

FOLLOWING WERE PRINTED:

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REPORTS: Yes

HEARINGS: Yes

974.90 New Jersey. Legislative Commission for the study of Pain Management Policy,
H434 Report...March, 1999. Trenton, 1999.
1999c (see pp. 2, 13-14)

974.90 New Jersey. Legislative Commission for the Study of Pain Management Policy.
H434 Public hearing, held 10-28-1998, North Brunswick, New Jersey, 1998
1998j

974.90 New Jersey. Legislative Commission for the Study of Pain Management Policy.
H434 Public hearing, held 6-17-1998, New Brunswick, New Jersey, 1998
1998f

974.90 New Jersey. Legislative Commission for the Study of Pain Management Policy
H434 Public hearing, held 9-16-1998, Edison, New Jersey, 1998
1998i

NEWSPAPER CLIPINGS:

"Jersey mandates better pain treatment," 7-14-2000 Star Ledger, p.38

ASSEMBLY, No. 316

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

Co-Sponsored by:

Assemblywoman Weinberg

SYNOPSIS

Requires health care facilities to monitor pain as fifth vital sign in patients.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/8/2000)

1 AN ACT concerning the monitoring of patients' pain in health care
2 facilities and supplementing Title 26 of the Revised Statutes.

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

6
7 1. a. The Commissioner of Health and Senior Services shall
8 prescribe, by regulation, requirements to be adopted by health care
9 facilities licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) for
10 the routine monitoring of pain as a fifth vital sign in patients, in
11 addition to blood pressure, pulse, respiration and temperature.

12 For the purpose of this subsection, the commissioner shall require
13 health care facilities to:

14 (1) routinely inquire whether a patient is in pain;

15 (2) provide for the use of a uniform mechanism as prescribed by
16 the commissioner for asking patients to rate their degree of pain for a
17 specified period of time and to record their responses; and

18 (3) routinely record levels of pain intensity on patient charts.

19 b. The requirements to be adopted pursuant to subsection a. of this
20 section shall take effect no later than the 180th day after the effective
21 date of this act.

22
23 2. The Commissioner of Health and Senior Services, pursuant to
24 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
25 seq.), shall adopt rules and regulations to effectuate the purposes of
26 this act, for which purpose the commissioner shall consult, at a
27 minimum, with: the State Board of Medical Examiners, the New
28 Jersey Board of Nursing, the Board of Pharmacy, the New Jersey
29 Hospital Association, the New Jersey Association of Health Care
30 Facilities, the Medical Society of New Jersey, the New Jersey
31 Association of Osteopathic Physicians and Surgeons, the New Jersey
32 State Nurses Association, the Home Health Assembly of New Jersey
33 and the New Jersey Hospice and Palliative Care Organization.

34
35 3. This act shall take effect immediately.

36
37
38 STATEMENT

39
40 This bill directs the Commissioner of Health and Senior Services to
41 adopt regulations that would require licensed health care facilities to
42 monitor pain in patients as a fifth vital sign in addition to blood pressure,
43 pulse, respiration and temperature.

44 The commissioner shall require health care facilities to:

45 C routinely inquire whether a patient is in pain;

46 C provide for the use of a uniform mechanism as prescribed by the

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3

1 commissioner for asking patients to rate their degree of pain for a
2 specified period of time and to record their responses; and
3 C routinely record levels of pain intensity on patient charts.

4 The requirements to be adopted pursuant to this bill shall take effect no
5 later than the 180th day after its effective date.

6 The purpose of this bill is to promote greater awareness of pain as a
7 patient concern among physicians, physician assistants and nurses and
8 facilitate communication between them and their patients about levels of
9 pain intensity, which will in turn help patients to learn the skills necessary
10 to communicate with these health care professionals about their pain.

11 This bill would implement one of the central recommendations of the
12 New Jersey Legislative Commission for the Study of Pain Management
13 Policy in its report to the Governor and the Legislature in March 1999.

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 316

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 2000

The Assembly Health Committee reports favorably Assembly Bill No. 316.

This bill directs the Commissioner of Health and Senior Services to adopt regulations that would require licensed health care facilities to monitor pain in patients as a fifth vital sign in addition to blood pressure, pulse, respiration and temperature.

Under the bill, the commissioner would require health care facilities to:

- C routinely inquire whether a patient is in pain;
- C provide for the use of a uniform mechanism as prescribed by the commissioner for asking patients to rate their degree of pain for a specified period of time and to record their responses; and
- C routinely record levels of pain intensity on patient charts.

The requirements to be adopted pursuant to this bill would take effect no later than the 180th day after its effective date.

