses, or other professionals employed at the facility with
48 a notice explaining the requirements of section 2 of P.L.1983, c.43

1 (C.52:27G-7.1) concerning the reporting of suspected abuse or
2 exploitation of an institutionalized elderly person, and require, as a
3 condition of employment at the facility, that the professional
4 acknowledge in writing receipt of the notice. The signed
5 acknowledgement shall be retained in the employee's personnel
6 file.

7 (cf: P.L.1977, c.239, s.11)

8

9 3. This act shall take effect on the 60th day following
10 enactment.

11

12

13

STATEMENT

14

15 This bill, designated as "Peggy's Law," amends P.L.1977, c.239
16 (C.52:27G-1 et seq.), which establishes the Ombudsman for the
17 Institutionalized Elderly, to require that any caretaker, social
18 worker, physician, registered or licensed practical nurse, or other
19 professional, who, as a result of information obtained in the course
20 of his employment, has reasonable cause to suspect or believe that
21 an institutionalized elderly person is being or has been abused or
22 exploited, shall immediately report this information to the local law
23 enforcement agency, as well as to the ombudsman. The law
24 currently provides that these professionals shall report this
25 information, in a timely manner, to the ombudsman.

26 Similarly, the bill mandates that any other person who has
27 reasonable cause to suspect or believe that an elderly person is
28 being or has been abused or exploited shall immediately report such
29 information to the local law enforcement agency and the
30 ombudsman. The law currently provides that other persons may
31 report this information to the ombudsman.

32 Also, in order to ensure that residents or patients and their family
33 members, as well as employees of facilities for the institutionalized
34 elderly are aware of the reporting requirements of the law, the bill
35 requires that:

- 36 • Notices provided by the ombudsman that include information
37 about the procedure to follow in filing a complaint and other
38 pertinent information, which are posted in the facility and
39 given to patients and their family members, shall be prepared
40 in both English and Spanish and shall include the phone
41 number of the local law enforcement agency; and
- 42 • The administrator of a facility shall annually provide all
43 caretakers, social workers, physicians, registered or licensed
44 practical nurses, or other professionals employed at the facility
45 with a notice explaining the requirements in the bill
46 concerning the reporting of suspected abuse or exploitation of
47 an institutionalized elderly person, and require, as a condition
48 of employment at the facility, that the professional

A936 WOLFE, MCGUCKIN

5

1 acknowledge in writing receipt of the notice, which
2 acknowledgement will be retained in the employee's personnel
3 file.

4 The bill has a delayed effective date of 60 days following
5 enactment in order to provide the ombudsman with sufficient
6 time to prepare and distribute the required notices.

BILL DESCRIPTION

Senate Bill No. 1219 (2R) of 2016, designated as “Peggy’s Law,” clarifies the requirements on certain professionals concerning the reporting of suspected abuse of an institutionalized elderly person to the Office of the Ombudsman for the Institutionalized Elderly and, if applicable, the local law enforcement agency and the health administrator of the facility.

The bill also reduces from \$5,000 to \$500 the maximum civil penalty that may be imposed on an individual for failure to make a mandatory report, and creates a new civil penalty of up to \$2,500 on the facility employing the individual.

In addition, the bill requires the Office of the Ombudsman for the Institutionalized Elderly to establish a system to receive complaints 24 hours per day, seven days per week, regardless of whether live staff members are available to receive the complaint. The bill clarifies the office’s responsibilities to refer the complaint to other governmental authorities pursuant to applicable federal laws and regulations.

The bill also requires that notices currently provided by the office to facilities for distribution to patients, clients, residents, and their guardians and families; which set forth the name, contact information, and a brief description of the function of the office and the procedures to be followed when filing a complaint; are to be provided in English and Spanish and are to indicate the option to call 9-1-1. The bill requires facilities, rather than the office, to inform these individuals of their rights and entitlements under State and federal law. This information is to be provided in a format and language that the recipient understands using the notices developed by the office. The bill eliminates a requirement that the information also be provided through the use of group meetings.

