

26:2H-2 + 26:2H-5

LEGISLATIVE HISTORY CHECKLIST

NJSA 26:2H-2 and 26:2H-5

Laws of 1977 Chapter 251 (Nursing Homes--allow owner or professional staff member to reside there).
BILL No. S1219

Sponsor(s) Scardino

Date Introduced February 23, 1978

Committee: Assembly Institutions, Health & Welfare

Senate Institutions, Health & Welfare

Amended during passage Yes ~~XXX~~ Amendments during passage denoted by asterisks

Date of passage: Assembly Feb. 1, 1977; Re'enacted June 20, 1977

Senate May 3, 1976; Re'enacted June 20, 1977

Date of approval October 4, 1977

Following statements are attached if available:

Sponsor statement ~~XXX~~ No

Committee Statement: Assembly Yes ~~XXX~~

Senate Yes ~~XXX~~

Fiscal Note ~~XXX~~ No

Veto message Yes ~~XXX~~

Message on signing ~~XXX~~ No

Following were printed:

Reports ~~XXX~~ No

Hearings ~~XXX~~ No

Checked card catalog under:

N.J.--Health facilities

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SENATE, No. 1219

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1976

By Senator SCARDINO

Referred to Committee on Institutions, Health and Welfare

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

3 2. The following words or phrases, as used in this act, shall
4 have the following meanings, unless the context otherwise requires:

5 a. "Health care facility" means the facility or institution
6 whether public or private, engaged principally in providing services
7 for health maintenance organizations, diagnosis or treatment of
8 human disease, pain, injury, deformity or physical condition, in-
9 cluding, but not limited to, a general hospital, special hospital,
10 mental hospital, public health center, diagnostic center, treatment
11 center, rehabilitation center, extended care facility, skilled nursing
12 home, nursing home, intermediate care facility, tuberculosis hos-
13 pital, chronic disease hospital, maternity hospital, outpatient clinic,
14 dispensary, home health care agency, boarding home or other
15 home for the sheltered care of adult persons and bioanalytical
16 laboratory or central services facility serving one or more such
17 institutions but excluding institutions that provide healing solely
18 by prayer.

19 b. "Health care service" means the preadmission, outpatient,
20 inpatient and post-discharge care provided in or by a health care
21 facility, and such other items or services as are necessary for such
22 care, which are provided by or under the supervision of a physician
23 for the purpose of health maintenance organizations, diagnosis or
24 treatment of human disease, pain, injury, disability, deformity or

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

25 physical condition, including, but not limited to, nursing service,
 26 home care nursing and other paramedical service, ambulance ser-
 27 vice, service provided by an intern, resident in training or physician
 28 whose compensation is provided through agreement with a health
 29 care facility, laboratory service, medical social service, drugs, bio-
 30 logicals, supplies, appliances, equipment, bed and board, but exclud-
 31 ing services provided by a physician in his private practice or by
 32 practitioners of healing solely by prayer, and services provided
 33 by volunteer first aid, rescue and ambulance squads as defined in
 34 the "New Jersey Highway Safety Act of 1971," P. L. 1971, c. 351.

35 c. "Construction" means the erection, building, or substantial
 36 acquisition, alteration, reconstruction, improvement, renovation,
 37 extension or modification of a health care facility, including its
 38 equipment, the inspection and supervision thereof; and the studies,
 39 surveys, designs, plans, working drawings, specifications, proce-
 40 dures, and other actions necessary thereto.

41 d. "Board" means the Health Care Administration Board es-
 42 tablished pursuant to this act.

43 e. "Government agency" means a department, board, bureau,
 44 division office, agency, public benefit or other corporation, or any
 45 other unit, however described, of the State or political subdivision
 46 thereof.

47 f. "State Health Planning Council" means the existing State
 48 Health Planning Council formed under the provisions of Federal
 49 Law 89-749, as amended and supplemented.

50 g. "Comprehensive area-wide-health planning agency" means an
 51 officially recognized health planning agency formed under the pro-
 52 visions of Federal Law 89-749, as amended and supplemented.

53 h. "Area planning council" means a voluntary nonprofit orga-
 54 nization composed of persons representative of hospitals, nursing
 55 homes, and consumers of medical care services, formed for the
 56 purpose of planning the health facilities in a definite geographical
 57 area which is recognized by the commissioner through referral of
 58 applications for certificate of need as provided by this act.

59 i. "Department" means the State Department of Health.

60 j. "Commissioner" means the State Commissioner of Health.

61 k. "*Private ***[nursing]*** *long-term health care* facility*" means
 62 *a nursing home, skilled nursing home or intermediate care facility*
 63 *presently in operation and licensed as such prior to the adoption*
 64 *of the 1967 Life Safety Code by the State Department of Health*
 65 *in 1972 and **which has a maximum 50-bed capacity and** which*
 66 *does not accommodate Medicare or Medicaid patients.*

1 2. Section 5 of P. L. 1971, c. 136 (C. 26:2H-5) is amended to
2 read as follows:

3 5. a. The commissioner, to effectuate the provisions and purposes
4 of this act, shall have the power to inquire into health care services
5 and the operation of health care facilities and to conduct periodic
6 inspections of such facilities with respect to the fitness and adequacy
7 of the premises, equipment, personnel, rules and bylaws and the
8 adequacy of financial resources and sources of future revenues.