The purpose of this bill is to promote greater awareness of pain as a patient concern among physicians, physician assistants and nurses and facilitate communication between them and their patients about levels of pain intensity, which will in turn help patients to learn the skills necessary to communicate with these health care professionals about their pain. The bill derives from the recommendations of the New Jersey Legislative Commission for the Study of Pain Management Policy in its report to the Governor and the Legislature in March 1999.

As reported by the committee, this bill is identical to Assembly Bill No. 2970 (1R) of 1999 (Vandervalk/Quigley) which this committee reported during the prior session, and which passed the General Assembly 78-0-2 on June 24, 1999. The bill is also identical to Senate Bill No. 1896 of 1999 (Inverso/Vitale) and Senate Bill No. 991 of 2000 (Inverso).

This bill was prefiled for introduction in the 2000-2001 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

ASSEMBLY, No. 316

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

Co-Sponsored by:

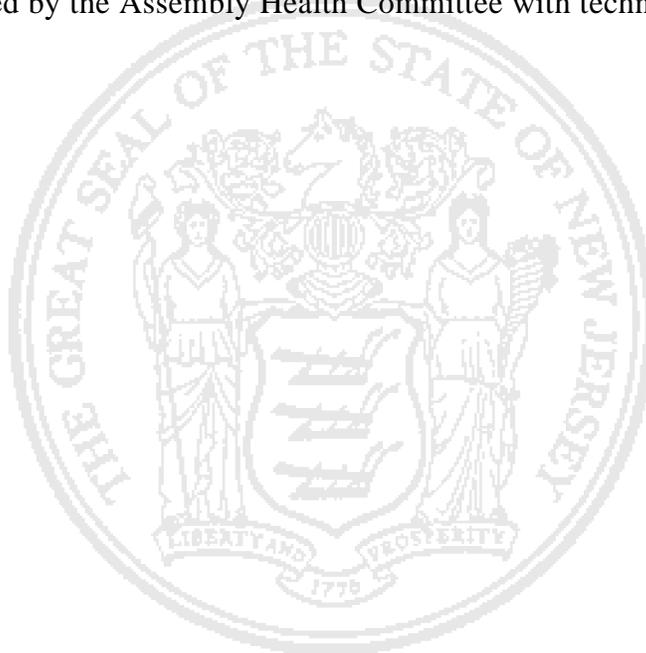
**Assemblywoman Weinberg, Assemblyman Gusciora and Assemblywoman
Previte**

SYNOPSIS

Requires health care facilities to monitor pain as fifth vital sign in patients.

CURRENT VERSION OF TEXT

As reported by the Assembly Health Committee with technical review.



(Sponsorship Updated As Of: 2/25/2000)

1 AN ACT concerning the monitoring of patients' pain in health care
2 facilities and supplementing Title 26 of the Revised Statutes.

3

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

6

7 1. a. The Commissioner of Health and Senior Services shall
8 prescribe, by regulation, requirements to be adopted by health care
9 facilities licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) for
10 the routine monitoring of pain as a fifth vital sign in patients, in
11 addition to blood pressure, pulse, respiration and temperature.

12 For the purpose of this subsection, the commissioner shall require
13 health care facilities to:

14 (1) routinely inquire whether a patient is in pain;

15 (2) provide for the use of a uniform mechanism as prescribed by
16 the commissioner for asking patients to rate their degree of pain for a
17 specified period of time and to record their responses; and

18 (3) routinely record levels of pain intensity on patient charts.

19 b. The requirements to be adopted pursuant to subsection a. of this
20 section shall take effect no later than the 180th day after the effective
21 date of this act.

22

23 2. The Commissioner of Health and Senior Services, pursuant to
24 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
25 seq.), shall adopt rules and regulations to effectuate the purposes of
26 this act, for which purpose the commissioner shall consult, at a
27 minimum, with: the State Board of Medical Examiners, the New
28 Jersey Board of Nursing, the Board of Pharmacy, the New Jersey
29 Hospital Association, the New Jersey Association of Health Care
30 Facilities, the Medical Society of New Jersey, the New Jersey
31 Association of Osteopathic Physicians and Surgeons, the New Jersey
32 State Nurses Association, the Home Health Assembly of New Jersey
33 and the New Jersey Hospice and Palliative Care Organization.

34

35 3. This act shall take effect immediately.

SENATE HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 316

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 11, 2000

The Senate Health Committee reports favorably and with committee amendments Assembly Bill No. 316.

As amended by committee, this bill directs the Commissioner of Health and Senior Services to adopt regulations that would require licensed health care facilities to monitor pain in patients as a fifth vital sign in addition to blood pressure, pulse, respiration and temperature.

