

**55:13B-5.1 & 55:13B-5.2 et al  
LEGISLATIVE HISTORY CHECKLIST**

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**LAWS OF:** 2015                    **CHAPTER:** 125  
**NJSA:** 55:13B-5.1 & 55:13B-5.2 et al (Provides for licensure of dementia care homes by DOH.)  
**BILL NO:** A1102                    (Substituted for S1145 (1R))  
**SPONSOR(S)** Vainieri Huttie, Valerie, and others

**DATE INTRODUCED:** January 16, 2014

**COMMITTEE:**                    **ASSEMBLY:** Health and Senior Services  
**SENATE:** Health, Human Services and Senior Citizens  
Budget & Appropriations

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                    **ASSEMBLY:** 12/15/2014  
**SENATE:** 6/29/2015

**DATE OF APPROVAL:** November 9, 2015

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

<b>FINAL TEXT OF BILL</b> (Introduced bill enacted)	Yes
<b>A1102</b>	
<b>INTRODUCED BILL:</b> (Includes sponsor(s) statement)	Yes
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> Yes    Health and Senior Services
	<b>SENATE:</b> Yes    Health, Human Services and Senior Citizens
	Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No  
**LEGISLATIVE FISCAL ESTIMATE:** Yes

**S1145 (1R)**

**INTRODUCED BILL:** (Includes sponsor(s) statement) Yes  
**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

Citizens

<b>SENATE:</b>	Yes	Health, Human Services and Senior
		Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

<b>FLOOR AMENDMENT STATEMENT:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	Yes
<b>VETO MESSAGE:</b>	No
<b>GOVERNOR'S PRESS RELEASE ON SIGNING:</b>	Yes

**FOLLOWING WERE PRINTED:**

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<b>REPORTS:</b>	No
<b>HEARINGS:</b>	No
<b>NEWSPAPER ARTICLES:</b>	No

end

§§15&16 -  
C.55:13B-5.1 &  
55:13B-5.2  
Title 26.  
Chapter 2H.  
Part IX (New)  
"Dementia Care  
Homes"  
§§17-26 -  
C.26:2H-148 to  
26:2H-157  
§27 - Note

P.L.2015, CHAPTER 125, *approved November 9, 2015*  
Assembly, No. 1102

1 AN ACT providing for the licensure of dementia care homes by the  
2 Department of Health and amending and supplementing various  
3 parts of the statutory law.

4

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

7

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

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

12 a. "Health care facility" means the facility or institution  
13 whether public or private, engaged principally in providing services  
14 for health maintenance organizations, diagnosis, or treatment of  
15 human disease, pain, injury, deformity, or physical condition,  
16 including, but not limited to, a general hospital, special hospital,  
17 mental hospital, public health center, diagnostic center, treatment  
18 center, rehabilitation center, extended care facility, skilled nursing  
19 home, nursing home, intermediate care facility, tuberculosis  
20 hospital, chronic disease hospital, maternity hospital, outpatient  
21 clinic, dispensary, home health care agency, residential health care  
22 facility, dementia care home, and bioanalytical laboratory (except  
23 as specifically excluded hereunder) or central services facility  
24 serving one or more such institutions but excluding institutions that  
25 provide healing solely by prayer and excluding such bioanalytical  
26 laboratories as are independently owned and operated, and are not  
27 owned, operated, managed, or controlled, in whole or in part,  
28 directly or indirectly by any one or more health care facilities, and  
29 the predominant source of business of which is not by contract with  
30 health care facilities within the State of New Jersey and which

**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.

1 solicit or accept specimens and operate predominantly in interstate  
2 commerce.

3 b. "Health care service" means the preadmission, outpatient,  
4 inpatient, and postdischarge care provided in or by a health care  
5 facility, and such other items or services as are necessary for such  
6 care, which are provided by or under the supervision of a physician  
7 for the purpose of health maintenance organizations, diagnosis, or  
8 treatment of human disease, pain, injury, disability, deformity, or  
9 physical condition, including, but not limited to, nursing service,  
10 home care nursing, and other paramedical service, ambulance  
11 service, service provided by an intern, resident in training or  
12 physician whose compensation is provided through agreement with  
13 a health care facility, laboratory service, medical social service,  
14 drugs, biologicals, supplies, appliances, equipment, bed and board,  
15 but excluding services provided by a physician in his private  
16 practice, except as provided in sections 7 and 12 of P.L.1971, c.136  
17 (C.26:2H-7 and 26:2H-12), or by practitioners of healing solely by  
18 prayer, and services provided by first aid, rescue and ambulance  
19 squads as defined in the ["New Jersey Highway Safety Act of  
20 1971," P.L.1971, c.351 (C.27:5F-1 et seq.)] "New Jersey Highway  
21 Traffic Safety Act of 1987," P.L.1987, c.284 (C.27:5F-18 et seq.).

22 c. "Construction" means the erection, building, or substantial  
23 acquisition, alteration, reconstruction, improvement, renovation,  
24 extension, or modification of a health care facility, including its  
25 equipment, the inspection and supervision thereof; and the studies,  
26 surveys, designs, plans, working drawings, specifications,  
27 procedures, and other actions necessary thereto.

28 d. "Board" means the Health Care Administration Board  
29 established pursuant to this act.

30 e. (Deleted by amendment, P.L.1998, c.43).

31 f. "Government agency" means a department, board, bureau,  
32 division, office, agency, public benefit, or other corporation, or any  
33 other unit, however described, of the State or political subdivision  
34 thereof.

35 g. (Deleted by amendment, P.L.1991, c.187).

36 h. (Deleted by amendment, P.L.1991, c.187).

37 i. "Department" means the Department of Health.

38 j. "Commissioner" means the Commissioner of Health.

39 k. "Preliminary cost base" means that proportion of a hospital's  
40 current cost which may reasonably be required to be reimbursed to  
41 a properly utilized hospital for the efficient and effective delivery of  
42 appropriate and necessary health care services of high quality  
43 required by such hospital's mix of patients. The preliminary cost  
44 base initially may include costs identified by the commissioner and  
45 approved or adjusted by the commission as being in excess of that  
46 proportion of a hospital's current costs identified above, which  
47 excess costs shall be eliminated in a timely and reasonable manner  
48 prior to certification of the revenue base. The preliminary cost base

1 shall be established in accordance with regulations proposed by the  
2 commissioner and approved by the board.

3 l. (Deleted by amendment, P.L.1992, c.160).

4 m. "Provider of health care" means an individual (1) who is a  
5 direct provider of health care service in that the individual's primary  
6 activity is the provision of health care services to individuals or the  
7 administration of health care facilities in which such care is  
8 provided and, when required by State law, the individual has  
9 received professional training in the provision of such services or in  
10 such administration and is licensed or certified for such provision or  
11 administration; or (2) who is an indirect provider of health care in  
12 that the individual (a) holds a fiduciary position with, or has a  
13 fiduciary interest in, any entity described in subparagraph b(ii) or  
14 subparagraph b(iv); provided, however, that a member of the  
15 governing body of a county or any elected official shall not be  
16 deemed to be a provider of health care unless he is a member of the  
17 board of trustees of a health care facility or a member of a board,  
18 committee or body with authority similar to that of a board of  
19 trustees, or unless he participates in the direct administration of a  
20 health care facility; or (b) received, either directly or through his  
21 spouse, more than one-tenth of his gross annual income for any one  
22 or more of the following:

23 (i) Fees or other compensation for research into or instruction in  
24 the provision of health care services;

25 (ii) Entities engaged in the provision of health care services or in  
26 research or instruction in the provision of health care services;

27 (iii) Producing or supplying drugs or other articles for  
28 individuals or entities for use in the provision of or in research into  
29 or instruction in the provision of health care services;

30 (iv) Entities engaged in producing drugs or such other articles.

31 n. "Private long-term health care facility" means a nursing  
32 home, skilled nursing home, or intermediate care facility presently  
33 in operation and licensed as such prior to the adoption of the 1967  
34 Life Safety Code by the Department of Health in 1972 and which  
35 has a maximum 50-bed capacity and which does not accommodate  
36 Medicare or Medicaid patients.

37 o. (Deleted by amendment, P.L.1998, c.43).

38 p. "State Health Planning Board" means the board established  
39 pursuant to section 33 of P.L.1991, c.187 (C.26:2H-5.7) to conduct  
40 certificate of need review activities.

41 (cf: P.L.2012, c.17, s.153)

42

43 2. Section 19 of P.L.1992, c.160 (C.26:2H-7a) is amended to  
44 read as follows:

45 19. Notwithstanding the provisions of section 7 of P.L.1971,  
46 c.136 (C.26:2H-7) to the contrary, the following are exempt from  
47 the certificate of need requirement:

48 Community-based primary care centers;

- 1       Outpatient drug and alcohol services;
- 2       Hospital-based medical detoxification for drugs and alcohol;
- 3       Ambulance and invalid coach services;
- 4       Mental health services which are non-bed related outpatient
- 5       services;
- 6       Residential health care facility services;
- 7       Dementia care homes;
- 8       Capital improvements and renovations to health care facilities;
- 9       Additions of medical/surgical, adult intensive care and adult
- 10      critical care beds in hospitals;
- 11      Replacement of existing major moveable equipment;
- 12      Inpatient operating rooms;
- 13      Alternate family care programs;
- 14      Hospital-based subacute care;
- 15      Ambulatory care facilities;
- 16      Comprehensive outpatient rehabilitation services;
- 17      Special child health clinics;
- 18      New technology in accordance with the provisions of section 18
- 19      of P.L.1998, c.43 (C.26:2H-7d);
- 20      Transfer of ownership interest except in the case of an acute care
- 21      hospital;
- 22      Change of site for approved certificate of need within the same
- 23      county;
- 24      Additions to vehicles or hours of operation of a mobile intensive
- 25      care unit;
- 26      Relocation or replacement of a health care facility within the
- 27      same county, except for an acute care hospital;
- 28      Continuing care retirement communities authorized pursuant to
- 29      P.L.1986, c.103 (C.52:27D-330 et seq.);
- 30      Magnetic resonance imaging;
- 31      Adult day health care facilities;
- 32      Pediatric day health care facilities;
- 33      Chronic or acute renal dialysis facilities; and
- 34      Transfer of ownership of a hospital to an authority in accordance
- 35      with P.L.2006, c.46 (C.30:9-23.15 et al.).
- 36      (cf: P.L.2006, c.46, s.10)
- 37
- 38      3.   Section 1 of P.L.2007, c.65 (C.26:2H-12.33) is amended to
- 39      read as follows:
- 40      1.   a.   The Department of Health shall make available to the
- 41      public, through its official department website, information
- 42      regarding:
- 43      (1) the ownership of each long-term care facility and adult day
- 44      health services facility licensed by the department; and
- 45      (2) any violation of statutory standards or rules and regulations
- 46      of the department pertaining to the care of patients or physical plant
- 47      standards found at any such facility by the department.

1 As used in this section, “long-term care facility” means a nursing  
2 home, assisted living residence, comprehensive personal care home,  
3 residential health care facility, or dementia care home licensed  
4 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

5 b. The information made available to the public pursuant to  
6 subsection a. of this section shall be provided in a manner that  
7 would enable a member of the public to search the website by name  
8 of a facility or its owner in order to access the information. The  
9 department shall also make the information available in writing,  
10 upon request.

11 c. The information regarding the ownership of a long-term care  
12 or adult day health services facility that is made available to the  
13 public pursuant to subsection a. of this section shall provide, at a  
14 minimum: the name of the owner of a facility as listed on the  
15 facility's license and, if there is more than one owner or the facility  
16 is owned by a corporation, the name of each person who holds at  
17 least a 10【%】 percent interest in the facility; the name of any other  
18 licensed long-term care or adult day health services facility in the  
19 State owned by this owner, corporation, and each person who holds  
20 at least a 10【%】 percent interest in the facility, as applicable; and  
21 the address and contact information for the facility.

22 d. The information that is displayed on the official department  
23 website pursuant to subsection a. of this section shall include  
24 Internet web links to the New Jersey Report Card for Nursing  
25 Homes maintained by the department and the Medicare Nursing  
26 Home Compare database maintained by the federal Centers for  
27 Medicare & Medicaid Services.

