

26:2H-47 to 26:2H-52

LEGISLATIVE HISTORY CHECKLIST

NJSA 26:2H-47 to 26:2H-52 (Nursing home residents--post-discharge care.)

LAWS OF 1977 CHAPTER 387

Bill No. S272

Sponsor(s) Scardino, Hirkala, Ilenza & Hagedorn

Date Introduced Pre-filed

Committee: Assembly Institutions, Health & Welfare

Senate Institutions, Health & Welfare

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

Date of Passage: Assembly January 9, 1978

Senate June 14, 1976

Date of approval February 23, 1978

Following statements are attached if available:

Sponsor statement Yes ~~XX~~

Committee Statement: Assembly ~~XX~~ No

Senate Yes ~~XX~~

Fiscal Note Yes ~~XX~~

Veto Message ~~XX~~ No

Message on signing ~~XX~~ No

Following were printed:

Reports ~~XX~~ No

Hearings ~~XX~~ No

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SENATE, No. 272

# STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senators SCARDINO, HIRKALA, MENZA and HAGEDORN

AN ACT concerning nursing facilities and supplementing chapter 2  
of Title 26 of the Revised Statutes.

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

1 1. **[It is hereby declared to be the public policy of this State**  
2 **that nursing homes shall be responsible for assisting]** *\*Every*  
3 *skilled or intermediate care nursing facility in this State shall*  
4 *assist its* **[residents]** *\*in applying\** to establish eligibility for med-  
5 ical assistance or other payment mechanisms when their self-pay\*,  
6 private insurance, or medicare capability in respect of payment for  
7 nursing home *\*facility\** care, may become sufficiently depleted to  
8 necessitate discharge.

1 2. To facilitate the offering of such assistance, *\*each such facility*  
2 *shall make\** an assessment of the extensiveness of the self-pay,  
3 private insurance, or medicare capability of each resident **[shall**  
4 **be made,]** *\*no [sooner] \*later\** than 1 week after admission to  
5 the facility and on a periodic basis thereafter\*, *provided, however,*  
6 *that no such assessment is made against a resident's will\*.*

1 3. **[Nursing homes shall further be responsible for assisting]**  
2 *\*Each such facility shall also assist its* **[residents]** **[to obtain]**  
3 *\*in obtaining\** medically necessary post-discharge care, which shall  
4 include, but need not be limited to: home health and health-related  
5 services; medical day care services; or residential care services in  
6 another nursing **[home]** *\*facility\** or other similar licensed  
7 facility located in the vicinity of the facility from which discharge  
8 is made. **[Such assistance shall also include follow-up to assure**  
9 **that effective referral services have been received.]\***

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

1 4. The State Department of \***[Institutions and Agencies shall]**\*  
 2 \**“Health shall monitor the implementation of the provisions of*  
 3 *this act and shall, in consultation with the Department of Institu-*  
 4 *tions and Agencies, assist skilled or intermediate care nursing*  
 5 *\***[homes]**\* facilities to identify sources of payment and care for*  
 6 *residents by maintaining a current inventory of such resources*  
 7 *available in **[counties across]** the State.*

1 \*5. *Nothing in this act shall be construed to apply to any skilled*  
 2 *or intermediate care nursing facility operated by and for those who*  
 3 *rely exclusively upon treatment by spiritual means through prayer*  
 4 *for healing in accordance with the levels and practices of any well*  
 5 *recognized church or religious denomination.*

1 6. *The Commissioner of Health is hereby authorized to adopt*  
 2 *reasonable rules and regulations, in accordance with the provisions*  
 3 *of the Administrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B-1*  
 4 *et seq.) to carry out its functions and duties under this act and to*  
 5 *effectuate its purposes.\**

1 \***[5.]**\* \*7.\* This act shall take effect 3 months after enactment.

STATEMENT

Many patients who have been paying for nursing home services find that when their payment capability is exhausted, no arrangements have been made to refer them to other sources of care and effectively assist them obtain such care. The purpose of this bill is to require nursing homes to offer pre-discharge and post-discharge assistance to residents in obtaining appropriate alternative care that is within their financial means.

SENATE INSTITUTIONS, HEALTH AND WELFARE  
COMMITTEE

STATEMENT TO

**SENATE, No. 272**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 4, 1976

PURPOSE AND PROVISIONS

Many patients who have been receiving nursing home services find that when they are no longer able to pay for these services, no arrangements have been made to secure financial assistance for them or to refer them to other sources of care. In order to assist nursing home residents in finding the care they need, this bill gives nursing homes a two-fold responsibility. On the one hand, nursing homes would be required to help residents establish eligibility for programs of financial assistance, such as Medicaid, when their own private resources have been exhausted. Preparatory to this, nursing homes would make an assessment of each resident's financial resources shortly after admission. On the other hand, nursing homes would be required to help residents obtain needed medical care upon discharge from the home. A final provision of the bill makes the Department of Institutions and Agencies responsible for assisting nursing homes in identifying sources of payment and care for residents.

COMMITTEE AMENDMENTS

The most significant of the Committee's amendments are as follows:

1. Amendments to apply the provisions of the bill to "skilled or intermediate care facilities" rather than "nursing homes," since the latter term is very general and liable to misinterpretation unless defined;
2. An amendment to make nursing facilities responsible for helping residents only *in applying* to establish eligibility for payment mechanisms. This was felt to more realistically take into account what nursing facilities can do, and was a response to remarks made by the New Jersey Association of Health Care Facilities;
3. An amendment to state that no assessment of a resident's financial resources may be made against his will, so as to clearly protect the resident's right to privacy;
4. An amendment to take away any responsibility of nursing facilities for following-up the cases of residents who have been discharged to ensure that they are receiving adequate care. This was felt to be an unduly burdensome requirement for nursing facilities;

FISCAL NOTE TO  
**SENATE, No. 272**  
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**STATE OF NEW JERSEY**

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DATED: OCTOBER 14, 1976

The Official Copy Reprint of Senate Bill No. 272 requires nursing care facilities to assist its residents in obtaining appropriate care that is within their financial means.

The Department of Institutions and Agencies states that enactment of this legislation would not materially affect the finances of the State.

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In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.