The bill requires facility administrators to annually provide all caretakers, social workers, physicians, registered or licensed professional nurses, and other staff and professionals employed at the facility with a notice explaining the requirement to report incidents of suspected abuse or exploitation of an institutionalized elderly person. The employee is to provide written acknowledgement of receipt of this notice, which is to be retained in the employee’s personnel file.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS projects that the bill may result in increased annual administrative expenditures for the Office of the Ombudsman for the Institutionalized Elderly, increased annual State and county expenditures to the extent that State- and county-owned facilities would be required to pay a new fine, and decreased annual State revenue collections from a revision to the fine schedule for the failure to report the suspected abuse or exploitation of an institutionalized elderly person.

Office of the Ombudsman for the Institutionalized Elderly: The OLS estimates that this bill may result in increased annual administrative expenditures for the office if the bill causes a significant increase in the volume of reports of suspected abuse of the institutionalized elderly. The office may also incur one-time costs for possible modifications to its telecommunication

systems. The total costs for these changes cannot be quantified by the OLS, but are likely to be minimal.

The bill clarifies the requirements on certain professionals concerning the reporting of suspected abuse of an institutionalized elderly person to the office and, if applicable, the local law enforcement agency and the health administrator of the facility. The clarified reporting and related information requirements may result in an increase in calls to the office. Additionally, the office is required to ensure a system is in place to receive complaints 24 hours per day, seven days per week, whether or not live staff are available to receive the complaint.

Currently, the office is open from 8:30 to 4:30 and complaints can be received 24 hours a day via fax, email, or voicemail. It is possible that the office may need to modify its current communications system to ensure the receipt of any complaint is timestamped and responses are timely, but the OLS cannot quantify the cost for this possible modification. Furthermore, the office currently employs four administrative staff¹ and it is possible that any increase in the number of reports related to this bill may result in a need for one more administrative staff. The cost for staff would most likely result in increased expenditures of less than \$100,000 per year.

Penalties: The bill reduces from \$5,000 to \$500 the maximum fine which may be imposed on an individual who fails to make the required report of the suspected abuse or exploitation of an institutionalized elderly person, and creates a new maximum \$2,500 fine on the facility employing that individual.

This provision may increase annual State and county expenditures to the extent that State- and county-owned facilities would be required to pay the new maximum \$2,500 fine for each instance in which an employee of that facility fails to report the suspected abuse or exploitation of an institutionalized elderly person, as required by the bill, to the Office of the Ombudsman for the Institutionalized Elderly and, if applicable, the local law enforcement agency and the health administrator of the facility. The number of fines imposed and the amount of expenditures by the facilities cannot be determined due to uncertainty on the future behavior of individuals employed by those entities.

The revised fee schedule may also decrease annual State revenues due to the reduction in the overall maximum fine per instance from \$5,000 to \$3,000. The total amount of revenue forgone cannot be determined due to uncertainty on the number and amount of fines that will be imposed and collected under the bill relative to current law.

Section: Human Services

*Analyst: Robin Ford
Lead Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

¹ Page 17, NJ State Annual Ombudsman Report for Federal FY2015,
<http://www.nj.gov/ooie/pdf/2015NJStateOmbudsmanReport.pdf>

The bill specifically permits, but does not require, any other person who has reasonable cause to suspect that an elderly person is being or has been abused or exploited to report such information to the local law enforcement agency and the ombudsman.

Also, in order to ensure that residents or patients and their family members, as well as employees of facilities for the institutionalized elderly, are aware of the reporting requirements, the bill requires that:

- Notices provided by the Office of the Ombudsman for the Institutionalized Elderly that include information about the procedure to follow in filing a complaint and other pertinent information, which are posted in the facility and given to patients and their family members, shall be prepared in both English and Spanish; and
- Facilities inform patients, residents or clients, their guardians, resident representatives, or their families, of their rights and entitlements under State and Federal laws and rules and regulations in a format and language that the recipient understands, by means of the distribution of educational materials. The current requirement to hold group meetings is eliminated.
- The administrator of a facility annually provide all caretakers, social workers, physicians, registered or licensed practical nurses, other professionals, and other staff employed at the facility with a notice explaining the requirements in the bill concerning the reporting of suspected abuse or exploitation of an institutionalized elderly person, and require, as a condition of employment at the facility, that the professional acknowledge in writing receipt of the notice, which acknowledgement will be retained in the employee's personnel file.