28 (cf: P.L.2012, c.17, s.197)

29  
30 4. Section 2 of P.L.1984, c.114 (C.26:2H-14.2) is amended to  
31 read as follows:

32 2. a. Every nursing home as defined in section 2 of P.L.1976,  
33 c. 120 (C. 30:13-2) or licensed pursuant to P.L.1971, c. 136 (C.  
34 26:2H-1 et seq.), **【and】** every residential health care facility as  
35 defined in section 1 of P.L.1953, c. 212 (C. 30:11A-1) or licensed  
36 pursuant to P.L.1971, c. 136 (C. 26:2H-1 et seq.), and every  
37 dementia care home as defined in section 17 of P.L. , c. (C. )  
38 (pending before the Legislature as this bill) shall establish by  
39 written policy a heat emergency action plan which shall include  
40 those procedures to be followed in the event of a heat emergency in  
41 order to protect the health and welfare of its residents, and which  
42 shall be approved by the department. The department shall review  
43 a heat emergency action plan established pursuant to this act at  
44 least once in each year.

45 b. A health care facility included within the provisions of this  
46 act shall be required to notify the department immediately in the  
47 event of a heat emergency.

48 (cf: P.L.1984, c.114, s.2)

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

3       3. The Commissioner of Health shall, pursuant to the  
4 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
5 (C.52:14B-1 et seq.), adopt rules and regulations necessary to  
6 effectuate the purposes of this act. The regulations shall require  
7 that:

8       a. Each health care facility included within the provisions of  
9 this act and which is not equipped with air conditioning on the  
10 effective date of P.L.1989, c.173 (C.26:2H-14.4 et al.), shall  
11 provide for and operate adequate ventilation in all areas used by  
12 patients or residents, including, but not limited to, the use of ceiling  
13 fans, wall fans or portable fans, where appropriate, so that the  
14 temperature in these areas does not exceed 82 degrees Fahrenheit,  
15 but the health care facility shall not directly assess patients or  
16 residents for the purchase or installation of the fans or other  
17 ventilating equipment.

18       (1) The regulations shall also provide that within two years after  
19 the effective date of P.L.1989, c.173 (C.26:2H-14.4 et al.), every  
20 nursing home included within the provisions of this act, and every  
21 residential health care facility as specified in this paragraph, shall  
22 be equipped with air conditioning, except that the commissioner  
23 may grant a nursing home or residential health care facility a waiver  
24 from the air conditioning requirement to give the nursing home or  
25 residential health care facility one additional year to comply with  
26 the air conditioning requirement, for which waiver the nursing  
27 home or residential health care facility shall apply on a form and in  
28 a manner prescribed by the commissioner, if the nursing home or  
29 residential health care facility can demonstrate to the satisfaction of  
30 the commissioner that the failure to grant such a waiver would pose  
31 a serious financial hardship to the nursing home or residential  
32 health care facility. The air conditioning shall be operated so that  
33 the temperature in all areas used by patients or residents does not  
34 exceed 82 degrees Fahrenheit. The air conditioning requirement  
35 established in this subsection shall apply to a residential health care  
36 facility only: (1) upon enactment into law of legislation that  
37 increases the rate of reimbursement provided by the State under the  
38 Supplemental Security Income program, P.L.1973, c.256 (C.44:7-  
39 85 et seq.), which rate is certified by the Commissioner of Health to  
40 be sufficient to enable the facility to meet the costs of complying  
41 with the requirement; and (2) if the facility qualifies for funds for  
42 energy efficiency rehabilitation through the "Petroleum Overcharge  
43 Reimbursement Fund," established pursuant to P.L.1987, c.231  
44 (C.52:18A-209 et seq.), which funds can be applied towards  
45 equipping the facility with air conditioning. A nursing home or  
46 residential health care facility shall not directly assess patients or  
47 residents for the purchase or installation of the air conditioning  
48 equipment.



1       (2) The regulations shall also provide that within two years after  
2 the effective date of P.L. , c. (C. ) (pending before the  
3 Legislature as this bill), every dementia care home shall be  
4 equipped with air conditioning, except that the commissioner may  
5 grant a dementia care home a waiver from the air conditioning  
6 requirement to give the dementia care home one additional year to  
7 comply with the air conditioning requirement, for which waiver the  
8 dementia care home shall apply on a form and in a manner  
9 prescribed by the commissioner, if the dementia care home can  
10 demonstrate to the satisfaction of the commissioner that the failure  
11 to grant such a waiver would pose a serious financial hardship to  
12 that facility. The air conditioning shall be operated so that the  
13 temperature in all areas used by residents does not exceed 82  
14 degrees Fahrenheit. A dementia care home shall not directly assess  
15 residents for the purchase or installation of the air conditioning  
16 equipment; and

17       b. Patients or residents are identified by predisposition, due to  
18 illness, medication or otherwise, to heat-related illness and that  
19 during a heat emergency, their body temperature, dehydration status  
20 and other symptoms of heat-related illness are monitored frequently  
21 and regularly, any anomalies are promptly reported to the attending  
22 physician, and any necessary therapeutic or palliative measures are  
23 instituted, including the provision of liquids, where required.  
24 (cf: P.L.1989, c.173, s.1)

25  
26       6. Section 2 of P.L.1989, c.173 (C.26:2H-14.4) is amended to  
27 read as follows:

28       2. A nursing home or residential health care facility included  
29 within the provisions of P.L.1984, c.114 (C.26:2H-14.1 et seq.)  
30 which is constructed or expanded after the effective date of  
31 P.L.1989, c.173 (C.26:2H-14.4 et al.), or a dementia care home  
32 included within the provisions of P.L.1984, c.114 (C.26:2H-14.1 et  
33 seq.) which is constructed or expanded after the effective date of  
34 P.L. , c. (C. ) (pending before the Legislature as this bill), shall  
35 be equipped with air conditioning in all areas used by patients or  
36 residents, and the air conditioning shall be operated so that the  
37 temperature in these areas does not exceed 82 degrees Fahrenheit.  
38 (cf: P.L.1989, c.173, s.2)

39  
40       7. Section 2 of P.L.1977, c.238 (C.26:2H-37) is amended to  
41 read as follows:

42       2. As used in this act, and unless the context otherwise  
43 requires:

44       a. "Boarding or nursing home" or "home" means: a private  
45 nursing home or convalescent home regulated under chapter 11 of  
46 Title 30 of the Revised Statutes **[or]**; a facility or institution,  
47 private or public, regulated and licensed as an extended care  
48 facility, skilled nursing home, nursing home, or intermediate care

1 facility pursuant to P.L.1971, c. 136 (C. 26:2H-1 to 26:2H-26) **【or】**;  
2 a residential health care facility, as defined in section 1 of P.L.1953,  
3 c. 212 (C. 30:11A-1) or licensed pursuant to P.L.1971, c. 136 (C.  
4 26:2H-1 to 26:2H-26); or a dementia care home as defined in  
5 section 17 of P.L. , c. (C. ) (pending before the Legislature as  
6 this bill).

7 b. "Owner" means the holder or holders of the title in fee  
8 simple to the property on which the home is located.

9 c. "Licensee" means the holder or holders of a license to  
10 operate a boarding or nursing home pursuant to chapter 11 of Title  
11 30 of the Revised Statutes, P.L.1953, c. 212 (C. 30:11A-1 to  
12 30:11A-14) or P.L.1971, c. 136 (C. 26:2H-1 to 26:2H-26).

13 d. "Department" means the State Department of Health.  
14 (cf: P.L.1979, c.496, s.24)

15 8. Section 3 of P.L.1991, c.201 (C.26:2H-55) is amended to  
16 read as follows:

17 3. As used in P.L.1991, c.201 (C.26:2H-53 et seq.):

18 "Adult" means an individual who has reached majority pursuant  
19 to section 3 of P.L.1972, c.81 (C.9:17B-3).

20 "Advance directive for health care" or "advance directive" means  
21 a writing executed in accordance with the requirements of  
22 P.L.1991, c.201. An "advance directive" may include a proxy  
23 directive or an instruction directive, or both.

24 "Attending physician" means the physician selected by, or  
25 assigned to, the patient who has primary responsibility for the  
26 treatment and care of the patient.

27 "Decision making capacity" means a patient's ability to  
28 understand and appreciate the nature and consequences of health  
29 care decisions, including the benefits and risks of each, and  
30 alternatives to any proposed health care, and to reach an informed  
31 decision. A patient's decision making capacity is evaluated relative  
32 to the demands of a particular health care decision.

33 "Declarant" means an adult who has the mental capacity to  
34 execute an advance directive and does so.

35 "Do not resuscitate order" means a physician's written order not  
36 to attempt cardiopulmonary resuscitation in the event the patient  
37 suffers a cardiac or respiratory arrest.

38 "Emergency care" means immediate treatment provided in  
39 response to a sudden, acute, and unanticipated medical crisis in  
40 order to avoid injury, impairment, or death.

41 "Health care decision" means a decision to accept or to refuse  
42 any treatment, service, or procedure used to diagnose, treat, or care  
43 for a patient's physical or mental condition, including life-sustaining  
44 treatment. "Health care decision" also means a decision to accept or  
45 to refuse the services of a particular physician, nurse, other health  
46 care professional or health care institution, including a decision to  
47 accept or to refuse a transfer of care.

1 "Health care institution" means all institutions, facilities, and  
2 agencies licensed, certified, or otherwise authorized by State law to  
3 administer health care in the ordinary course of business, including  
4 hospitals, nursing homes, residential health care facilities, dementia  
5 care homes, home health care agencies, hospice programs operating  
6 in this State, mental health institutions, facilities or agencies, or  
7 institutions, facilities, and agencies for the developmentally  
8 disabled. The term "health care institution" shall not be construed  
9 to include "health care professionals" as defined in P.L.1991, c.201.

10 "Health care professional" means an individual licensed by this  
11 State to administer health care in the ordinary course of business or  
12 practice of a profession.

13 "Health care representative" means the individual designated by  
14 a declarant pursuant to the proxy directive part of an advance  
15 directive for the purpose of making health care decisions on the  
16 declarant's behalf, and includes an individual designated as an  
17 alternate health care representative who is acting as the declarant's  
18 health care representative in accordance with the terms and order of  
19 priority stated in an advance directive.

20 "Instruction directive" means a writing which provides  
21 instructions and direction regarding the declarant's wishes for health  
22 care in the event that the declarant subsequently lacks decision  
23 making capacity.

24 "Life-sustaining treatment" means the use of any medical device  
25 or procedure, artificially provided fluids and nutrition, drugs,  
26 surgery or therapy that uses mechanical or other artificial means to  
27 sustain, restore, or supplant a vital bodily function, and thereby  
28 increase the expected life span of a patient.

29 "Other health care professionals" means health care professionals  
30 other than physicians and nurses.

31 "Patient" means an individual who is under the care of a  
32 physician, nurse, or other health care professional.

33 "Permanently unconscious" means a medical condition that has  
34 been diagnosed in accordance with currently accepted medical  
35 standards and with reasonable medical certainty as total and  
36 irreversible loss of consciousness and capacity for interaction with  
37 the environment. The term "permanently unconscious" includes  
38 without limitation a persistent vegetative state or irreversible coma.

39 "Physician" means an individual licensed to practice medicine  
40 and surgery in this State.

41 "Proxy directive" means a writing which designates a health care  
42 representative in the event the declarant subsequently lacks decision  
43 making capacity.

44 "State" means a state, territory, or possession of the United  
45 States, the District of Columbia, or the Commonwealth of Puerto  
46 Rico.

47 "Terminal condition" means the terminal stage of an irreversibly  
48 fatal illness, disease or condition. A determination of a specific life

1 expectancy is not required as a precondition for a diagnosis of a  
2 "terminal condition," but a prognosis of a life expectancy of six  
3 months or less, with or without the provision of life-sustaining  
4 treatment, based upon reasonable medical certainty, shall be  
5 deemed to constitute a terminal condition.

6 (cf: P.L.2013, c.103, s.64)

7

8 9. Section 2 of P.L.1977, c.448 (C.30:11B-2) is amended to  
9 read as follows:

10 2. "Alzheimer's disease and related disorders" means a form of  
11 dementia characterized by a general loss of intellectual abilities of  
12 sufficient severity to interfere with social or occupational  
13 functioning.

14 "Community residence for the developmentally disabled" means  
15 any community residential facility housing up to 16 persons with  
16 developmental disabilities, which provides food, shelter, and  
17 personal guidance for persons with developmental disabilities who  
18 require assistance, temporarily or permanently, in order to live  
19 independently in the community. Such residences shall not be  
20 considered health care facilities within the meaning of the "Health  
21 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.)  
22 and shall include, but not be limited to, group homes, halfway  
23 houses, supervised apartment living arrangements, and hostels.