Under the bill, the commissioner would require health care facilities to:

- C routinely inquire whether a patient is in pain;
- C maintain policies and procedures as prescribed by the commissioner for asking patients to rate their degree of pain for a specified period of time and to record their responses;
- C routinely record levels of pain intensity on patient charts.

The requirements to be adopted pursuant to this bill would take effect no later than the 180th day after its effective date.

The purpose of this bill is to promote greater awareness of pain as a patient concern among physicians, physician assistants and nurses and facilitate communication between them and their patients about levels of pain intensity, which will in turn help patients to learn the skills necessary to communicate with these health care professionals about their pain. The bill derives from the recommendations of the New Jersey Legislative Commission for the Study of Pain Management Policy in its report to the Governor and the Legislature in March 1999.

The committee amended the bill to require health care facilities to maintain policies and procedures as prescribed by the commissioner for asking patients to rate their degree of pain, rather than direct the Commissioner of Health and Senior Services to provide for the use of a uniform mechanism for asking patients to rate their degree of pain.

As amended, this bill is identical to Senate Bill No. 991 SCA (Inverso/Vitale), which this committee also reported favorably on this date.

[First Reprint]

ASSEMBLY, No. 316

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

Co-Sponsored by:

Assemblywoman Weinberg, Assemblyman Gusciora, Assemblywoman

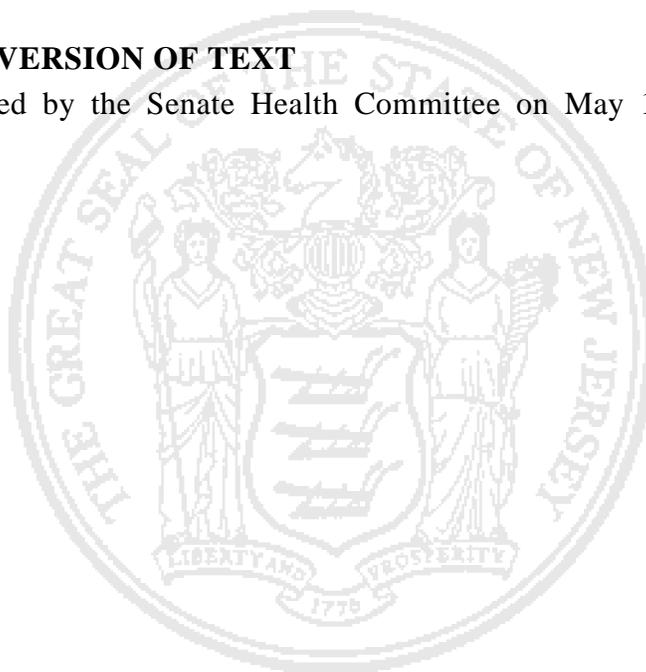
Previte, Senators Inverso and Vitale

SYNOPSIS

Requires health care facilities to monitor pain as fifth vital sign in patients.

CURRENT VERSION OF TEXT

As reported by the Senate Health Committee on May 11, 2000, with amendments.



(Sponsorship Updated As Of: 5/19/2000)

1 AN ACT concerning the monitoring of patients' pain in health care
2 facilities and supplementing Title 26 of the Revised Statutes.

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

6
7 1. a. The Commissioner of Health and Senior Services shall
8 prescribe, by regulation, requirements to be adopted by health care
9 facilities licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) for
10 the routine monitoring of pain as a fifth vital sign in patients, in
11 addition to blood pressure, pulse, respiration and temperature.

12 For the purpose of this subsection, the commissioner shall require
13 health care facilities to:

14 (1) routinely inquire whether a patient is in pain;

15 (2) ¹~~[provide for the use of a uniform mechanism]~~maintain policies
16 and procedures¹ as prescribed by the commissioner for asking patients
17 to rate their degree of pain for a specified period of time and to record
18 their responses; and

19 (3) routinely record levels of pain intensity on patient charts.

20 b. The requirements to be adopted pursuant to subsection a. of this
21 section shall take effect no later than the 180th day after the effective
22 date of this act.

23
24 2. The Commissioner of Health and Senior Services, pursuant to
25 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
26 seq.), shall adopt rules and regulations to effectuate the purposes of
27 this act, for which purpose the commissioner shall consult, at a
28 minimum, with: the State Board of Medical Examiners, the New
29 Jersey Board of Nursing, the Board of Pharmacy, the New Jersey
30 Hospital Association, the New Jersey Association of Health Care
31 Facilities, the Medical Society of New Jersey, the New Jersey
32 Association of Osteopathic Physicians and Surgeons, the New Jersey
33 State Nurses Association, the Home Health Assembly of New Jersey
34 and the New Jersey Hospice and Palliative Care Organization.