The bill also requires the Office of the Ombudsman for the Institutionalized Elderly to establish a system to receive complaints 24 hours per day, seven days per week, whether or not live staff are available to receive the complaint. The bill clarifies the office's responsibilities to report to other governmental authorities, such that the office must report findings related to a violation of a resident's rights, and must make reports pursuant to applicable federal law and regulations.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill may result in increased annual administrative expenditures to the Office of the Ombudsman for the Institutionalized Elderly if the bill causes a significant increase in the volume of reports of suspected abuse of the institutionalized elderly. The office may also incur one-time costs for possible modifications to its telecommunication systems. The total costs for these changes cannot be quantified by the OLS, but are likely to be minimal.

The bill requires certain professionals to report information related to a reasonable suspicion that an elderly person is being exploited or abused within two hours, if the event caused serious bodily injury, or within 24 hours, if the event did not result in serious bodily injury. Previously, certain professionals were required to report such suspicions in a timely manner, which was not defined. The new reporting and related information requirements may result in an increase in calls to the office. Additionally, the office is required to ensure a system is in place to receive

complaints 24 hours per day, seven days per week, whether or not live staff are available to receive the complaint.

Currently, the office is open from 8:30 to 4:30 and complaints can be received 24 hours a day via fax, email, or voicemail. It is possible that the office may need to modify its current communications system to ensure the receipt of any complaint is timestamped and responses are timely, but the OLS cannot quantify the cost for this possible modification. Furthermore, the office currently employs four administrative staff¹ and it is possible that any increase in the number of reports related to this bill may result in a need for one more administrative staff. The cost for staff would most likely result in increased expenditures of less than \$100,000 per year.

Section: Human Services

*Analyst: Robin Ford
Lead Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

¹ Page 17, NJ State Annual Ombudsman Report for Federal FY2015,
<http://www.nj.gov/ooie/pdf/2015NJStateOmbudsmanReport.pdf>

an institutionalized elderly person is being or has been abused or exploited do not result in serious bodily injury, the professional is required to report the suspicion or belief not later than 24 hours after forming the suspicion or belief.

The bill amends section 11 of P.L.1977, c.239 (C.52:27G-11) to require the administrator of a facility offering health or health related services for the institutionalized elderly to annually provide all caretakers, social workers, physicians, registered or licensed practical nurses, other professionals, and other staff employed at the facility with a notice explaining the requirements of current law concerning the reporting of suspected abuse or exploitation of an institutionalized elderly person, and require, as a condition of employment, that the professional acknowledge in writing receipt of the notice. The bill requires this signed acknowledgement to be retained in the employee's personnel file.

The bill also amends that section of law to require that notices currently provided by the Office of the Ombudsperson for the Institutionalized Elderly to facilities for distributions to patients, clients, residents, and their guardians and families, which set forth the name, contact information, and a brief description of the function of the office and the procedures to be followed when filing a complaint, are to be provided in English and in Spanish and are to indicate the option to call 9-1-1. The bill requires facilities, rather than the office, to inform patients, residents or clients, their guardians, resident representatives, or their families of their rights and entitlements under State and federal law in a format and language that the recipient understands. The bill eliminates a requirement that the information also be provided through group meetings.

The bill amends section 7 of P.L.1977, c.239 (C.52:27G-7) to require the Office of the Ombudsperson for the Institutionalized Elderly to establish a system to receive complaints 24 hours per day, seven days per week, whether or not live staff are available to receive the complaint. The bill clarifies the office's responsibilities to report to other governmental authorities, such that the office must report findings related to a violation of a resident's rights, and must make reports pursuant to applicable federal law and regulations.