24 "Community residence for the mentally ill" means any  
25 community residential facility which provides food, shelter, and  
26 personal guidance, under such supervision as required, to not more  
27 than 15 persons with mental illness who require assistance  
28 temporarily or permanently, in order to live independently in the  
29 community. These residences shall be approved for a purchase of  
30 service contract or an affiliation agreement pursuant to procedures  
31 established by the Division of Mental Health and Addiction  
32 Services in the Department of Human Services or the Division of  
33 Children's System of Care in the Department of Children and  
34 Families, as applicable. These residences shall not house persons  
35 who have been assigned to a State psychiatric hospital after having  
36 been found not guilty of a criminal offense by reason of insanity or  
37 unfit to be tried on a criminal charge. These residences shall not be  
38 considered health care facilities within the meaning of the "Health  
39 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.)  
40 and shall include, but not be limited to, group homes, halfway  
41 houses, supervised apartment living arrangements, family care  
42 homes, and hostels.

43 "Community residence for persons with head injuries" means a  
44 community residential facility providing food, shelter, and personal  
45 guidance, under such supervision as required, to not more than 15  
46 persons with head injuries, who require assistance, temporarily or  
47 permanently, in order to live in the community, and shall include,  
48 but not be limited to: group homes, halfway houses, supervised

1 apartment living arrangements, and hostels. Such a residence shall  
2 not be considered a health care facility within the meaning of the  
3 "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1  
4 et seq.).

5 "Dementia" means a chronic or persistent disorder of the mental  
6 processes due to organic brain disease, for which no curative  
7 treatment is available, and marked by memory disorders, changes in  
8 personality, deterioration in personal care, impaired reasoning  
9 ability, and disorientation.

10 "Developmental disability" or "developmentally disabled" means  
11 a severe, chronic disability of a person which: a. is attributable to a  
12 mental or physical impairment or combination of mental or physical  
13 impairments; b. is manifest before age 22; c. is likely to continue  
14 indefinitely; d. results in substantial functional limitations in three  
15 or more of the following areas of major life activity, that is, self-  
16 care, receptive and expressive language, learning, mobility, self-  
17 direction and capacity for independent living, or economic self-  
18 sufficiency; and e. reflects the need for a combination and sequence  
19 of special interdisciplinary or generic care, treatment, or other  
20 services which are of lifelong or extended duration and are  
21 individually planned and coordinated. Developmental disability  
22 includes, but is not limited to, severe disabilities attributable to an  
23 intellectual disability, autism, cerebral palsy, epilepsy, spina bifida,  
24 and other neurological impairments where the above criteria are  
25 met.

26 "Mentally ill" or "mental illness" means any psychiatric disorder  
27 which has required an individual to receive either inpatient  
28 psychiatric care or outpatient psychiatric care on an extended basis.

29 "Person with head injury" means a person who has sustained an  
30 injury, illness, or traumatic changes to the skull, the brain contents  
31 or its coverings which results in a temporary or permanent  
32 physiobiological decrease of cognitive, behavioral, social, or  
33 physical functioning which causes partial or total disability, but  
34 excluding a person with Alzheimer's disease and related disorders  
35 or other forms of dementia.

36 (cf: P.L.2012, c.16, s.125)

37

38 10. Section 2 of P.L.1978, c.159 (C.40:55D-66.2) is amended to  
39 read as follows:

40 2. As used in this act:

41 a. "Community residence for the developmentally disabled"  
42 means any community residential facility licensed pursuant to  
43 P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter, and  
44 personal guidance, under such supervision as required, to not more  
45 than 15 developmentally disabled or mentally ill persons, who  
46 require assistance, temporarily or permanently, in order to live in  
47 the community, and shall include, but not be limited to: group  
48 homes, halfway houses, intermediate care facilities, supervised

1 apartment living arrangements, and hostels. Such a residence shall  
2 not be considered a health care facility within the meaning of the  
3 "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1  
4 et al.). In the case of such a community residence housing mentally  
5 ill persons, such residence shall have been approved for a purchase  
6 of service contract or an affiliation agreement pursuant to such  
7 procedures as shall be established by regulation of the Division of  
8 Mental Health and **【Hospitals of】** Addiction Services in the  
9 Department of Human Services. As used in this act,  
10 "developmentally disabled person" means a person who is  
11 developmentally disabled as defined in section 2 of P.L.1977, c.448  
12 (C.30:11B-2), and "mentally ill person" means a person who is  
13 afflicted with a mental illness as defined in **【R.S.30:4-23】** section  
14 30 of P.L.1987, c.116 (C.30:4-27.2), but shall not include a person  
15 who has been committed after having been found not guilty of a  
16 criminal offense by reason of insanity or having been found unfit to  
17 be tried on a criminal charge.

18 b. "Community shelter for victims of domestic violence" means  
19 any shelter approved for a purchase of service contract and certified  
20 pursuant to standards and procedures established by regulation of  
21 the Department of Human Services pursuant to P.L.1979, c.337  
22 (C.30:14-1 et seq.), providing food, shelter, medical care, legal  
23 assistance, personal guidance, and other services to not more than  
24 15 persons who have been victims of domestic violence, including  
25 any children of such victims, who temporarily require shelter and  
26 assistance in order to protect their physical or psychological  
27 welfare.

28 c. "Community residence for persons with head injuries"  
29 means a community residential facility licensed pursuant to  
30 P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter, and  
31 personal guidance, under such supervision as required, to not more  
32 than 15 persons with head injuries, who require assistance,  
33 temporarily or permanently, in order to live in the community, and  
34 shall include, but not be limited to: group homes, halfway houses,  
35 supervised apartment living arrangements, and hostels. Such a  
36 residence shall not be considered a health care facility within the  
37 meaning of the "Health Care Facilities Planning Act," P.L.1971,  
38 c.136 (C.26:2H-1 et al.).

39 d. "Person with head injury" means a person who has sustained  
40 an injury, illness, or traumatic changes to the skull, the brain  
41 contents, or its coverings which results in a temporary or permanent  
42 physiobiological decrease of mental, cognitive, behavioral, social,  
43 or physical functioning which causes partial or total disability, but  
44 excluding a person with Alzheimer's disease and related disorders  
45 or other forms of dementia.

46 e. "Community residence for the terminally ill" means any  
47 community residential facility operated as a hospice program  
48 providing food, shelter, personal guidance, and health care services,

1 under such supervision as required, to not more than 15 terminally  
2 ill persons.

3 f. "Alzheimer's disease and related disorders" means a form of  
4 dementia characterized by a general loss of intellectual abilities of  
5 sufficient severity to interfere with social or occupational  
6 functioning.

7 g. "Dementia" means a chronic or persistent disorder of the  
8 mental processes due to organic brain disease, for which no curative  
9 treatment is available, and marked by memory disorders, changes in  
10 personality, deterioration in personal care, impaired reasoning  
11 ability, and disorientation.

12 (cf: P.L.1997, c.321, s.2)

13

14 11. Section 2 of P.L.1977, c.239 (C.52:27G-2) is amended to  
15 read as follows:

16 2. As used in this act, unless the context clearly indicates  
17 otherwise:

18 a. "Abuse" means the willful infliction of physical pain, injury,  
19 or mental anguish; unreasonable confinement; or the willful  
20 deprivation of services which are necessary to maintain a person's  
21 physical and mental health. However, no person shall be deemed to  
22 be abused for the sole reason he is being furnished nonmedical  
23 remedial treatment by spiritual means through prayer alone, in  
24 accordance with a recognized religious method of healing, in lieu of  
25 medical treatment;

26 b. An "act" of any facility or government agency shall be  
27 deemed to include any failure or refusal to act by such facility or  
28 government agency;

29 c. "Administrator" means any person who is charged with the  
30 general administration or supervision of a facility, whether or not  
31 such person has an ownership interest in such facility, and whether  
32 or not such person's functions and duties are shared with one or  
33 more other persons;

34 d. "Caretaker" means a person employed by a facility to  
35 provide care or services to an elderly person, and includes, but is  
36 not limited to, the administrator of a facility;

37 e. "Exploitation" means the act or process of using a person or  
38 his resources for another person's profit or advantage without legal  
39 entitlement to do so;

40 f. "Facility" means any facility or institution, whether public or  
41 private, offering health or health related services for the  
42 institutionalized elderly, and which is subject to regulation,  
43 visitation, inspection, or supervision by any government agency.  
44 Facilities include, but are not limited to, nursing homes, skilled  
45 nursing homes, intermediate care facilities, extended care facilities,  
46 convalescent homes, rehabilitation centers, residential health care  
47 facilities, dementia care homes, special hospitals, veterans'  
48 hospitals, chronic disease hospitals, psychiatric hospitals, mental

1 hospitals, developmental centers or facilities, continuing care  
2 retirement communities, including independent living sections  
3 thereof, day care facilities for the elderly and medical day care  
4 centers;

5 g. "Government agency" means any department, division,  
6 office, bureau, board, commission, authority, or any other agency or  
7 instrumentality created by the State or to which the State is a party,  
8 or by any county or municipality, which is responsible for the  
9 regulation, visitation, inspection, or supervision of facilities, or  
10 which provides services to patients, residents, or clients of  
11 facilities;

12 h. "Guardian" means any person with the legal right to manage  
13 the financial affairs and protect the rights of any patient, resident, or  
14 client of a facility, who has been declared an incapacitated person  
15 by a court of competent jurisdiction;

16 i. "Institutionalized elderly," "elderly" or "elderly person"  
17 means any person 60 years of age or older, who is a patient,  
18 resident, or client of any facility;

19 j. "Office" means the Office of the Ombudsman for the  
20 Institutionalized Elderly established herein;

21 k. "Ombudsman" means the administrator and chief executive  
22 officer of the Office of the Ombudsman for the Institutionalized  
23 Elderly;

24 l. "Patient, resident or client" means any elderly person who is  
25 receiving treatment or care in any facility in all its aspects,  
26 including, but not limited to, admission, retention, confinement,  
27 commitment, period of residence, transfer, discharge, and any  
28 instances directly related to such status.

29 (cf: P.L.2013, c.167, s.10)

30

31 12. Section 3 of P.L.1979, c.496 (C.55:13B-3) is amended to  
32 read as follows:

33 3. As used in this act:

34 a. "Boarding house" means any building, together with any  
35 related structure, accessory building, any land appurtenant thereto,  
36 and any part thereof, which contains two or more units of dwelling  
37 space arranged or intended for single room occupancy, exclusive of  
38 any such unit occupied by an owner or operator, and wherein  
39 personal or financial services are provided to the residents,  
40 including any residential hotel or congregate living arrangement,  
41 but excluding any hotel, motel, or established guest house wherein a  
42 minimum of 85【%】 percent of the units of dwelling space are  
43 offered for limited tenure only, any resource family home as  
44 defined in section 1 of P.L.1962, c.137 (C.30:4C-26.1), any  
45 community residence for the developmentally disabled and any  
46 community residence for the mentally ill as defined in section 2 of  
47 P.L.1977, c.448 (C.30:11B-2), any adult family care home as  
48 defined in section 3 of P.L.2001, c.304 (C.26:2Y-3), any dormitory



1 owned or operated on behalf of any nonprofit institution of primary,  
2 secondary, or higher education for the use of its students, any  
3 building arranged for single room occupancy wherein the units of  
4 dwelling space are occupied exclusively by students enrolled in a  
5 full-time course of study at an institution of higher education  
6 approved by the New Jersey Commission on Higher Education, any  
7 facility or living arrangement operated by, or under contract with,  
8 any State department or agency, upon the written authorization of  
9 the commissioner, and any owner-occupied, one-family residential  
10 dwelling made available for occupancy by not more than six guests,  
11 where the primary purpose of the occupancy is to provide charitable  
12 assistance to the guests and where the owner derives no income  
13 from the occupancy. A dwelling shall be deemed "owner-occupied"  
14 within the meaning of this section if it is owned or operated by a  
15 nonprofit religious or charitable association or corporation and is  
16 used as the principal residence of a minister or employee of that  
17 corporation or association. For any such dwelling, however, fire  
18 detectors shall be required as determined by the Department of  
19 Community Affairs.

20 b. "Commissioner" means the Commissioner of the Department  
21 of Community Affairs.

22 c. "Financial services" means any assistance permitted or  
23 required by the commissioner to be furnished by an owner or  
24 operator to a resident in the management of personal financial  
25 matters, including, but not limited to, the cashing of checks, holding  
26 of personal funds for safekeeping in any manner or assistance in the  
27 purchase of goods or services with a resident's personal funds.