35
36 3. This act shall take effect immediately.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted May 11, 2000.

P.L. 2000, CHAPTER 62, *approved July 13, 2000*
Assembly, No. 316 (*First Reprint*)

1 **AN ACT** concerning the monitoring of patients' pain in health care
2 facilities and supplementing Title 26 of the Revised Statutes.

3

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

6

7 1. a. The Commissioner of Health and Senior Services shall
8 prescribe, by regulation, requirements to be adopted by health care
9 facilities licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) for
10 the routine monitoring of pain as a fifth vital sign in patients, in
11 addition to blood pressure, pulse, respiration and temperature.

12 For the purpose of this subsection, the commissioner shall require
13 health care facilities to:

14 (1) routinely inquire whether a patient is in pain;

15 (2) ¹[provide for the use of a uniform mechanism] maintain policies
16 and procedures¹ as prescribed by the commissioner for asking patients
17 to rate their degree of pain for a specified period of time and to record
18 their responses; and

19 (3) routinely record levels of pain intensity on patient charts.

20 b. The requirements to be adopted pursuant to subsection a. of this
21 section shall take effect no later than the 180th day after the effective
22 date of this act.

23

24 2. The Commissioner of Health and Senior Services, pursuant to
25 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
26 seq.), shall adopt rules and regulations to effectuate the purposes of
27 this act, for which purpose the commissioner shall consult, at a
28 minimum, with: the State Board of Medical Examiners, the New
29 Jersey Board of Nursing, the Board of Pharmacy, the New Jersey
30 Hospital Association, the New Jersey Association of Health Care
31 Facilities, the Medical Society of New Jersey, the New Jersey
32 Association of Osteopathic Physicians and Surgeons, the New Jersey
33 State Nurses Association, the Home Health Assembly of New Jersey
34 and the New Jersey Hospice and Palliative Care Organization.

35

36 3. This act shall take effect immediately.

37

38

39

40 Requires health care facilities to monitor pain as fifth vital sign in
41 patients.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted May 11, 2000.

CHAPTER 62

AN ACT concerning the monitoring of patients' pain in health care facilities and supplementing Title 26 of the Revised Statutes.

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

C.26:2H-5b Routine monitoring of pain as fifth vital sign required.

1. a. The Commissioner of Health and Senior Services shall prescribe, by regulation, requirements to be adopted by health care facilities licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) for the routine monitoring of pain as a fifth vital sign in patients, in addition to blood pressure, pulse, respiration and temperature.

For the purpose of this subsection, the commissioner shall require health care facilities to:

- (1) routinely inquire whether a patient is in pain;
- (2) maintain policies and procedures as prescribed by the commissioner for asking patients to rate their degree of pain for a specified period of time and to record their responses; and
- (3) routinely record levels of pain intensity on patient charts.

b. The requirements to be adopted pursuant to subsection a. of this section shall take effect no later than the 180th day after the effective date of this act.

C.26:2H-5c Rules, regulations.

2. The Commissioner of Health and Senior Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the purposes of this act, for which purpose the commissioner shall consult, at a minimum, with: the State Board of Medical Examiners, the New Jersey Board of Nursing, the Board of Pharmacy, the New Jersey Hospital Association, the New Jersey Association of Health Care Facilities, the Medical Society of New Jersey, the New Jersey Association of Osteopathic Physicians and Surgeons, the New Jersey State Nurses Association, the Home Health Assembly of New Jersey and the New Jersey Hospice and Palliative Care Organization.

3. This act shall take effect immediately.

Approved July 13, 2000.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Jayne O'Connor
609-777-2600

RELEASE: July 13, 2000

Gov. Christie Whitman signed the following legislation:

A-135, sponsored by Assembly Members Arline M. Friscia (D-Middlesex) and Neil M. Cohen (D-Union), amends motor vehicle laws to require State and local law enforcement authorities to receive proof of valid automobile insurance before releasing a motor vehicle impounded pursuant to State law. Uninsured vehicles would, therefore, remain impounded until a valid insurance policy was obtained or proof of existing insurance was presented.

A-316, sponsored by Assemblywomen Charlotte Vandervalk (R-Bergen) and Joan M. Quigley (D-Bergen/Hudson) and Senator Peter A. Inverso (R-Mercer/Middlesex), directs the Department of Health and Senior Services to develop regulations to require licensed health care facilities to monitor pain in patients as a fifth vital sign. The four traditionally accepted medical vital signs include blood pressure, pulse, respiration and temperature. The bill is based on one of the recommendations issued by the New Jersey Legislative Commission for the Study of Pain Management Policy in its report to the Governor and the Legislature in March 1999. The purpose of this bill is to promote greater awareness of pain as a patient concern among physicians, physician assistants and nurses. Additionally, the bill is intended to facilitate communication between health care professionals and their patients about levels of pain intensity.