The bill is scheduled to take effect on the 60th day after enactment.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that this bill may result in increased annual administrative expenditures to the Office of the Ombudsman for the Institutionalized Elderly if the bill causes a significant increase in the volume of reports of suspected abuse of the institutionalized elderly. The office may also incur one-time costs for possible modifications to its telecommunication systems. The total costs for these changes cannot be quantified by the OLS, but are likely to be minimal.

in both English and Spanish and shall indicate the option to call 9-1-1; and

- Facilities inform patients, residents or clients, their guardians, resident representatives, or their families, of their rights and entitlements under State and Federal laws and rules and regulations in a format and language that the recipient understands, by means of the distribution of educational materials. The current requirement to hold group meetings is eliminated.
- The administrator of a facility shall annually provide all caretakers, social workers, physicians, registered or licensed practical nurses, other professionals, and other staff employed at the facility with a notice explaining the requirements in the bill concerning the reporting of suspected abuse or exploitation of an institutionalized elderly person, and require, as a condition of employment at the facility, that the professional acknowledge in writing receipt of the notice, which acknowledgement will be retained in the employee's personnel file.

The bill also requires the Office of the Ombudsman to establish a system to receive complaints 24 hours per day, seven days per week, whether or not live staff are available to receive the complaint. The bill clarifies the office's responsibilities to report to other governmental authorities, such that the office must report findings related to a violation of a resident's rights, and must make reports pursuant to applicable federal law and regulations.

The committee amended the bill to:

- require the Office of the Ombudsman to establish a 24-hour complaints reporting system;
- clarify the office's responsibilities to report to other governmental authorities, such that the office must report findings related to a violation of a resident's rights, and must make reports pursuant to applicable federal law and regulations;
- apply reporting requirements to other non-professional staff and representatives of managed care entities, in addition to the professionals already covered by the requirements;
- make reporting by individuals who are not professionals, staff, or managed care representatives permissive rather than mandatory;
- change the required reporting timeframes from immediate reporting to two hours in the case of a serious bodily injury or 24 hours otherwise;
- require the written educational materials prepared by the office to indicate the option to call 9-1-1, rather than include the phone number for local law enforcement; and

- require the facility (rather than the office) to inform residents and others of their rights, in a format and language that the recipient understands, by means of the distribution of the written materials prepared by the office.

The bill requires the Office of the Ombudsman to establish a system to receive complaints 24 hours per day, seven days per week, regardless of whether live staff members are available to receive the complaint. The bill clarifies the office's responsibilities to report to other governmental authorities, such that the office is to make appropriate referrals to other government agencies pursuant to applicable federal laws and regulations.

The bill requires that notices currently provided by the office to facilities for distribution to patients, clients, residents, and their guardians and families, which set forth the name, contact information, and a brief description of the function of the office and the procedures to be followed when filing a complaint, are to be provided in English and Spanish and are to indicate the option to call 9-1-1. As amended, the bill requires facilities, rather than the office, to inform patients, clients, residents, and their guardians, families, and patient representatives, of their rights and entitlements under State and federal law. This information is to be provided in a format and language that the recipient understands using the notices developed by the office. The bill eliminates a requirement that the information also be provided through the use of group meetings.

The bill revises language concerning the maintenance of a toll free telephone line by office in conjunction with the Division on Aging, to provide that the telephone line is to be maintained in conjunction with another appropriate State agency.

The bill requires facility administrators to annually provide all caretakers, social workers, physicians, registered or licensed professional nurses, and other staff and professionals employed at the facility with a notice explaining the requirement to report incidents of abuse or exploitation of an institutionalized elderly person. The employee is to provide written acknowledgement of receipt of this notice, which is to be retained in the employee's personnel file.

As amended by the committee, this bill is identical to Assembly Bill No. 936 (1R), which the committee also reported on this date with amendments.

COMMITTEE AMENDMENTS:

The committee amendments provide that facility employees are only required to report suspected abuse or exploitation to a local law enforcement agency if the employee suspects or believes that the elderly person is or has been the victim of a crime. If the employee reports an incident of suspected abuse or exploitation to a local law enforcement agency, the employee is to additionally report the incident to the health administrator of the facility.

The committee amendments revise the civil penalties that may be imposed for failure to report suspect abuse or exploitation of an elderly person from the individual to the facility; as amended, a

civil penalty of \$500 may be imposed against the individual and \$2,500 may be imposed against the facility employing the individual.

The committee amendments make technical changes to the bill to address grammatical issues and update and clarify the language used in various provisions.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that this bill may result in increased annual administrative expenditures to the Office of the Ombudsman for the Institutionalized Elderly if the bill causes a significant increase in the volume of reports of suspected abuse of the institutionalized elderly. The office may also incur one-time costs for possible modifications to its telecommunication systems. The total costs for these changes cannot be quantified by the OLS, but are likely to be minimal.