28 d. "Limited tenure" means residence at a rooming or boarding  
29 house on a temporary basis, for a period lasting no more than 90  
30 days, when a resident either maintains a primary residence at a  
31 location other than the rooming or boarding house or intends to  
32 establish a primary residence at such a location and does so within  
33 90 days after taking up original residence at the rooming or  
34 boarding house.

35 e. "Operator" means any individual who is responsible for the  
36 daily operation of a rooming or boarding house.

37 f. "Owner" means any person who owns, purports to own, or  
38 exercises control of any rooming or boarding house.

39 g. "Personal services" means any services permitted or required  
40 to be furnished by an owner or operator to a resident, other than  
41 shelter, including, but not limited to, meals or other food services,  
42 and assistance in dressing, bathing, or attending to other personal  
43 needs.

44 h. "Rooming house" means a boarding house wherein no  
45 personal or financial services are provided to the residents.

46 i. "Single room occupancy" means an arrangement of dwelling  
47 space which does not provide a private, secure dwelling space  
48 arranged for independent living, which contains both the sanitary

1 and cooking facilities required in dwelling spaces pursuant to the  
2 "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et  
3 seq.), and which is not used for limited tenure occupancy in a hotel,  
4 motel, or established guest house, regardless of the number of  
5 individuals occupying any room or rooms.

6 j. "Unit of dwelling space" means any room, rooms, suite, or  
7 portion thereof, whether furnished or unfurnished, which is  
8 occupied or intended, arranged, or designed to be occupied for  
9 sleeping or dwelling purposes by one or more persons.

10 k. **["Alzheimer's disease and related disorders" means a form**  
11 **of dementia characterized by a general loss of intellectual abilities**  
12 **of sufficient severity to interfere with social or occupational**  
13 **functioning.] (Deleted by amendment, P.L. , c. (pending before**  
14 **the Legislature as this bill)**

15 l. **["Dementia" means a chronic or persistent disorder of the**  
16 **mental processes due to organic brain disease, for which no curative**  
17 **treatment is available, and marked by memory disorders, changes in**  
18 **personality, deterioration in personal care, impaired reasoning**  
19 **ability and disorientation.] (Deleted by amendment, P.L. , c.**  
20 **(pending before the Legislature as this bill)**

21 (cf: P.L.2004, c.130, s.123)

22

23 13. Section 6 of P.L.1979, c.496 (C.55:13B-6) is amended to  
24 read as follows:

25 6. The commissioner shall establish standards to ensure that  
26 every rooming and boarding house in this State is constructed and  
27 operated in such a manner as will protect the health, safety, and  
28 welfare of its residents and at the same time preserve and promote a  
29 homelike atmosphere appropriate to such facilities, including, but  
30 not limited to, standards to provide for the following:

31 a. Safety from fire;

32 b. Safety from structural, mechanical, plumbing, and electrical  
33 deficiencies;

34 c. Adequate light and ventilation;

35 d. Physical security;

36 e. Protection from harassment, fraud, and eviction without due  
37 cause;

38 f. Clean and reasonably comfortable surroundings;

39 g. Adequate personal and financial services rendered in  
40 boarding houses;

41 h. Disclosure of owner identification information;

42 i. Maintenance of orderly and sufficient financial and  
43 occupancy records;

44 j. Referral of residents, by the operator, to social service and  
45 health agencies for needed services;

46 k. Assurance that no constitutional, civil, or legal right will be  
47 denied solely by reason of residence in a rooming or boarding  
48 house;

1 1. Reasonable access for employees of public and private  
2 agencies, and reasonable access for other citizens upon receiving  
3 the consent of the resident to be visited by them;

4 m. Opportunity for each resident to live with as much  
5 independence, autonomy, and interaction with the surrounding  
6 community as ~~he~~ the resident is capable of ~~;~~ and doing.

7 n. ~~Assurance~~ that the needs of residents with special needs,  
8 including, but not limited to, persons with Alzheimer's disease and  
9 related disorders or other forms of dementia, will be met in  
10 accordance with standards adopted by regulation of the  
11 commissioner, which shall be promulgated no later than 90 days  
12 after the effective date of this act, which shall include, at a  
13 minimum, the following:

14 (1) staffing levels;

15 (2) staff qualifications and training;

16 (3) special dietary needs of residents;

17 (4) special supervision requirements relating to the individual  
18 needs of residents;

19 (5) building safety requirements appropriate to the needs of  
20 residents;

21 (6) special health monitoring of residents by qualified, licensed  
22 health care professionals, including a requirement that a medical  
23 assessment be performed on a resident with special needs as  
24 described in this subsection, as determined necessary by the  
25 commissioner, prior to admission and on a quarterly basis thereafter  
26 to ensure that the facility is appropriate to the needs of the resident;  
27 and

28 (7) criteria for discharging residents which shall be set forth in  
29 the admission agreement which shall be provided to the resident or  
30 the resident's representative prior to or upon admission. The  
31 commissioner may revoke the license of any provider who violates  
32 the criteria for discharging residents. ~~Deleted by amendment, P.L.~~  
33 c. (pending before the Legislature as this bill)

34 (cf: P.L.1997, c.260, s.2)

35  
36 14. Section 7 of P.L.1979, c.496 (C.55:13B-7) is amended to  
37 read as follows:

38 7. a. (1) No person shall own or operate a rooming or  
39 boarding house, hold out a building as available for rooming or  
40 boarding house occupancy, or apply for any necessary construction  
41 or planning approvals related to the establishment of a rooming or  
42 boarding house without a valid license to own or operate such a  
43 facility, issued by the commissioner and, if appropriate, by a  
44 municipality which has elected to issue such licenses pursuant to  
45 P.L.1993, c.290 (C.40:52-9 et seq.).

46 (2) ~~No~~ person shall own or operate a rooming or boarding  
47 house that offers or advertises or holds itself out as offering  
48 personal care services to residents with special needs, including, but

1 not limited to, persons with Alzheimer's disease and related  
2 disorders or other forms of dementia, hold out a building as  
3 available for rooming or boarding house occupancy for such  
4 residents, or apply for any necessary construction or planning  
5 approvals related to the establishment of a rooming or boarding  
6 house for such residents without a valid license to own or operate  
7 such a facility, issued by the commissioner.】 (Deleted by  
8 amendment, P.L. , c. (pending before the Legislature as this bill)

9 (3) Any person found to be in violation of this subsection shall  
10 be liable for a civil penalty of not more than ~~【\$5,000.00】~~ \$5,000 for  
11 each building so owned or operated, which penalty shall be payable  
12 to the appropriate licensing entity.

13 b. The commissioner shall establish separate categories of  
14 licensure for owning and for operating a rooming or boarding  
15 house, provided, however, that an owner who himself operates such  
16 a facility need not also possess an operator's license.

17 If an owner seeking to be licensed is other than an individual, the  
18 application shall state the name of an individual who is a member,  
19 officer, or stockholder in the corporation or association seeking to  
20 be licensed, and the same shall be designated the primary owner of  
21 the rooming or boarding house.

22 Each application for licensure shall contain such information as  
23 the commissioner may prescribe and, unless the person is licensed  
24 by a municipality to own or operate a rooming and boarding house  
25 pursuant to P.L.1993, c.290 (C.40:52-9 et seq.), shall be  
26 accompanied by a fee established by the commissioner which shall  
27 not be less than ~~【\$150.00】~~ \$150 or more than ~~【\$600.00】~~ \$600,  
28 except as provided in subsection e. of this section. If, upon receipt  
29 of the fee and a review of the application, the commissioner  
30 determines that the applicant will operate, or provide for the  
31 operation of, a rooming or boarding house in accordance with the  
32 provisions of this act, ~~【he】~~ the commissioner shall issue a license to  
33 ~~【him】~~ the applicant.

34 Each license shall be valid for one year from the date of  
35 issuance, but may be renewed upon application by the owner or  
36 operator and upon payment of the same fee required for initial  
37 licensure.

38 c. Only one license shall be required to own a rooming or  
39 boarding house, but an endorsement thereto shall be required for  
40 each separate building owned and operated, or intended to be  
41 operated, as a rooming or boarding house. Each application for  
42 licensure or renewal shall indicate every such building for which an  
43 endorsement is required. If, during the term of a license, an  
44 additional endorsement is required, or an existing one is no longer  
45 required, an amended application for licensure shall be submitted.

46 d. A person making application for, or who has been issued, a  
47 license to own or operate a rooming or boarding house who

1 conceals the fact that the person has been denied a license to own or  
2 operate a residential facility, or that the person's license to own or  
3 operate a residential facility has been revoked by a department or  
4 agency of state government in this or any other state is liable for a  
5 civil penalty of not more than ~~【\$5,000.00】~~ \$5,000, and any license  
6 to own or operate a rooming or boarding house which has been  
7 issued to that person shall be immediately revoked.

8 e. The commissioner shall annually review the cost of  
9 administering and enforcing this section and shall establish by rule  
10 such changes to the license application fee as may be necessary to  
11 cover the cost of such administration and enforcement.

12 (cf: P.L.2007, c.339, s.1)

13  
14 15. (New section) a. The Department of Community Affairs  
15 shall cease its responsibilities for licensure, inspections, and the  
16 establishment and enforcement of standards with respect to each  
17 rooming or boarding house that provides services to residents with  
18 special needs, including, but not limited to, persons with  
19 Alzheimer's disease and related disorders or other forms of  
20 dementia, as of the date that the Department of Health assumes  
21 these responsibilities pursuant to section 18 of P.L. , c. (C. )  
22 (pending before the Legislature as this bill).

23 b. The Department of Community Affairs shall establish and  
24 enter into an inter-agency agreement with the Department of Health  
25 as necessary for the purposes of this section and section 18 of P.L. ,  
26 c. (C. ) (pending before the Legislature as this bill).

27  
28 16. (New section) The Department of Community Affairs shall  
29 not issue a license to any person to own or operate a new rooming  
30 or boarding house that provides services to residents with special  
31 needs, including, but not limited to, persons with Alzheimer's  
32 disease and related disorders or other forms of dementia, on or after  
33 the date of enactment of P.L. , c. (C. ) (pending before the  
34 Legislature as this bill).

35  
36 17. (New section) As used in sections 18 through 26 of P.L. ,  
37 c. (C. ) (pending before the Legislature as this bill):

38 "Alzheimer's disease and related disorders" means a form of  
39 dementia characterized by a general loss of intellectual abilities of  
40 sufficient severity to interfere with social or occupational  
41 functioning.

42 "Commissioner" means the Commissioner of Health.

43 "Department" means the Department of Health.

44 "Dementia" means a chronic or persistent disorder of the mental  
45 processes due to organic brain disease, for which no curative  
46 treatment is available, and marked by memory disorders, changes in  
47 personality, deterioration in personal care, impaired reasoning  
48 ability, and disorientation.

1 “Dementia care home” means a community residential facility  
2 which: (1) provides services to residents with special needs,  
3 including, but not limited to, persons with Alzheimer's disease and  
4 related disorders or other forms of dementia; (2) is subject to the  
5 licensure authority of the Department of Health as a health care  
6 facility pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.); (3) and  
7 meets the requirements of section 19 of P.L. , c. (C. )  
8 (pending before the Legislature as this bill).

9  
10 18. (New section) a. (1) Notwithstanding any law, rule, or  
11 regulation to the contrary, commencing on or after the effective date  
12 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
13 and subject to the provisions of subsection b. of this section, the  
14 Department of Health shall be responsible for licensure,  
15 inspections, and the establishment and enforcement of standards  
16 with respect to each community residential facility in the State that  
17 provides services to residents with special needs, including, but not  
18 limited to, persons with Alzheimer's disease and related disorders or  
19 other forms of dementia, which shall be thereafter known as a  
20 dementia care home.

21 (2) The department shall be empowered to exercise such  
22 authority with respect to a dementia care home as the department is  
23 granted with respect to any other health care facility licensed by the  
24 department, pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) and  
25 any rules and regulations adopted pursuant thereto, and in  
26 accordance with the provisions of P.L. , c. (C. ) (pending  
27 before the Legislature as this bill).

28 b. The department shall establish and enter into an inter-agency  
29 agreement with the Department of Community Affairs as necessary  
30 for the purposes of subsection a. of this section.

31 c. (1) Whenever any reference is made in any law, rule,  
32 regulation, order, contract, document, or judicial or administrative  
33 proceeding to rooming and boarding houses for residents with  
34 special needs, including, but not limited to, persons with  
35 Alzheimer's disease and related disorders or other forms of  
36 dementia, the same shall be deemed to mean or refer to “dementia  
37 care homes.”