A-317, sponsored by Assemblywomen Charlotte Vandervalk (R-Bergen) and Rose Marie Heck (R-Bergen) and Senator Peter A. Inverso (R-Mercer/Middlesex), amends the "Cancer Research Act" and broadens the mandate of the statutorily created New Jersey State Commission on Cancer Research (Commission) to encourage the development of research projects on pain management and palliative care for cancer patients. The bill is based on one of the recommendations issued by the New Jersey Legislative Commission for the Study of Pain Management Policy in its report to the Governor and the Legislature in March 1999. The Commission currently receives \$1 million annually to fund research projects on the genetic, biochemical, viral, microbiological and environmental causes of cancer. This bill would specifically authorize the Commission to fund research projects that focus on pain management and palliative care for persons diagnosed with cancer.

A-318, sponsored by Assemblywomen Charlotte Vandervalk (R-Bergen) and Joan M. Quigley (D-Bergen/Hudson) and Senator Peter A. Inverso (R-Mercer/Middlesex), continues the work of the New Jersey Legislative Commission for the Study of Pain Management Policy (Commission), which was established by the Legislature in 1997 to study and make recommendations concerning acute and chronic pain management policy issues. The Commission expired in 1999 upon submission of its recommendations to the

Governor and the Legislature. This bill would temporarily establish the New Jersey Pain Management Policy Advisory Council (Council) in the Department of Health and Senior Services for another two years, as a follow-up entity to the Commission in order to continue to study and develop further policy recommendations concerning pain management. The bill calls for the Council to submit a report of its recommendations to the Legislature and the Governor at the end of two years.

A-319, sponsored by Assembly Members Charlotte Vandervalk (R-Bergen) and Samuel D. Thompson (R-Middlesex/Monmouth) and Senator Peter A. Inverso (R-Mercer/Middlesex), intends to focus the attention of hospital and nursing home management and health care professional staff on the need to address pain management as an integral component of patient care. The bill amends the statutory "bill of rights" for hospital and nursing home patients to explicitly include the right to expect and receive appropriate assessment, management and treatment of pain. The bill is based on one of the recommendations of the New Jersey Legislative Commission for the Study of Pain Management Policy in its report to the Governor and the Legislature.

A-2179, sponsored by Assemblymen Christopher Bateman (R-Morris/Somerset) and E. Scott Garrett (R-Sussex/Hunterdon/Morris) and Senator Gerald Cardinale (R-Bergen), eliminates the requirement that a minimum of two-thirds of a savings bank's board of managers be residents of New Jersey. The residency requirement is retained for the first five years of operation of a newly formed savings bank. The bill intends to allow New Jersey State chartered savings banks greater flexibility to attract and retain the best qualified managers and to provide parity with State chartered banks and savings and loan associations, which do not have residency requirements.

A-2180, sponsored by Assemblymen Christopher Bateman (R-Morris/Somerset) and E. Scott Garrett (R-Sussex/Hunterdon/Morris) and Senator Gerald Cardinale (R-Bergen), removes the requirement that a savings bank must use the word "savings" in its name. The change will help preserve the viability of the State savings bank charter and recognizes the blurring of distinction between banks and savings banks by consumers. Federal law does not require the use of the word savings in the title of a federally chartered savings bank.

A-2263, sponsored by Assemblymen Christopher Bateman (R-Morris/Somerset) and Neil M. Cohen (D-Union) and Senator Gerald Cardinale (R-Bergen), provides for an expedited approval process for certain applications by banks, savings banks and savings and loan associations, such as for branch office applications, certificate of incorporation amendments, and other corporate approvals. The bill sets forth eligibility requirements that banks must meet to qualify for the expedited approval process. Also, the bill consolidates and clarifies parity power provisions for financial institutions to be consistent with new powers granted by the federal "Graham-Leach-Bliley Act."

A-2264, sponsored by Assemblymen Christopher Bateman (R-Morris/Somerset) and Neil M. Cohen (D-Union) and Senator Gerald Cardinale (R-Bergen), outlines procedures to be followed in the event of mergers between financial institutions and their subsidiaries, as

allowed by new federal law. The bill requires the Department of Banking and Insurance Commissioner's approval prior to a merger and requires a financial institution's governing board to adopt a plan of merger that sets forth, among other things, the terms and conditions of the proposed merger and the manner in which shares will be converted or paid.