

26:2H-12

LEGISLATIVE HISTORY CHECKLIST

HJSA 26:2H-12 (Nursing-Homes-Discharge Planning)

LAWS OF 1977 CHAPTER 250

Bill No. S262

Sponsor(s) Scardino and others

Date Introduced Pre-filed

Committee: Assembly Institutions, Health & Welfare

Senate Institutions, Health & Welfare

Amended during passage xYes No

Date of Passage: Assembly Dec. 6, 1976

Senate April 12, 1976

Date of approval October 4, 1977

Following statements are attached if available:

Sponsor statement xYes No

Committee Statement: Assembly xYes No

Senate Yes xNo

Fiscal Note Yes xNo

Veto Message xYes No

Message on signing xYes No

Following were printed:

Reports xYes No

Hearings xYes No

For Background See:
974,90 Nursing Home Study Commission.
H434 Public Hearing on Personal
1975e care facilities for the elderly in
New Jersey. Held April 16, 1975
(Over)

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974.90
H434
1976

Nursing Home Study Commission.
Interim Report. March, 1976
(See pp. 16-17)

SENATE, No. 262

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senators SCARDINO, HIRKALA, HAGEDORN,
LIPMAN and MENZA

AN ACT to amend the "Health Care Facilities Planning Act,"
approved May 10, 1971 (P. L. 1971, c. 136).

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

1 1. Section 12 of P. L. 1971, c. 136 (C. 26:2H-12) is amended to
2 read as follows:

3 12. a. No health care facility shall be operated unless it shall:
4 (1) possess a valid license issued pursuant to this act, which license
5 shall specify the kind or kinds of health care services the facility
6 is authorized to provide; (2) establish and maintain a uniform
7 system of cost accounting approved by the commissioner; (3)
8 establish and maintain a uniform system of reports and audits
9 meeting the requirements of the commissioner; **[and]** (4) pre-
10 pare and review annually a long range plan for the provision of
11 health care services, which plan shall be compatible with the State
12 Health Plan established pursuant to the "Comprehensive Health
13 Planning and Public Health Services Amendments of 1966"
14 (Federal Law 89-749) as related to medical health services, health
15 care services, and health manpower; *and (5) in the case of skilled*
16 *and intermediate care nursing facilities, establish and maintain a*
17 *centralized, coordinated system of discharge planning which*
18 *assures every patient a planned program of continuing care and*
19 *which meets the requirements of the commissioner which re-*
20 *quirements shall, where feasible, equal or exceed those standards*
21 *and regulations established by the Federal Government for all*
22 *federally-funded nursing facilities but shall not require any person*
23 *who is not in receipt of State or Federal assistance to be discharged*
24 *from a skilled or intermediate care nursing facility against his*
25 *will.*

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

26 b. (1) Application for a license for a health care facility shall
27 be made upon forms prescribed by the department. The department
28 shall charge such nonrefundable fees, not less than \$50.00 and
29 not more than \$250.00 for the filing of an application for a license
30 and any renewal thereof, as it shall from time to time fix in rules
31 or regulations. The application shall contain the name of the
32 health care facility, the kind or kinds of health care service to
33 be provided, the location and physical description of the institution,
34 and such other information as the department may require. (2) A
35 license shall be issued by the department upon its findings that the
36 premises, equipment, personnel, including principals and manage-
37 ment, finances, rules and bylaws, and standards of health care
38 service are fit and adequate and there is reasonable assurance the
39 health care facility will be operated in the manner required by this
40 act and rules and regulations thereunder.

41 c. A license issued before the effective date of this act to a
42 health care facility for its operation, upon the first renewal date
43 thereafter, may be extended for a 1-year period of time, provided
44 the facility then meets the requirements for licensure at the time
45 said license was issued and submits an acceptable plan to meet
46 current requirements at the end of said period of time.

1 2. This act shall take effect immediately.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
SENATE, No. 262

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STATE OF NEW JERSEY

DATED: MARCH 29, 1976

This bill requires nursing homes to develop centralized, coordinated systems of planning for the continuing care of patients who are discharged. Since the Federal Government already requires this kind of planning for Medicaid and Medicare recipients, the Commissioner of Health would be required to develop standards for discharge planning in nursing homes which equal or exceed those standards and regulations established at the Federal level. The bill contains a clause protecting the right of private patients to remain in a nursing home even if they no longer need the level of care that a nursing home provides.

OCTOBER 4, 1977

ANNE BURNS

Governor Brendan Byrne today signed two bills at a public ceremony held at the County Administration Building in Hackensack.

S-262, provides that a skilled or intermediate care nursing facility cannot operate unless it establishes and maintains a centralized, coordinated planned program of discharge planning which assures every patient a planned program of continuing care.

The bill requires the Commissioner of Health to set requirements equal to or exceeding those established by the Federal Government for all federally-funded nursing facilities.

The bill also prohibits the Commissioner from setting regulations which would require persons who do not qualify for State or Federal aid to be discharged from these facilities against their will.

S-1219, will allow owners of private long-term health care facilities and licensed professionals employed there to live on the third floor of the facility.

The bill defines a private long-term health care facility as a nursing home, skilled nursing home or intermediate care facility which has a maximum 50-bed capacity and does not accommodate Medicaid or Medicare patients.

This legislation will assist the patients by having additional professionals available at all times to assist in any emergency at the facility.

Both bills were sponsored by Senator Anthony Scardino (D-Bergen).