38 (2) Whenever the term “Department of Community Affairs”  
39 appears or any reference is made thereto in any law, rule,  
40 regulation, order, contract, document, or judicial or administrative  
41 proceeding pertaining to rooming and boarding houses for residents  
42 with special needs, including, but not limited to, persons with  
43 Alzheimer's disease and related disorders or other forms of  
44 dementia, the same shall be deemed to mean or refer to the  
45 “Department of Health.”

46 d. A dementia care home that is operating as a rooming or  
47 boarding house that provides services to residents with special  
48 needs, including, but not limited to, persons with Alzheimer's

1 disease and related disorders or other forms of dementia, on the  
2 effective date of P.L. , c. (C. ) (pending before the Legislature  
3 as this bill) shall be granted provisional licensure by the department  
4 for a period of one year following the effective date. At the end of  
5 that period, the department shall issue a license to the facility  
6 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) or make continued  
7 licensure subject to such actions by the facility as the commissioner  
8 determines necessary to effectuate the purposes of P.L.1971, c.136  
9 and P.L. , c. (C. ) (pending before the Legislature as this bill).

10  
11 19. (New section) a. A dementia care home shall be a facility,  
12 whether in single or multiple dwellings, whether public or private,  
13 whether incorporated or unincorporated, whether for profit or  
14 nonprofit, operated at the direction of or under the management of  
15 an individual or individuals, corporation, partnership, society, or  
16 association, which furnishes food and shelter to four or more  
17 persons 18 years of age or older who are unrelated to the operator  
18 of the facility, and which provides dietary services, recreational  
19 activities, supervision of self-administration of medications,  
20 supervision of and assistance in activities of daily living and  
21 assistance in obtaining health services to any one or more of such  
22 persons, in addition to such facilities, services, activities, and  
23 assistance as the Commissioner of Health may prescribe by  
24 regulation that are designed to meet the specific needs of residents  
25 with special needs, including, but not limited to, persons with  
26 Alzheimer's disease and related disorders or other forms of  
27 dementia. A dementia care home shall not include: a community  
28 residence for the developmentally disabled as defined in section 2  
29 of P.L.1977, c. 448 (C.30:11B-2); a facility or living arrangement  
30 operated by, or under contract with, a State department or agency,  
31 upon the written authorization of the commissioner; or a privately  
32 operated establishment licensed pursuant to chapter 11 of Title 30  
33 of the Revised Statutes.

34 b. A resident of a dementia care home shall be a person with  
35 special needs, including, but not limited to, persons with  
36 Alzheimer's disease and related disorders or other forms of  
37 dementia, as prescribed by regulation of the commissioner, who is:  
38 18 years of age or older; ambulant with or without assistive devices;  
39 certified by a licensed physician to be free from communicable  
40 disease and not in need of skilled nursing care; and, except in the  
41 case of a person 65 years of age or over, in need of dietary services,  
42 supervision of self-administration of medications, supervision of  
43 and assistance in activities of daily living, or assistance in obtaining  
44 health care services. A resident of a dementia care home shall not  
45 be given skilled nursing care while a resident, except that the  
46 provisions of this subsection shall not be construed to prevent: care  
47 of residents in emergencies or during temporary illness for a period

1 of one week or less; or a licensed physician from ordering nursing  
2 or other health care services for the resident.

3  
4 20. (New section) a. (1) A person shall not operate a dementia  
5 care home, or offer, advertise, or hold out a facility as a dementia  
6 care home, hold out a building as available for occupancy by  
7 dementia care home residents, or apply for any necessary  
8 construction or planning approvals related to the establishment of a  
9 dementia care home, without a valid license having been issued by  
10 the department for the operation of that facility in accordance with  
11 the provisions of P.L.1971, c.136 (C.26:2H-1 et seq.) and P.L. ,  
12 c. (C. ) (pending before the Legislature as this bill).

13 (2) A person shall not offer, advertise, or hold out a dementia  
14 care home as another type of health care facility licensed pursuant  
15 to P.L.1971, c.136 (C.26:2H-1 et seq.).

16 (3) A person found to be in violation of paragraph (1) or (2) of  
17 this subsection shall be liable for a civil penalty for each building so  
18 operated in accordance with the provisions of section 25 of  
19 P.L. , c. (C. ) (pending before the Legislature as this bill).

20 b. Notwithstanding the provisions of any municipal ordinance  
21 to the contrary, a dementia care home shall meet such requirements  
22 as the commissioner shall establish by regulation for the posting of  
23 visible signs in its local community that identify the location of the  
24 facility.

25  
26 21. (New section) The commissioner shall establish standards to  
27 ensure that each dementia care home is constructed and operated in  
28 such a manner as will protect the health, safety, and welfare of its  
29 residents and at the same time preserve and promote a homelike  
30 atmosphere appropriate to these facilities, including, but not limited  
31 to, standards to provide for the following:

- 32 a. Safety from fire;
- 33 b. Safety from structural, mechanical, plumbing, and electrical  
34 deficiencies;
- 35 c. Adequate light and ventilation;
- 36 d. Physical security;
- 37 e. Protection from harassment, fraud, and eviction without due  
38 cause;
- 39 f. Clean and reasonably comfortable surroundings;
- 40 g. Adequate personal and financial services rendered in the  
41 facility;
- 42 h. Disclosure of owner identification information;
- 43 i. Maintenance of orderly and sufficient financial and  
44 occupancy records;
- 45 j. Referral of residents, by the operator, to social service and  
46 health care providers for needed services;
- 47 k. Assurance that no constitutional, civil, or legal right will be  
48 denied solely by reason of residence in a dementia care home;



- 1        l. Reasonable access for employees of public and private  
2 agencies, and reasonable access for other citizens upon receiving  
3 the consent of the resident to be visited by them;
- 4        m. Opportunity for each resident to live with as much  
5 independence, autonomy, and interaction with the surrounding  
6 community as the resident is capable of doing; and
- 7        n. Assurance that the needs of residents of a dementia care  
8 home will be met, which shall include, at a minimum, the  
9 following:
- 10        (1) staffing levels, which shall ensure that the ratio of direct care  
11 staff to residents in the facility is equal to or higher than that which  
12 existed on the date of enactment of P.L. , c. (C. ) (pending  
13 before the Legislature as this bill);
- 14        (2) staff qualifications and training;
- 15        (3) special dietary needs of residents;
- 16        (4) special supervision requirements relating to the individual  
17 needs of residents;
- 18        (5) building safety requirements appropriate to the needs of  
19 residents, including the requirement to maintain the operation 24  
20 hours a day, seven days a week, of window, door, and any other  
21 locks or security system designed to prevent the elopement of a  
22 resident;
- 23        (6) special health monitoring of residents by qualified, licensed  
24 health care professionals, including a requirement that a medical  
25 assessment by a physician be performed on a resident with special  
26 needs as described in this subsection, as determined necessary by  
27 the commissioner, prior to admission and on a quarterly basis  
28 thereafter, to ensure that the facility is appropriate to the needs of  
29 the resident; and
- 30        (7) criteria for discharging residents which shall be set forth in  
31 the admission agreement, which shall be provided to the resident or  
32 the resident's representative prior to or upon admission. The  
33 commissioner may revoke the license of any provider who violates  
34 the criteria for discharging residents.
- 35
- 36        22. (New section) a. Notwithstanding the provisions of any  
37 other law or regulation to the contrary, the commissioner may grant,  
38 to a dementia care home that is operating as a rooming or boarding  
39 house that provides services to residents with special needs,  
40 including, but not limited to, persons with Alzheimer's disease and  
41 related disorders or other forms of dementia, on the effective date of  
42 P.L. , c. (C. ) (pending before the Legislature as this bill), a  
43 temporary or permanent waiver of one or more requirements  
44 established by regulation of the commissioner for health care  
45 facilities licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.)  
46 that the commissioner has determined are otherwise applicable to  
47 the dementia care home, if the dementia care home can demonstrate  
48 to the satisfaction of the commissioner that:

1 (1) the granting of the waiver would not pose a threat to the  
2 health, safety, or welfare of its residents; and

3 (2) the failure to grant such a waiver would pose a serious  
4 financial hardship to the facility.

5 b. A dementia care home that is seeking a waiver pursuant to  
6 subsection a. of this section shall apply for the waiver on a form and  
7 in a manner prescribed by the commissioner.

8

9 23. (New section) a. Every resident of a dementia care home  
10 facility shall have the right:

11 (1) To manage the resident's own financial affairs;

12 (2) To wear the resident's own clothing;

13 (3) To determine the resident's own dress, hair style, or other  
14 personal effects according to individual preference;

15 (4) To retain and use the resident's personal property in the  
16 resident's immediate living quarters, so as to maintain individuality  
17 and personal dignity, except where the facility can demonstrate that  
18 it would be unsafe, impractical to do so, or infringe upon the rights  
19 of others, and that mere convenience is not the facility's motive to  
20 restrict this right;

21 (5) To receive and send unopened correspondence;

22 (6) To unaccompanied access to a telephone at a reasonable  
23 hour and to a private phone at the resident's expense;

24 (7) To privacy;

25 (8) To retain the services of the resident's own personal  
26 physician at the resident's own expense or under a health care plan  
27 and to confidentiality and privacy concerning the resident's medical  
28 condition and treatment;

29 (9) To unrestricted communication, including personal visitation  
30 with any person of the resident's choice, at any reasonable hour;

31 (10) To make contacts with the community and to achieve the  
32 highest level of independence, autonomy, and interaction with the  
33 community of which the resident is capable;

34 (11) To present grievances on behalf of the resident or others to  
35 the operator, State governmental agencies, or other persons without  
36 threat of reprisal in any form or manner;

37 (12) To a safe and decent living environment and considerate  
38 and respectful care that recognizes the dignity and individuality of  
39 the resident;

40 (13) To refuse to perform services for the facility, except as  
41 contracted for by the resident and the operator;

42 (14) To practice the religion of the resident's choice, or to  
43 abstain from religious practice; and

44 (15) To not be deprived of any constitutional, civil, or legal  
45 right solely by reason of residence in a dementia care home.

46 b. The operator of a dementia care home shall ensure that a  
47 written notice of the rights set forth in subsection a. of this section  
48 is given to every resident upon admittance to the facility and to each

1 resident upon request. The operator shall also post this notice in a  
2 conspicuous public place in the facility. This notice shall include  
3 the name, address, and telephone numbers of the Office of the  
4 Ombudsman for the Institutionalized Elderly, county welfare  
5 agency, and county office on aging.

6 c. A person or resident whose rights as set forth in subsection  
7 a. of this section are violated shall have a cause of action against  
8 any person committing the violation. The action may be brought in  
9 any court of competent jurisdiction to enforce those rights and to  
10 recover actual and punitive damages for their violation. A plaintiff  
11 who prevails in the action shall be entitled to recover reasonable  
12 attorney's fees and costs of the action.

13

14 24. (New section) A person who operates a dementia care home  
15 on or after the effective date of P.L. , c. (C. ) (pending before  
16 the Legislature as this bill) shall not provide health care services in  
17 that facility. Nothing in this section shall be construed to prohibit a  
18 licensed health care professional, who is acting within the scope of  
19 that person's license, from providing health care services to a  
20 resident of a dementia care home.

21

22 25. (New section) A person or entity found to be in violation of  
23 the provisions of P.L. , c. (C. ) (pending before the  
24 Legislature as this bill), or any rules or regulations adopted by the  
25 commissioner pursuant thereto with respect to the operation of a  
26 dementia care home, shall be subject to a penalty as provided for in  
27 sections 13 or 14 of P.L.1971, c.136 (C.26:2H-13 or 26:2H-14).

28

29 26. (New section) The commissioner and the Commissioner of  
30 Community Affairs, pursuant to the "Administrative Procedure  
31 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt,  
32 notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et  
33 seq.) to the contrary, immediately upon filing with the Office of  
34 Administrative Law, such rules and regulations as the  
35 commissioners deem necessary to effectuate the purposes of P.L. ,  
36 c. (C. ) (pending before the Legislature as this bill), which  
37 shall be effective for a period not to exceed 12 months following  
38 the effective date of P.L. , c. . The regulations shall thereafter be  
39 amended, adopted, or readopted, in accordance with the provisions  
40 of P.L.1968, c.410 (C.52:14B-1 et seq.), as the commissioner or the  
41 Commissioner of Community Affairs determine necessary to  
42 effectuate the purposes of P.L. , c. (C. ) (pending before the  
43 Legislature as this bill).

44

45 27. This act shall take effect on the first day of the seventh  
46 month next following the date of enactment, except that section 16  
47 shall take effect immediately, but the Commissioners of Health and  
48 Community Affairs may take such anticipatory administrative

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26

1 action in advance thereof as shall be necessary for the  
2 implementation of this act.

