

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26:2H-14.4 (Nursing homes and residential health care facilities--maintain certain temperature)

LAWS OF: 1989 **CHAPTER:** 173

Bill No: S2866

Sponsor(s): Paterniti

Date Introduced: September 19, 1988

Committee: Assembly: -----

Senate: Institutions, Health and Welfare

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly: August 14, 1989

Senate: June 22, 1989

Date of Approval: August 17, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

[FIRST REPRINT]

SENATE, No. 2866

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1988

By Senator PATERNITI

2 AN ACT concerning nursing homes and residential health care
facilities and amending and supplementing P.L.1984, c.114.

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

6 1. Section 3 of P.L.1984, c.114 (C.26:2H-14.3) is amended to
read as follows:

8 3. The Commissioner of Health shall, pursuant to the
provisions of the "Administrative Procedure Act," P.L.1968,
10 c.410 (C.52:14B-1 et seq.) adopt rules and regulations necessary
to effectuate the purposes of this act. The regulations shall
12 ¹[include provisions which are: a. intended to assure that]
require that:

14 a.¹ each health care facility included within the provisions of
this act and which is not equipped with air conditioning ¹on the
16 effective date of P.L., c. ... (C.) (now pending before the
Legislature as this bill),¹ shall provide for ¹and operate¹
18 adequate ventilation in all areas used by patients ¹or residents¹,
including¹, but not limited to,¹ the use of ceiling fans, wall fans
20 or portable fans, where appropriate, so that the temperature in
these areas does not exceed ¹[78] 82¹ degrees Fahrenheit, but the
22 health care facility shall not directly assess patients or residents
for the purchase or installation of the fans ¹or other ventilating
24 equipment.

26 The regulations shall also provide that within two years after
the effective date of P.L., c. ... (C.) (now pending before
28 the Legislature as this bill), every nursing home included within
the provisions of this act, and every residential health care
30 facility as specified in this paragraph, shall be equipped with air
conditioning, except that the commissioner may grant a nursing
home or residential health care facility a waiver from the air

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:

¹ Senate SIH committee amendments adopted February 23, 1989.

2 conditioning requirement to give the nursing home or residential
3 health care facility one additional year to comply with the air
4 conditioning requirement, for which waiver the nursing home or
5 residential health care facility shall apply on a form and in a
6 manner prescribed by the commissioner, if the nursing home or
7 residential health care facility can demonstrate to the
8 satisfaction of the commissioner that the failure to grant such a
9 waiver would pose a serious financial hardship to the nursing
10 home or residential health care facility. The air conditioning
11 shall be operated so that the temperature in all areas used by
12 patients or residents does not exceed 82 degrees Fahrenheit. The
13 air conditioning requirement established in this subsection shall
14 apply to a residential health care facility only: (1) upon
15 enactment into law of legislation that increases the rate of
16 reimbursement provided by the State under the Supplemental
17 Security Income program, P.L.1973, c.256 (C.44:7-85 et seq.),
18 which rate is certified by the Commissioner of Health to be
19 sufficient to enable the facility to meet the costs of complying
20 with the requirement; and (2) if the facility qualifies for funds for
21 energy efficiency rehabilitation through the "Petroleum
22 Overcharge Reimbursement Fund," established pursuant to
23 P.L.1987, c.231, which funds can be applied towards equipping the
24 facility with air conditioning. A nursing home or residential
25 health care facility shall not directly assess patients or residents
26 for the purchase or installation of the air conditioning
equipment¹; and

27 b. ¹[intended to assure that]¹ patients or residents ¹[are
28 provided the appropriate medical care] are identified by
29 predisposition, due to illness, medication or otherwise, to
30 heat-related illness and that during a heat emergency, their body
31 temperature, dehydration status and other symptoms of
32 heat-related illness are monitored frequently and regularly, any
33 anomalies are promptly reported to the attending physician, and
34 any necessary therapeutic or palliative measures are instituted¹,
35 including the provision of liquids, where required¹[, in a heat
36 emergency]¹.