In addition, the OLS projects that the bill may increase annual State and county expenditures to the extent that State- and county-owned facilities would be required to pay the new \$2,500 fine for each instance in which an employee of that facility fails to report the suspected abuse or exploitation of an institutionalized elderly person, as required by the bill, to the Office of the Ombudsman for the Institutionalized Elderly and, if applicable, the local law enforcement agency and the health administrator of the facility.

1 AN ACT concerning the Ombudsman for the Institutionalized
2 Elderly and amending P.L.1977, c.239 and P.L.1983, c.43.

3

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

6

7 1. Section 2 of P.L.1983, c.43 (C.52:27G-7.1) is amended to
8 read as follows:

9 2. a. Any caretaker, social worker, physician, registered or
10 licensed practical nurse, or other professional, who, as a result of
11 information obtained in the course of his employment, has
12 reasonable cause to suspect or believe that an institutionalized
13 elderly person is being or has been abused or exploited, shall report
14 such information **[in a timely manner]** immediately to the local law
15 enforcement agency and to the ombudsman or to the person
16 designated by him to receive such report.

17 b. Such report shall contain the name and address of the elderly
18 person, information regarding the nature of the suspected abuse or
19 exploitation and any other information which might be helpful in an
20 investigation of the case and the protection of such elderly person.

21 c. Any other person having reasonable cause to suspect or
22 believe that an elderly person is being or has been abused or
23 exploited **[may]** shall report such information immediately to the
24 local law enforcement agency and the ombudsman or to the person
25 designated by him to receive such report.

26 d. The name of any person who reports suspected abuse or
27 exploitation pursuant to this act shall not be disclosed, unless the
28 person who reported the abuse or exploitation specifically requests
29 such disclosure or a judicial proceeding results from such report.

30 e. Any person who reports suspected abuse or exploitation
31 pursuant to this act or who testifies in any administrative or judicial
32 proceeding arising from such report or testimony shall have
33 immunity from any civil or criminal liability on account of such
34 report or testimony, unless such person has acted in bad faith or
35 with malicious purpose.

36 f. Any person required to report suspected abuse or
37 exploitation pursuant to this act who fails to make such report shall
38 be fined not more than \$5,000.00. Such penalty shall be collected
39 and enforced by summary proceedings pursuant to **[**"the penalty
40 enforcement law" (N.J.S. 2A:58-1 et seq.)**]** the "Penalty
41 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
42 Each violation of this act shall constitute a separate offense.

43 g. No provision of this act shall be deemed to require the
44 disclosure of, or penalize the failure to disclose, any information
45 which would be privileged pursuant to the provisions of sections 18

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 through 23 inclusive of P.L. 1960, c. 52 (C. 2A:84A-18 through
2 2A:84A-23).

3 h. When a person has been penalized under this section, a letter
4 making note of the penalty shall immediately be sent by the court to
5 the licensing authority or the professional board, if any, having
6 jurisdiction over the person who has been penalized.

7 i. The office may bring suit in a court of competent
8 jurisdiction to enforce any of the powers enumerated in this section.
9 (cf: P.L.1987, c.104, s.2)

10

11 2. Section 11 of P.L.1977, c.239 (C.52:27G-11) is amended to
12 read as follows:

13 11. a. Any correspondence or written communication from any
14 patient, resident or client of a facility to the office shall, if delivered
15 to or received by the facility, be promptly forwarded, unopened, by
16 the facility to the office. Any correspondence or written
17 communication from the office to any patient, resident or client of a
18 facility shall, if delivered to or received by the facility, be promptly
19 forwarded, unopened, by the facility to such patient, resident, or
20 client.

21 b. The office shall prepare and distribute to each facility
22 written notices, in English and Spanish, which set forth the address
23 and telephone number of the office, a brief explanation of the
24 function of the office, the procedure to follow in filing a complaint
25 and other pertinent information. The notice shall also include the
26 phone number of the local law enforcement agency.