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Provides for licensure of dementia care homes by DOH.

# ASSEMBLY, No. 1102

## STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman BONNIE WATSON COLEMAN**

**District 15 (Hunterdon and Mercer)**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblyman Eustace**

**SYNOPSIS**

Provides for licensure of dementia care homes by DOH.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT providing for the licensure of dementia care homes by the  
2 Department of Health and amending and supplementing various  
3 parts of the statutory law.  
4

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

7  
8 1. Section 2 of P.L.1971, c.136 (C.26:2H-2) is amended to read  
9 as follows:

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

12 a. "Health care facility" means the facility or institution  
13 whether public or private, engaged principally in providing services  
14 for health maintenance organizations, diagnosis, or treatment of  
15 human disease, pain, injury, deformity, or physical condition,  
16 including, but not limited to, a general hospital, special hospital,  
17 mental hospital, public health center, diagnostic center, treatment  
18 center, rehabilitation center, extended care facility, skilled nursing  
19 home, nursing home, intermediate care facility, tuberculosis  
20 hospital, chronic disease hospital, maternity hospital, outpatient  
21 clinic, dispensary, home health care agency, residential health care  
22 facility, dementia care home, and bioanalytical laboratory (except  
23 as specifically excluded hereunder) or central services facility  
24 serving one or more such institutions but excluding institutions that  
25 provide healing solely by prayer and excluding such bioanalytical  
26 laboratories as are independently owned and operated, and are not  
27 owned, operated, managed, or controlled, in whole or in part,  
28 directly or indirectly by any one or more health care facilities, and  
29 the predominant source of business of which is not by contract with  
30 health care facilities within the State of New Jersey and which  
31 solicit or accept specimens and operate predominantly in interstate  
32 commerce.

33 b. "Health care service" means the preadmission, outpatient,  
34 inpatient, and postdischarge care provided in or by a health care  
35 facility, and such other items or services as are necessary for such  
36 care, which are provided by or under the supervision of a physician  
37 for the purpose of health maintenance organizations, diagnosis, or  
38 treatment of human disease, pain, injury, disability, deformity, or  
39 physical condition, including, but not limited to, nursing service,  
40 home care nursing, and other paramedical service, ambulance  
41 service, service provided by an intern, resident in training or  
42 physician whose compensation is provided through agreement with  
43 a health care facility, laboratory service, medical social service,  
44 drugs, biologicals, supplies, appliances, equipment, bed and board,  
45 but excluding services provided by a physician in his private

**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.

- 1 practice, except as provided in sections 7 and 12 of P.L.1971, c.136  
2 (C.26:2H-7 and 26:2H-12), or by practitioners of healing solely by  
3 prayer, and services provided by first aid, rescue and ambulance  
4 squads as defined in the "New Jersey Highway Safety Act of 1971,"  
5 P.L.1971, c.351 (C.27:5F-1 et seq.).
- 6 c. "Construction" means the erection, building, or substantial  
7 acquisition, alteration, reconstruction, improvement, renovation,  
8 extension, or modification of a health care facility, including its  
9 equipment, the inspection and supervision thereof; and the studies,  
10 surveys, designs, plans, working drawings, specifications,  
11 procedures, and other actions necessary thereto.
- 12 d. "Board" means the Health Care Administration Board  
13 established pursuant to this act.
- 14 e. (Deleted by amendment, P.L.1998, c.43).
- 15 f. "Government agency" means a department, board, bureau,  
16 division, office, agency, public benefit, or other corporation, or any  
17 other unit, however described, of the State or political subdivision  
18 thereof.
- 19 g. (Deleted by amendment, P.L.1991, c.187).
- 20 h. (Deleted by amendment, P.L.1991, c.187).
- 21 i. "Department" means the Department of Health.
- 22 j. "Commissioner" means the Commissioner of Health.
- 23 k. "Preliminary cost base" means that proportion of a hospital's  
24 current cost which may reasonably be required to be reimbursed to  
25 a properly utilized hospital for the efficient and effective delivery of  
26 appropriate and necessary health care services of high quality  
27 required by such hospital's mix of patients. The preliminary cost  
28 base initially may include costs identified by the commissioner and  
29 approved or adjusted by the commission as being in excess of that  
30 proportion of a hospital's current costs identified above, which  
31 excess costs shall be eliminated in a timely and reasonable manner  
32 prior to certification of the revenue base. The preliminary cost base  
33 shall be established in accordance with regulations proposed by the  
34 commissioner and approved by the board.
- 35 l. (Deleted by amendment, P.L.1992, c.160).
- 36 m. "Provider of health care" means an individual (1) who is a  
37 direct provider of health care service in that the individual's primary  
38 activity is the provision of health care services to individuals or the  
39 administration of health care facilities in which such care is  
40 provided and, when required by State law, the individual has  
41 received professional training in the provision of such services or in  
42 such administration and is licensed or certified for such provision or  
43 administration; or (2) who is an indirect provider of health care in  
44 that the individual (a) holds a fiduciary position with, or has a  
45 fiduciary interest in, any entity described in subparagraph b(ii) or  
46 subparagraph b(iv); provided, however, that a member of the  
47 governing body of a county or any elected official shall not be

1 deemed to be a provider of health care unless he is a member of the  
2 board of trustees of a health care facility or a member of a board,  
3 committee or body with authority similar to that of a board of  
4 trustees, or unless he participates in the direct administration of a  
5 health care facility; or (b) received, either directly or through his  
6 spouse, more than one-tenth of his gross annual income for any one  
7 or more of the following:

8 (i) Fees or other compensation for research into or instruction in  
9 the provision of health care services;

10 (ii) Entities engaged in the provision of health care services or in  
11 research or instruction in the provision of health care services;

12 (iii) Producing or supplying drugs or other articles for  
13 individuals or entities for use in the provision of or in research into  
14 or instruction in the provision of health care services;

15 (iv) Entities engaged in producing drugs or such other articles.

16 n. "Private long-term health care facility" means a nursing  
17 home, skilled nursing home, or intermediate care facility presently  
18 in operation and licensed as such prior to the adoption of the 1967  
19 Life Safety Code by the Department of Health in 1972 and which  
20 has a maximum 50-bed capacity and which does not accommodate  
21 Medicare or Medicaid patients.

22 o. (Deleted by amendment, P.L.1998, c.43).

23 p. "State Health Planning Board" means the board established  
24 pursuant to section 33 of P.L.1991, c.187 (C.26:2H-5.7) to conduct  
25 certificate of need review activities.

26 (cf: P.L.2012, c.17, s.153)

27

28 2. Section 19 of P.L.1992, c.160 (C.26:2H-7a) is amended to  
29 read as follows:

30 19. Notwithstanding the provisions of section 7 of P.L.1971,  
31 c.136 (C.26:2H-7) to the contrary, the following are exempt from  
32 the certificate of need requirement:

33 Community-based primary care centers;

34 Outpatient drug and alcohol services;

35 Hospital-based medical detoxification for drugs and alcohol;

36 Ambulance and invalid coach services;

37 Mental health services which are non-bed related outpatient  
38 services;

39 Residential health care facility services;

40 Dementia care homes;

41 Capital improvements and renovations to health care facilities;

42 Additions of medical/surgical, adult intensive care and adult  
43 critical care beds in hospitals;

44 Replacement of existing major moveable equipment;

45 Inpatient operating rooms;

46 Alternate family care programs;

47 Hospital-based subacute care;



- 1 Ambulatory care facilities;
- 2 Comprehensive outpatient rehabilitation services;
- 3 Special child health clinics;
- 4 New technology in accordance with the provisions of section 18
- 5 of P.L.1998, c.43 (C.26:2H-7d);
- 6 Transfer of ownership interest except in the case of an acute care
- 7 hospital;
- 8 Change of site for approved certificate of need within the same
- 9 county;
- 10 Additions to vehicles or hours of operation of a mobile intensive
- 11 care unit;
- 12 Relocation or replacement of a health care facility within the
- 13 same county, except for an acute care hospital;
- 14 Continuing care retirement communities authorized pursuant to
- 15 P.L.1986, c.103 (C.52:27D-330 et seq.);
- 16 Magnetic resonance imaging;
- 17 Adult day health care facilities;
- 18 Pediatric day health care facilities;
- 19 Chronic or acute renal dialysis facilities; and
- 20 Transfer of ownership of a hospital to an authority in accordance
- 21 with P.L.2006, c.46 (C.30:9-23.15 et al.).
- 22 (cf: P.L.2006, c.46, s.10)
- 23
- 24 3. Section 1 of P.L.2007, c.65 (C.26:2H-12.33) is amended to
- 25 read as follows:
- 26 1. a. The Department of Health shall make available to the
- 27 public, through its official department website, information
- 28 regarding:
- 29 (1) the ownership of each long-term care facility and adult day
- 30 health services facility licensed by the department; and
- 31 (2) any violation of statutory standards or rules and regulations
- 32 of the department pertaining to the care of patients or physical plant
- 33 standards found at any such facility by the department.
- 34 As used in this section, "long-term care facility" means a nursing
- 35 home, assisted living residence, comprehensive personal care home,
- 36 residential health care facility, or dementia care home licensed
- 37 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).
- 38 b. The information made available to the public pursuant to
- 39 subsection a. of this section shall be provided in a manner that
- 40 would enable a member of the public to search the website by name
- 41 of a facility or its owner in order to access the information. The
- 42 department shall also make the information available in writing,
- 43 upon request.
- 44 c. The information regarding the ownership of a long-term care
- 45 or adult day health services facility that is made available to the
- 46 public pursuant to subsection a. of this section shall provide, at a
- 47 minimum: the name of the owner of a facility as listed on the

1 facility's license and, if there is more than one owner or the facility  
2 is owned by a corporation, the name of each person who holds at  
3 least a 10【%】 percent interest in the facility; the name of any other  
4 licensed long-term care or adult day health services facility in the  
5 State owned by this owner, corporation, and each person who holds  
6 at least a 10【%】 percent interest in the facility, as applicable; and  
7 the address and contact information for the facility.

8 d. The information that is displayed on the official department  
9 website pursuant to subsection a. of this section shall include  
10 Internet web links to the New Jersey Report Card for Nursing  
11 Homes maintained by the department and the Medicare Nursing  
12 Home Compare database maintained by the federal Centers for  
13 Medicare & Medicaid Services.

14 (cf: P.L.2012, c.17, s.197)

15

16 4. Section 2 of P.L.1984, c.114 (C.26:2H-14.2) is amended to  
17 read as follows:

18 2. a. Every nursing home as defined in section 2 of P.L.1976,  
19 c. 120 (C. 30:13-2) or licensed pursuant to P.L.1971, c. 136 (C.  
20 26:2H-1 et seq.), **【and】** every residential health care facility as  
21 defined in section 1 of P.L.1953, c. 212 (C. 30:11A-1) or licensed  
22 pursuant to P.L.1971, c. 136 (C. 26:2H-1 et seq.), and every  
23 dementia care home as defined in section 17 of P.L. , c. (C. )  
24 (pending before the Legislature as this bill) shall establish by  
25 written policy a heat emergency action plan which shall include  
26 those procedures to be followed in the event of a heat emergency in  
27 order to protect the health and welfare of its residents, and which  
28 shall be approved by the department. The department shall review  
29 a heat emergency action plan established pursuant to this act at  
30 least once in each year.

31 b. A health care facility included within the provisions of this  
32 act shall be required to notify the department immediately in the  
33 event of a heat emergency.

34 (cf: P.L.1984, c.114, s.2)

35

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

38 3. The Commissioner of Health shall, pursuant to the  
39 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
40 (C.52:14B-1 et seq.),<sub>2</sub> adopt rules and regulations necessary to  
41 effectuate the purposes of this act. The regulations shall require  
42 that:

43 a. Each health care facility included within the provisions of  
44 this act and which is not equipped with air conditioning on the  
45 effective date of P.L.1989, c.173 (C.26:2H-14.4 et al.), shall  
46 provide for and operate adequate ventilation in all areas used by  
47 patients or residents, including, but not limited to, the use of ceiling

1 fans, wall fans or portable fans, where appropriate, so that the  
2 temperature in these areas does not exceed 82 degrees Fahrenheit,  
3 but the health care facility shall not directly assess patients or  
4 residents for the purchase or installation of the fans or other  
5 ventilating equipment.