9 b. The commissioner, with the approval of the board, shall adopt
10 and amend rules and regulations in accordance with the Administra-
11 tive Procedure Act, P. L. 1968, c. 410 (C. 52:14B-1 et seq.) to effec-
12 tuate the provisions and purposes of this act, including but not
13 limited to: (1) the establishment of requirements for a uniform
14 Statewide system of reports and audit relating to the quality of
15 health care provided, health care facility utilization and costs; (2)
16 certification by the department of schedules of rates, payments,
17 reimbursement, grants and other charges for health care services
18 as provided in section 18; and (3) standards and procedures relat-
19 ing to the licensing of health care facilities and the institution of
20 additional health care services.

21 c. The commissioner may enter into contracts with any govern-
22 ment agency, institution of higher learning, voluntary nonprofit
23 agency, or appropriate planning agency or council; and such en-
24 tities are authorized to enter into contracts with the commissioner
25 to effectuate the provisions and purposes of this act.

26 d. The commissioner may provide consultation and assistance to
27 health care facilities in operational techniques, including but not
28 limited to, planning, principles of management, and standards of
29 health care services.

30 e. At the request of the commissioner, health care facilities shall
31 furnish to the Department of Health such reports and information
32 as it may require to effectuate the provisions and purposes of this
33 act, excluding confidential communications from patients.

34 f. The commissioner may institute or cause to be instituted in a
35 court of competent jurisdiction proceedings to compel compliance
36 with the provisions of this act or the determinations, rules, regula-
37 tions and orders of the commissioner.

38 g. **[The commissioner shall permit private nursing facilities rea-
39 sonable exceptions or waivers from its rules and regulations gov-
40 erning nursing homes, including exceptions from its enforcement
41 of the 1967 Life Safety Code, as amended and supplemented, for
42 those deficiencies not realistically or feasibly correctable, providing*

43 such facilities compensate for any such deficiencies by implementing
44 adequate safety procedures.]* **Notwithstanding any rules and*
45 *regulations governing private long-term health care facilities and*
46 *enforcing the 1967 Life Safety Code, as amended and supplemented,*
47 *the commissioner shall permit third floor occupancy of such facili-*
48 *ties by owners ***[and employees*]*** ***members of their*
49 *immediate families, and licensed professionals employed at such*
50 *facilities***.*

1 ****3. Notwithstanding any other provision of this act, any*
2 *individual occupant of the third floor of a private long-term health*
3 *care facility at the time of the enactment of this act, whether or not*
4 *such individual is an owner, a member of his immediate family, or*
5 *a licensed professional, shall be permitted by the Commissioner of*
6 *the Department of Health to remain in such occupancy until such*
7 *time as that individual ceases to be employed by such facility.****

1 ****[3.]*** ***4.*** This act shall take effect immediately.*

ASSEMBLY INSTITUTIONS, HEALTH AND
WELFARE COMMITTEE

STATEMENT TO

SENATE, No. 1219

with Senate committee amendments and

Assembly committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 2, 1976

In its amended form, this bill proposes to permit third floor occupancy by owners and employees in certain nursing homes. The legislation is aimed toward a specific segment of the nursing home industry. To qualify the nursing home must:

1. Not accommodate Medicare or Medicaid patients.
2. Be presently in operation and have been licensed as such in 1972 when the 1967 Life Safety Code was adopted by the State Department of Health.

The Assembly committee amended this bill to insure that third floor occupancy by owners and employees shall only apply to nursing homes having no more than 50 beds, since the bill was intended to relieve hardship situations for owners of small nursing homes.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
SENATE, No. 1219

STATE OF NEW JERSEY

DATED: APRIL 12, 1976

As amended by the committee, this bill directs the Commissioner of Health to permit owners and employees of private long-term health care facilities to occupy the third floor of such facilities, notwithstanding any rules and regulations prohibiting such occupancy.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

May 23, 1977

SENATE BILL 1219 (2d OCR)

To the Senate:

Pursuant to Article V, Section 1, paragraph 14(b) of the Constitution, I herewith return Senate Bill 1219, with my objections, for reconsideration.

This bill would permit owners and employees of "private long-term health care facilities" to occupy the third floor of such facilities, notwithstanding rules and regulations governing such facilities and enforcing the 1967 Life Safety Code, as amended and supplemented. 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 which does not accommodate Medicare or Medicaid patients". I agree with the general purposes of this bill, and find that it is desirable to permit owners and other personnel in small nursing homes to occupy the third floor of such facilities. Having responsible owners and personnel close at hand can serve to benefit the patients in such a facility. However, the Department of Health has expressed concern that such personnel be in fact responsible, and not constitute a danger to the welfare of the patients through actions which may create hazards, for example, fire hazards, to the patients. I believe this end can be accomplished by limiting third floor occupants to owners, members of their immediate families, and licensed professionals employed at such facilities. The bill should also provide that individuals currently occupying the third floor of such a facility should be permitted to remain in occupancy until such time as the individual ceases to be employed by that facility.

Accordingly, I herewith return Senate Bill 1219 for reconsideration and recommend that it be amended as follows:

On Page 4, Line 48, Section 2: After "owners" delete "and employees" and insert ", members of their immediate families, and licensed professionals employed at such facilities".

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

- 2 -

On Page 4, Section 2, After Line 48: Insert new Section 3

to read as follows:

"3. Notwithstanding any other provision of this Act, any individual occupant of the third floor of a private long-term health care facility at the time of the enactment of this Act, whether or not such individual is an owner, a member of his immediate family, or a licensed professional, shall be permitted by the Commissioner of the Department of Health to remain in such occupancy until such time as that individual ceases to be employed by such facility."

On Page 4, Section 3, Line 1: Delete "3." and insert "4."

Respectfully,

/s/ Brendan Byrne

GOVERNOR

(seal)

Attest:

/s/ John J. Degnan

ACTING EXECUTIVE SECRETARY TO THE GOVERNOR