27 The administrator of each facility shall ensure that such written
28 notice is given to every patient, resident or client or his guardian
29 upon admission to the facility and to every person already in
30 residence or his guardian. The administrator shall also post such
31 written notice in a conspicuous, public place in the facility in the
32 number and manner set forth in the guidelines adopted by the
33 office.

34 c. The office shall inform patients, residents or clients, their
35 guardians or their families, of their rights and entitlements under
36 State and Federal laws and rules and regulations by means of the
37 distribution of educational materials and group meetings.

38 d. The office shall facilitate the filing of complaints with the
39 office concerning matters within the authority of the office. The
40 measures taken in connection therewith shall include, but need not
41 be limited to, maintenance of a toll-free telephone, either by the
42 office or in conjunction with the **【Division on Aging】** Department
43 of Health and Senior Services, at least during regular working hours
44 of the office for the filing of complaints.

45 e. The administrator of each facility shall annually provide all
46 caretakers, social workers, physicians, registered or licensed
47 practical nurses, or other professionals employed at the facility with
48 a notice explaining the requirements of section 2 of P.L.1983, c.43

1 (C.52:27G-7.1) concerning the reporting of suspected abuse or
2 exploitation of an institutionalized elderly person, and require, as a
3 condition of employment at the facility, that the professional
4 acknowledge in writing receipt of the notice. The signed
5 acknowledgement shall be retained in the employee's personnel
6 file.

7 (cf: P.L.1977, c.239, s.11)

8
9 3. This act shall take effect on the 60th day following
10 enactment.

11

12

13

STATEMENT

14

15 This bill, designated as "Peggy's Law," amends P.L.1977, c.239
16 (C.52:27G-1 et seq.), which establishes the Ombudsman for the
17 Institutionalized Elderly, to require that any caretaker, social
18 worker, physician, registered or licensed practical nurse, or other
19 professional, who, as a result of information obtained in the course
20 of his employment, has reasonable cause to suspect or believe that
21 an institutionalized elderly person is being or has been abused or
22 exploited, shall immediately report this information to the local law
23 enforcement agency, as well as to the ombudsman. The law
24 currently provides that these professionals shall report this
25 information, in a timely manner, to the ombudsman.

26 Similarly, the bill mandates that any other person who has
27 reasonable cause to suspect or believe that an elderly person is
28 being or has been abused or exploited shall immediately report such
29 information to the local law enforcement agency and the
30 ombudsman. The law currently provides that other persons may
31 report this information to the ombudsman.

32 Also, in order to ensure that residents or patients and their family
33 members, as well as employees of facilities for the institutionalized
34 elderly, are aware of the reporting requirements of the law, the bill
35 requires that:

36 • Notices provided by the ombudsman that include information
37 about the procedure to follow in filing a complaint and other
38 pertinent information, which are posted in the facility and
39 given to patients and their family members, shall be prepared
40 in both English and Spanish and shall include the phone
41 number of the local law enforcement agency; and

42 • The administrator of a facility shall annually provide all
43 caretakers, social workers, physicians, registered or licensed
44 practical nurses, or other professionals employed at the facility
45 with a notice explaining the requirements in the bill
46 concerning the reporting of suspected abuse or exploitation of
47 an institutionalized elderly person, and require, as a condition
48 of employment at the facility, that the professional

S1219 HOLZAPFEL, ALLEN

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1 acknowledge in writing receipt of the notice, which
2 acknowledgement will be retained in the employee's personnel
3 file.

4 The bill has a delayed effective date of 60 days following
5 enactment in order to provide the ombudsman with sufficient time
6 to prepare and distribute the required notices.

1 professional conduct, it shall refer the matter, as appropriate, to the
 2 Attorney General, county prosecutor, or any other law enforcement
 3 official that has jurisdiction to prosecute the crime, or to the
 4 professional licensing board concerned.

5 f. The government agency, prosecuting agency ^{2,2} or
 6 professional licensing board, as the case may be in this section,
 7 shall report to the office on its findings and actions with respect to
 8 all such referrals within 30 days after receipt thereof and every 30
 9 days thereafter until final action on each such referral. The office
 10 shall monitor all such referrals and responses and maintain a record
 11 thereof. The office shall be authorized to make disclosure of such
 12 information as appropriate and as may be necessary to resolve the
 13 matter referred.