6 (1) The regulations shall also provide that within two years after  
7 the effective date of P.L.1989, c.173 (C.26:2H-14.4 et al.), every  
8 nursing home included within the provisions of this act, and every  
9 residential health care facility as specified in this paragraph, shall  
10 be equipped with air conditioning, except that the commissioner  
11 may grant a nursing home or residential health care facility a waiver  
12 from the air conditioning requirement to give the nursing home or  
13 residential health care facility one additional year to comply with  
14 the air conditioning requirement, for which waiver the nursing  
15 home or residential health care facility shall apply on a form and in  
16 a manner prescribed by the commissioner, if the nursing home or  
17 residential health care facility can demonstrate to the satisfaction of  
18 the commissioner that the failure to grant such a waiver would pose  
19 a serious financial hardship to the nursing home or residential  
20 health care facility. The air conditioning shall be operated so that  
21 the temperature in all areas used by patients or residents does not  
22 exceed 82 degrees Fahrenheit. The air conditioning requirement  
23 established in this subsection shall apply to a residential health care  
24 facility only: (1) upon enactment into law of legislation that  
25 increases the rate of reimbursement provided by the State under the  
26 Supplemental Security Income program, P.L.1973, c.256 (C.44:7-  
27 85 et seq.), which rate is certified by the Commissioner of Health to  
28 be sufficient to enable the facility to meet the costs of complying  
29 with the requirement; and (2) if the facility qualifies for funds for  
30 energy efficiency rehabilitation through the "Petroleum Overcharge  
31 Reimbursement Fund," established pursuant to P.L.1987, c.231,  
32 which funds can be applied towards equipping the facility with air  
33 conditioning. A nursing home or residential health care facility  
34 shall not directly assess patients or residents for the purchase or  
35 installation of the air conditioning equipment.

36 (2) The regulations shall also provide that within two years after  
37 the effective date of P.L. , c. (C. ) (pending before the  
38 Legislature as this bill), every dementia care home shall be  
39 equipped with air conditioning, except that the commissioner may  
40 grant a dementia care home a waiver from the air conditioning  
41 requirement to give the dementia care home one additional year to  
42 comply with the air conditioning requirement, for which waiver the  
43 dementia care home shall apply on a form and in a manner  
44 prescribed by the commissioner, if the dementia care home can  
45 demonstrate to the satisfaction of the commissioner that the failure  
46 to grant such a waiver would pose a serious financial hardship to  
47 that facility. The air conditioning shall be operated so that the

1 temperature in all areas used by residents does not exceed 82  
2 degrees Fahrenheit. A dementia care home shall not directly assess  
3 residents for the purchase or installation of the air conditioning  
4 equipment; and

5 b. Patients or residents are identified by predisposition, due to  
6 illness, medication or otherwise, to heat-related illness and that  
7 during a heat emergency, their body temperature, dehydration status  
8 and other symptoms of heat-related illness are monitored frequently  
9 and regularly, any anomalies are promptly reported to the attending  
10 physician, and any necessary therapeutic or palliative measures are  
11 instituted, including the provision of liquids, where required.  
12 (cf: P.L.1989, c.173, s.1)

13

14 6. Section 2 of P.L.1989, c.173 (C.26:2H-14.4) is amended to  
15 read as follows:

16 2. A nursing home or residential health care facility included  
17 within the provisions of P.L.1984, c.114 (C.26:2H-14.1 et seq.)  
18 which is constructed or expanded after the effective date of  
19 P.L.1989, c.173 (C.26:2H-14.4 et al.), or a dementia care home  
20 included within the provisions of P.L.1984, c.114 (C.26:2H-14.1 et  
21 seq.) which is constructed or expanded after the effective date of  
22 P.L. , c. (C. ) (pending before the Legislature as this bill), shall  
23 be equipped with air conditioning in all areas used by patients or  
24 residents, and the air conditioning shall be operated so that the  
25 temperature in these areas does not exceed 82 degrees Fahrenheit.  
26 (cf: P.L.1989, c.173, s.2)

27

28 7. Section 2 of P.L.1977, c.238 (C.26:2H-37) is amended to  
29 read as follows:

30 2. As used in this act, and unless the context otherwise  
31 requires:

32 a. "Boarding or nursing home" or "home" means: a private  
33 nursing home or convalescent home regulated under chapter 11 of  
34 Title 30 of the Revised Statutes **【or】**; a facility or institution,  
35 private or public, regulated and licensed as an extended care  
36 facility, skilled nursing home, nursing home, or intermediate care  
37 facility pursuant to P.L.1971, c. 136 (C. 26:2H-1 to 26:2H-26) **【or】**;  
38 a residential health care facility, as defined in section 1 of P.L.1953,  
39 c. 212 (C. 30:11A-1) or licensed pursuant to P.L.1971, c. 136 (C.  
40 26:2H-1 to 26:2H-26); or a dementia care home as defined in  
41 section 17 of P.L. , c. (C. ) (pending before the Legislature as  
42 this bill).

43 b. "Owner" means the holder or holders of the title in fee  
44 simple to the property on which the home is located.

45 c. "Licensee" means the holder or holders of a license to  
46 operate a boarding or nursing home pursuant to chapter 11 of Title

1 30 of the Revised Statutes, P.L.1953, c. 212 (C. 30:11A-1 to  
2 30:11A-14) or P.L.1971, c. 136 (C. 26:2H-1 to 26:2H-26).

3 d. "Department" means the State Department of Health.  
4 (cf: P.L.1979, c.496, s.24)

5

6 8. Section 3 of P.L.1991, c.201 (C.26:2H-55) is amended to  
7 read as follows:

8 3. As used in this act:

9 "Adult" means an individual 18 years of age or older.

10 "Advance directive for health care" or "advance directive" means  
11 a writing executed in accordance with the requirements of this act.  
12 An "advance directive" may include a proxy directive or an  
13 instruction directive, or both.

14 "Attending physician" means the physician selected by, or  
15 assigned to, the patient who has primary responsibility for the  
16 treatment and care of the patient.

17 "Decision making capacity" means a patient's ability to  
18 understand and appreciate the nature and consequences of health  
19 care decisions, including the benefits and risks of each, and  
20 alternatives to any proposed health care, and to reach an informed  
21 decision. A patient's decision making capacity is evaluated relative  
22 to the demands of a particular health care decision.

23 "Declarant" means a competent adult who executes an advance  
24 directive.

25 "Do not resuscitate order" means a physician's written order not  
26 to attempt cardiopulmonary resuscitation in the event the patient  
27 suffers a cardiac or respiratory arrest.

28 "Emergency care" means immediate treatment provided in  
29 response to a sudden, acute and unanticipated medical crisis in  
30 order to avoid injury, impairment or death.

31 "Health care decision" means a decision to accept or to refuse  
32 any treatment, service or procedure used to diagnose, treat or care  
33 for a patient's physical or mental condition, including life-sustaining  
34 treatment. "Health care decision" also means a decision to accept or  
35 to refuse the services of a particular physician, nurse, other health  
36 care professional or health care institution, including a decision to  
37 accept or to refuse a transfer of care.

38 "Health care institution" means all institutions, facilities, and  
39 agencies licensed, certified, or otherwise authorized by State law to  
40 administer health care in the ordinary course of business, including  
41 hospitals, nursing homes, residential health care facilities, dementia  
42 care homes, home health care agencies, hospice programs operating  
43 in this State, mental health institutions, facilities or agencies, or  
44 institutions, facilities and agencies for the developmentally  
45 disabled. The term "health care institution" shall not be construed  
46 to include "health care professionals" as defined in this act.

1 "Health care professional" means an individual licensed by this  
2 State to administer health care in the ordinary course of business or  
3 practice of a profession.

4 "Health care representative" means the individual designated by  
5 a declarant pursuant to the proxy directive part of an advance  
6 directive for the purpose of making health care decisions on the  
7 declarant's behalf, and includes an individual designated as an  
8 alternate health care representative who is acting as the declarant's  
9 health care representative in accordance with the terms and order of  
10 priority stated in an advance directive.

11 "Instruction directive" means a writing which provides  
12 instructions and direction regarding the declarant's wishes for health  
13 care in the event that the declarant subsequently lacks decision  
14 making capacity.

15 "Life-sustaining treatment" means the use of any medical device  
16 or procedure, artificially provided fluids and nutrition, drugs,  
17 surgery or therapy that uses mechanical or other artificial means to  
18 sustain, restore or supplant a vital bodily function, and thereby  
19 increase the expected life span of a patient.

20 "Other health care professionals" means health care professionals  
21 other than physicians and nurses.

22 "Patient" means an individual who is under the care of a  
23 physician, nurse or other health care professional.

24 "Permanently unconscious" means a medical condition that has  
25 been diagnosed in accordance with currently accepted medical  
26 standards and with reasonable medical certainty as total and  
27 irreversible loss of consciousness and capacity for interaction with  
28 the environment. The term "permanently unconscious" includes  
29 without limitation a persistent vegetative state or irreversible coma.

30 "Physician" means an individual licensed to practice medicine  
31 and surgery in this State.

32 "Proxy directive" means a writing which designates a health care  
33 representative in the event the declarant subsequently lacks decision  
34 making capacity.

35 "State" means a state, territory, or possession of the United  
36 States, the District of Columbia, or the Commonwealth of Puerto  
37 Rico.

38 "Terminal condition" means the terminal stage of an irreversibly  
39 fatal illness, disease or condition. A determination of a specific life  
40 expectancy is not required as a precondition for a diagnosis of a  
41 "terminal condition," but a prognosis of a life expectancy of six  
42 months or less, with or without the provision of life-sustaining  
43 treatment, based upon reasonable medical certainty, shall be  
44 deemed to constitute a terminal condition.

45 (cf: P.L.1991, c.201, s.3)

1       9. Section 2 of P.L.1977, c.448 (C.30:11B-2) is amended to  
2 read as follows:

3       2. "Alzheimer's disease and related disorders" means a form of  
4 dementia characterized by a general loss of intellectual abilities of  
5 sufficient severity to interfere with social or occupational  
6 functioning.

7       "Community residence for the developmentally disabled" means  
8 any community residential facility housing up to 16 persons with  
9 developmental disabilities, which provides food, shelter, and  
10 personal guidance for persons with developmental disabilities who  
11 require assistance, temporarily or permanently, in order to live  
12 independently in the community. Such residences shall not be  
13 considered health care facilities within the meaning of the "Health  
14 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.)  
15 and shall include, but not be limited to, group homes, halfway  
16 houses, supervised apartment living arrangements, and hostels.

17       "Community residence for the mentally ill" means any  
18 community residential facility which provides food, shelter, and  
19 personal guidance, under such supervision as required, to not more  
20 than 15 persons with mental illness who require assistance  
21 temporarily or permanently, in order to live independently in the  
22 community. These residences shall be approved for a purchase of  
23 service contract or an affiliation agreement pursuant to procedures  
24 established by the Division of Mental Health and Addiction  
25 Services in the Department of Human Services or the Division of  
26 Children's System of Care in the Department of Children and  
27 Families, as applicable. These residences shall not house persons  
28 who have been assigned to a State psychiatric hospital after having  
29 been found not guilty of a criminal offense by reason of insanity or  
30 unfit to be tried on a criminal charge. These residences shall not be  
31 considered health care facilities within the meaning of the "Health  
32 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.)  
33 and shall include, but not be limited to, group homes, halfway  
34 houses, supervised apartment living arrangements, family care  
35 homes, and hostels.

36       "Community residence for persons with head injuries" means a  
37 community residential facility providing food, shelter, and personal  
38 guidance, under such supervision as required, to not more than 15  
39 persons with head injuries, who require assistance, temporarily or  
40 permanently, in order to live in the community, and shall include,  
41 but not be limited to: group homes, halfway houses, supervised  
42 apartment living arrangements, and hostels. Such a residence shall  
43 not be considered a health care facility within the meaning of the  
44 "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1  
45 et seq.).

46       "Dementia" means a chronic or persistent disorder of the mental  
47 processes due to organic brain disease, for which no curative

1 treatment is available, and marked by memory disorders, changes in  
2 personality, deterioration in personal care, impaired reasoning  
3 ability, and disorientation.

4 "Developmental disability" or "developmentally disabled" means  
5 a severe, chronic disability of a person which: a. is attributable to a  
6 mental or physical impairment or combination of mental or physical  
7 impairments; b. is manifest before age 22; c. is likely to continue  
8 indefinitely; d. results in substantial functional limitations in three  
9 or more of the following areas of major life activity, that is, self-  
10 care, receptive and expressive language, learning, mobility, self-  
11 direction and capacity for independent living, or economic self-  
12 sufficiency; and e. reflects the need for a combination and sequence  
13 of special interdisciplinary or generic care, treatment, or other  
14 services which are of lifelong or extended duration and are  
15 individually planned and coordinated. Developmental disability  
16 includes, but is not limited to, severe disabilities attributable to an  
17 intellectual disability, autism, cerebral palsy, epilepsy, spina bifida,  
18 and other neurological impairments where the above criteria are  
19 met.