(cf: P.L.1984, c.114, s.3)

37 2. (New section) A nursing home or residential health care
38 facility included within the provisions of P.L.1984, c.114

2 (C.26:2H-14.1 et seq.) which is constructed or expanded after the
effective date of ¹[this act] P.L., c. ... (C.) (now pending
4 before the Legislature as this bill)¹ shall be equipped with air
conditioning in all areas used by patients ¹or residents and the air
6 conditioning shall be operated so that the temperature in these
areas does not exceed 82 degrees Fahrenheit¹.

3. This act shall take effect immediately.

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HEALTH

Health Care Facilities and Providers

12

14

Requires nursing homes and residential health care facilities to
maintain certain temperatures.

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STATEMENT

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This bill requires that nursing homes and residential health care facilities maintain areas used by patients at temperatures not exceeding 78 degrees Fahrenheit.

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All newly constructed or expanded nursing homes and residential care facilities shall equip areas used by patients with air conditioning.

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HEALTH

Health Care Facilities and Providers

13

15

Requires nursing homes and residential health care facilities to maintain certain temperatures.

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

SENATE, No. 2866

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1989

The Senate Institutions, Health and Welfare Committee favorably reports Senate Bill No. 2866 with committee amendments.

As amended by committee, this bill requires that nursing homes and residential health care facilities (RHCFs) that are not equipped with air conditioning provide adequate ventilation in all areas used by patients, through the use of fans or other ventilation equipment, so that the temperature in these areas does not exceed 82 degrees Fahrenheit. The bill further requires that all nursing homes and only those residential health care facilities which qualify for energy efficiency rehabilitation funds through the "Petroleum Overcharge Reimbursement Fund," (established pursuant to P.L.1987, c.231), which do not have air conditioning on the effective date of the bill, shall be required to install air conditioning within two years. The bill further provides that a RHCF will not have to comply with the air conditioning requirement until legislation is enacted into law which provides for an increase in the State supplement in the Supplemental Security Income program (for RHCF residents) that is certified by the Commissioner of Health as sufficient to enable the facility to meet the costs of complying with the requirement. The facilities are prohibited from directly assessing patients or residents for the cost of the purchase or installation of the ventilating and air conditioning equipment.

The bill also requires that the facilities identify all patients or residents by predisposition to heat-related illness and that during a heat emergency, the patient's or resident's health be monitored and that necessary treatment for heat-related illness be provided.

Finally, the bill requires that all nursing homes and residential health care facilities that are constructed or expanded after the effective date of the bill shall be equipped with air conditioning in all patient or resident areas and that the air conditioning be operated so that the temperature in these areas does not exceed 82 degrees Fahrenheit.

P.L.1984, c.114 (C.26:2H-14.1 et seq.), which this bill amends, currently requires that these facilities prepare a heat emergency plan and that the facilities which are not air conditioned provide for adequate ventilation in all areas used by patients. The current law does not specify a maximum temperature for patient areas and how patients or residents who are predisposed to heat-related illness should be monitored. However, the Department of Health recently adopted regulations relating to heat emergencies in these facilities, NJAC 8:39-41.3(o), which direct a facility to specify heat emergency procedures to be followed in the event that the indoor air temperature is 85 degrees Fahrenheit or higher for a continuous period of four hours or longer. The regulations, however, do not establish a maximum allowable temperature for the facilities.

The committee amended the bill to: raise the maximum allowable temperature from 78 to 82 degrees Fahrenheit; require that all nursing homes and certain residential health care facilities that are not presently equipped with air conditioning, install air conditioning within two years; provide that a facility may apply to the commissioner for a one year waiver of the air conditioning requirement if the facility can demonstrate that failure to grant such a waiver would pose a serious financial hardship to the facility; require that patients and residents be identified by predisposition to heat-related illness and that they be monitored during a heat emergency; and require that all new or expanded facilities be equipped with air conditioning, and that they maintain the air conditioning so that the temperature in patient or resident areas does not exceed 82 degrees Fahrenheit. Other amendments are technical and clarify the purposes of the bill.

As amended by committee, this bill is identical to the Assembly Committee Substitute for Assembly Bill Nos. 3648 and 3674 (Otlowski, Felice and Spadoro), which is currently pending in the General Assembly.