14 g. In the event that the complaint of a patient, resident ^{2,2} or
 15 client or class of patients, residents ^{2,2} or clients of a facility or
 16 facilities cannot be resolved satisfactorily through negotiation with
 17 the facility or the appropriate government agency or that an act,
 18 practice, policy ^{2,2} or procedure of a facility or government agency
 19 does or may adversely affect the health, safety, welfare ^{2,2} or civil
 20 or human rights of a patient ^{2,2} resident ^{2,2} or client or class of
 21 patients, residents ^{2,2} or clients of a facility or facilities the office
 22 may recommend to the appropriate authorities civil litigation on
 23 behalf of such patient, resident ^{2,2} or client or class of patients,
 24 residents ^{2,2} or clients as it deems appropriate. The office may
 25 institute actions for injunctive relief or civil damages.¹

26 (cf: P.L.1977, c.239, s.7)

27

28 ¹[1.] 2.¹ Section 2 of P.L.1983, c.43 (C.52:27G-7.1) is
 29 amended to read as follows:

30 2. a. Any caretaker, social worker, physician, registered or
 31 licensed practical nurse, ¹[or] ²or² other professional ²[, ¹other]
 32 or² staff member ²[, or] employed at a facility, and any²
 33 representative of a managed care entity¹ ^{2,2} who, as a result of
 34 information obtained in the course of ²[his] that individual's²
 35 employment, has reasonable cause to suspect or believe that an
 36 institutionalized elderly person is being or has been abused or
 37 exploited, shall report such information [in a timely manner]
 38 ¹[immediately]¹ ²[to the local law enforcement agency and]² to
 39 the ombudsman or to the person designated by ²[him] the
 40 ombudsman² to receive such report. ²If an individual reporting
 41 suspected abuse or exploitation pursuant to this subsection has
 42 reasonable cause to suspect or believe that the institutionalized
 43 elderly person is or has been the victim of a crime, the individual
 44 shall additionally report such information to the local law
 45 enforcement agency and to the health administrator of the facility.²

1 ¹(1) If the events that cause the suspicion or belief result in
2 serious bodily injury, the ²**[professional]** individual² shall report
3 the suspicion or belief immediately, but not later than two hours
4 after forming the suspicion or belief.

5 (2) If the events that cause the suspicion or belief do not result
6 in serious bodily injury, the ²**[professional]** individual² shall report
7 the suspicion or belief immediately, but not later than 24 hours after
8 forming the suspicion or belief.¹

9 b. Such report shall contain the name and address of the elderly
10 person, information regarding the nature of the suspected abuse or
11 exploitation and any other information which might be helpful in an
12 investigation of the case and the protection of such elderly person.

13 c. Any other person having reasonable cause to suspect or
14 believe that an elderly person is being or has been abused or
15 exploited **[may]** ¹**[shall]** may¹ report such information
16 ¹**[immediately]**¹ to the local law enforcement agency and ²to² the
17 ombudsman or ²**[to]**² the person designated by ²**[him]** the
18 ombudsman² to receive such report.

19 d. The name of any person who reports suspected abuse or
20 exploitation pursuant to this act shall not be disclosed, unless the
21 person who reported the abuse or exploitation specifically requests
22 such disclosure or a judicial proceeding results from such report.

23 e. Any person who reports suspected abuse or exploitation
24 pursuant to this act or who testifies in any administrative or judicial
25 proceeding arising from such report or testimony shall have
26 immunity from any civil or criminal liability on account of such
27 report or testimony, unless such person has acted in bad faith or
28 with malicious purpose.

29 f. Any person required to report suspected abuse or
30 exploitation pursuant to this act who fails to make such report shall
31 be fined not more than ²**[\$5,000.00]** \$500, and the facility
32 employing the individual shall be fined not more than \$2,500².
33 Such penalty shall be collected and enforced by summary
34 proceedings pursuant to **[**"the penalty enforcement law"
35 (N.J.S.2A:58-1 et seq.)**]** the "Penalty Enforcement Law of 1999,"
36 P.L.1999, c.274 (C.2A:58-10 et seq.). Each violation of this act
37 shall constitute a separate offense.

38 g. No provision of this act shall be deemed to require the
39 disclosure of, or penalize the failure to disclose, any information
40 which would be privileged pursuant to the provisions of sections 18
41 through 23 inclusive of P.L. 1960, c. 52 (C. 2A:84A-18 through
42 2A:84A-23).

43 h. When a person has been penalized under this section, a letter
44 making note of the penalty shall immediately be sent by the court to
45 the licensing authority or the professional board, if any, having
46 jurisdiction over the person who has been penalized.

1 i. The office may bring suit in a court of competent
2 jurisdiction to enforce any of the powers enumerated in this section.
3 (cf: P.L.1987, c.104, s.2)

4
5 ¹~~2.~~ ^{3.} Section 11 of P.L.1977, c.239 (C.52:27G-11) is
6 amended to read as follows:

7 11. a. Any correspondence or written communication from any
8 patient, resident ²₂ or client of a facility to the office shall, if
9 delivered to or received by the facility, be promptly forwarded,
10 unopened, by the facility to the office. Any correspondence or
11 written communication from the office to any patient, resident ²₂
12 or client of a facility shall, if delivered to or received by the facility,
13 be promptly forwarded, unopened, by the facility to such patient,
14 resident, or client.

15 b. The office shall prepare and distribute to each facility
16 written notices, in English and Spanish, which set forth the address
17 and telephone number of the office, a brief explanation of the
18 function of the office, the procedure to follow in filing a complaint
19 ²₂ and other pertinent information. The notice shall also ¹~~include~~
20 the phone number of the local law enforcement agency ~~indicate the~~
21 option to call 9-1-1 ¹.

22 The administrator of each facility shall ensure that such written
23 notice is given to every patient, resident ¹₁ or client or ²~~his~~ the
24 patient's, resident's, or client's ² guardian upon admission to the
25 facility and to every person already in residence or ²~~his~~ the
26 person's ² guardian. The administrator shall also post such written
27 notice in a conspicuous, public place in the facility in the number
28 and manner set forth in the guidelines adopted by the office.

29 c. The ¹~~office~~ facility ¹ shall inform patients, residents ²₂ or
30 clients, ²and ² their guardians ¹, resident representatives, ¹ or
31 ²~~their~~ ² families, of their rights and entitlements under State and
32 ²~~Federal~~ federal ² laws and rules and regulations ¹in a format and
33 language that the recipient understands, ¹ by means of the
34 distribution of educational materials ¹~~and group meetings~~ ²~~,~~ set
35 forth ² as provided ² in subsection b. of this section ¹.

36 d. The office shall facilitate the filing of complaints with the
37 office concerning matters within the authority of the office. The
38 measures taken in connection therewith shall include, but need not
39 be limited to, maintenance of a toll-free telephone, either by the
40 office or in conjunction with ¹~~the~~ ~~Division on Aging~~
41 Department of Health and Senior Services ²~~another~~ ²~~relevant~~
42 appropriate ² State agency ¹, at least during regular working hours of
43 the office for the filing of complaints.

44 e. The administrator of each facility shall annually provide all
45 caretakers, social workers, physicians, registered or licensed
46 practical nurses, ¹~~or~~ ¹ ²and ² other professionals ²~~,~~ ² and

1 ²**[other]**² staff¹ ²members² employed at the facility with a notice
2 explaining the requirements of section 2 of P.L.1983, c.43
3 (C.52:27G-7.1) concerning the reporting of suspected abuse or
4 exploitation of an institutionalized elderly person, and require, as a
5 condition of employment at the facility, that the ²**[professional]**
6 employee² acknowledge in writing receipt of the notice. The signed
7 acknowledgement shall be retained in the employee's personnel
8 file.

9 (cf: P.L.1977, c.239, s.11)

10

11 ¹**[3.]** 4.¹ This act shall take effect on the 60th day following
12 enactment.

13

14

15

16

17 _____
18 Requires reporting of suspected abuse of institutionalized elderly
19 to police and that facility employees receive notice of reporting
requirement annually; designated as "Peggy's Law."

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Peggy's Law enacted to better protect elderly nursing home residents," NJ Spotlight, August 8, 2017

RWH/JA