20 "Mentally ill" or "mental illness" means any psychiatric disorder  
21 which has required an individual to receive either inpatient  
22 psychiatric care or outpatient psychiatric care on an extended basis.

23 "Person with head injury" means a person who has sustained an  
24 injury, illness, or traumatic changes to the skull, the brain contents  
25 or its coverings which results in a temporary or permanent  
26 physiobiological decrease of cognitive, behavioral, social, or  
27 physical functioning which causes partial or total disability, but  
28 excluding a person with Alzheimer's disease and related disorders  
29 or other forms of dementia.

30 (cf: P.L.2012, c.16, s.125)

31

32 10. Section 2 of P.L.1978, c.159 (C.40:55D-66.2) is amended to  
33 read as follows:

34 2. As used in this act:

35 a. "Community residence for the developmentally disabled"  
36 means any community residential facility licensed pursuant to  
37 P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter, and  
38 personal guidance, under such supervision as required, to not more  
39 than 15 developmentally disabled or mentally ill persons, who  
40 require assistance, temporarily or permanently, in order to live in  
41 the community, and shall include, but not be limited to: group  
42 homes, halfway houses, intermediate care facilities, supervised  
43 apartment living arrangements, and hostels. Such a residence shall  
44 not be considered a health care facility within the meaning of the  
45 "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1  
46 et al.). In the case of such a community residence housing mentally  
47 ill persons, such residence shall have been approved for a purchase



1 of service contract or an affiliation agreement pursuant to such  
2 procedures as shall be established by regulation of the Division of  
3 Mental Health and **【Hospitals of】** Addiction Services in the  
4 Department of Human Services. As used in this act,  
5 "developmentally disabled person" means a person who is  
6 developmentally disabled as defined in section 2 of P.L.1977, c.448  
7 (C.30:11B-2), and "mentally ill person" means a person who is  
8 afflicted with a mental illness as defined in R.S.30:4-23, but shall  
9 not include a person who has been committed after having been  
10 found not guilty of a criminal offense by reason of insanity or  
11 having been found unfit to be tried on a criminal charge.

12 b. "Community shelter for victims of domestic violence" means  
13 any shelter approved for a purchase of service contract and certified  
14 pursuant to standards and procedures established by regulation of  
15 the Department of Human Services pursuant to P.L.1979, c.337  
16 (C.30:14-1 et seq.), providing food, shelter, medical care, legal  
17 assistance, personal guidance, and other services to not more than  
18 15 persons who have been victims of domestic violence, including  
19 any children of such victims, who temporarily require shelter and  
20 assistance in order to protect their physical or psychological  
21 welfare.

22 c. "Community residence for persons with head injuries"  
23 means a community residential facility licensed pursuant to  
24 P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter, and  
25 personal guidance, under such supervision as required, to not more  
26 than 15 persons with head injuries, who require assistance,  
27 temporarily or permanently, in order to live in the community, and  
28 shall include, but not be limited to: group homes, halfway houses,  
29 supervised apartment living arrangements, and hostels. Such a  
30 residence shall not be considered a health care facility within the  
31 meaning of the "Health Care Facilities Planning Act," P.L.1971,  
32 c.136 (C.26:2H-1 et al.).

33 d. "Person with head injury" means a person who has sustained  
34 an injury, illness, or traumatic changes to the skull, the brain  
35 contents, or its coverings which results in a temporary or permanent  
36 physiobiological decrease of mental, cognitive, behavioral, social,  
37 or physical functioning which causes partial or total disability, but  
38 excluding a person with Alzheimer's disease and related disorders  
39 or other forms of dementia.

40 e. "Community residence for the terminally ill" means any  
41 community residential facility operated as a hospice program  
42 providing food, shelter, personal guidance, and health care services,  
43 under such supervision as required, to not more than 15 terminally  
44 ill persons.

45 f. "Alzheimer's disease and related disorders" means a form of  
46 dementia characterized by a general loss of intellectual abilities of

1 sufficient severity to interfere with social or occupational  
2 functioning.

3 g. "Dementia" means a chronic or persistent disorder of the  
4 mental processes due to organic brain disease, for which no curative  
5 treatment is available, and marked by memory disorders, changes in  
6 personality, deterioration in personal care, impaired reasoning  
7 ability, and disorientation.

8 (cf: P.L.1997, c.321, s.2)

9

10 11. Section 2 of P.L.1977, c.239 (C.52:27G-2) is amended to  
11 read as follows:

12 2. As used in this act, unless the context clearly indicates  
13 otherwise:

14 a. "Abuse" means the willful infliction of physical pain, injury,  
15 or mental anguish; unreasonable confinement; or the willful  
16 deprivation of services which are necessary to maintain a person's  
17 physical and mental health. However, no person shall be deemed to  
18 be abused for the sole reason he is being furnished nonmedical  
19 remedial treatment by spiritual means through prayer alone, in  
20 accordance with a recognized religious method of healing, in lieu of  
21 medical treatment;

22 b. An "act" of any facility or government agency shall be  
23 deemed to include any failure or refusal to act by such facility or  
24 government agency;

25 c. "Administrator" means any person who is charged with the  
26 general administration or supervision of a facility, whether or not  
27 such person has an ownership interest in such facility, and whether  
28 or not such person's functions and duties are shared with one or  
29 more other persons;

30 d. "Caretaker" means a person employed by a facility to  
31 provide care or services to an elderly person, and includes, but is  
32 not limited to, the administrator of a facility;

33 e. "Exploitation" means the act or process of using a person or  
34 his resources for another person's profit or advantage without legal  
35 entitlement to do so;

36 f. "Facility" means any facility or institution, whether public or  
37 private, offering health or health related services for the  
38 institutionalized elderly, and which is subject to regulation,  
39 visitation, inspection, or supervision by any government agency.  
40 Facilities include, but are not limited to, nursing homes, skilled  
41 nursing homes, intermediate care facilities, extended care facilities,  
42 convalescent homes, rehabilitation centers, residential health care  
43 facilities, dementia care homes, special hospitals, veterans'  
44 hospitals, chronic disease hospitals, psychiatric hospitals, mental  
45 hospitals, developmental centers or facilities, day care facilities for  
46 the elderly and medical day care centers;

- 1 g. "Government agency" means any department, division,  
2 office, bureau, board, commission, authority, or any other agency or  
3 instrumentality created by the State or to which the State is a party,  
4 or by any county or municipality, which is responsible for the  
5 regulation, visitation, inspection, or supervision of facilities, or  
6 which provides services to patients, residents, or clients of  
7 facilities;
- 8 h. "Guardian" means any person with the legal right to manage  
9 the financial affairs and protect the rights of any patient, resident, or  
10 client of a facility, who has been declared an incapacitated person  
11 by a court of competent jurisdiction;
- 12 i. "Institutionalized elderly," "elderly" or "elderly person"  
13 means any person 60 years of age or older, who is a patient,  
14 resident, or client of any facility;
- 15 j. "Office" means the Office of the Ombudsman for the  
16 Institutionalized Elderly established herein;
- 17 k. "Ombudsman" means the administrator and chief executive  
18 officer of the Office of the Ombudsman for the Institutionalized  
19 Elderly;
- 20 l. "Patient, resident or client" means any elderly person who is  
21 receiving treatment or care in any facility in all its aspects,  
22 including, but not limited to, admission, retention, confinement,  
23 commitment, period of residence, transfer, discharge, and any  
24 instances directly related to such status.  
25 (cf: P.L. 2010, c.50, s.79)

26  
27 12. Section 3 of P.L.1979, c.496 (C.55:13B-3) is amended to  
28 read as follows:

29 3. As used in this act:

- 30 a. "Boarding house" means any building, together with any  
31 related structure, accessory building, any land appurtenant thereto,  
32 and any part thereof, which contains two or more units of dwelling  
33 space arranged or intended for single room occupancy, exclusive of  
34 any such unit occupied by an owner or operator, and wherein  
35 personal or financial services are provided to the residents,  
36 including any residential hotel or congregate living arrangement,  
37 but excluding any hotel, motel, or established guest house wherein a  
38 minimum of 85【%】 percent of the units of dwelling space are  
39 offered for limited tenure only, any resource family home as  
40 defined in section 1 of P.L.1962, c.137 (C.30:4C-26.1), any  
41 community residence for the developmentally disabled and any  
42 community residence for the mentally ill as defined in section 2 of  
43 P.L.1977, c.448 (C.30:11B-2), any adult family care home as  
44 defined in section 3 of P.L.2001, c.304 (C.26:2Y-3), any dormitory  
45 owned or operated on behalf of any nonprofit institution of primary,  
46 secondary, or higher education for the use of its students, any  
47 building arranged for single room occupancy wherein the units of

1 dwelling space are occupied exclusively by students enrolled in a  
2 full-time course of study at an institution of higher education  
3 approved by the New Jersey Commission on Higher Education, any  
4 facility or living arrangement operated by, or under contract with,  
5 any State department or agency, upon the written authorization of  
6 the commissioner, and any owner-occupied, one-family residential  
7 dwelling made available for occupancy by not more than six guests,  
8 where the primary purpose of the occupancy is to provide charitable  
9 assistance to the guests and where the owner derives no income  
10 from the occupancy. A dwelling shall be deemed "owner-occupied"  
11 within the meaning of this section if it is owned or operated by a  
12 nonprofit religious or charitable association or corporation and is  
13 used as the principal residence of a minister or employee of that  
14 corporation or association. For any such dwelling, however, fire  
15 detectors shall be required as determined by the Department of  
16 Community Affairs.

17 b. "Commissioner" means the Commissioner of the Department  
18 of Community Affairs.

19 c. "Financial services" means any assistance permitted or  
20 required by the commissioner to be furnished by an owner or  
21 operator to a resident in the management of personal financial  
22 matters, including, but not limited to, the cashing of checks, holding  
23 of personal funds for safekeeping in any manner or assistance in the  
24 purchase of goods or services with a resident's personal funds.

25 d. "Limited tenure" means residence at a rooming or boarding  
26 house on a temporary basis, for a period lasting no more than 90  
27 days, when a resident either maintains a primary residence at a  
28 location other than the rooming or boarding house or intends to  
29 establish a primary residence at such a location and does so within  
30 90 days after taking up original residence at the rooming or  
31 boarding house.

32 e. "Operator" means any individual who is responsible for the  
33 daily operation of a rooming or boarding house.

34 f. "Owner" means any person who owns, purports to own, or  
35 exercises control of any rooming or boarding house.

36 g. "Personal services" means any services permitted or required  
37 to be furnished by an owner or operator to a resident, other than  
38 shelter, including, but not limited to, meals or other food services,  
39 and assistance in dressing, bathing, or attending to other personal  
40 needs.

41 h. "Rooming house" means a boarding house wherein no  
42 personal or financial services are provided to the residents.

43 i. "Single room occupancy" means an arrangement of dwelling  
44 space which does not provide a private, secure dwelling space  
45 arranged for independent living, which contains both the sanitary  
46 and cooking facilities required in dwelling spaces pursuant to the  
47 "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et

1 seq.), and which is not used for limited tenure occupancy in a hotel,  
2 motel, or established guest house, regardless of the number of  
3 individuals occupying any room or rooms.

4 j. "Unit of dwelling space" means any room, rooms, suite, or  
5 portion thereof, whether furnished or unfurnished, which is  
6 occupied or intended, arranged, or designed to be occupied for  
7 sleeping or dwelling purposes by one or more persons.

8 k. **["Alzheimer's disease and related disorders" means a form**  
9 **of dementia characterized by a general loss of intellectual abilities**  
10 **of sufficient severity to interfere with social or occupational**  
11 **functioning.] (Deleted by amendment, P.L. , c. (pending before**  
12 **the Legislature as this bill)**

13 l. **["Dementia" means a chronic or persistent disorder of the**  
14 **mental processes due to organic brain disease, for which no curative**  
15 **treatment is available, and marked by memory disorders, changes in**  
16 **personality, deterioration in personal care, impaired reasoning**  
17 **ability and disorientation.] (Deleted by amendment, P.L. , c.**  
18 **(pending before the Legislature as this bill)**  
19 (cf: P.L.2004, c.130, s.123)

20

21 13. Section 6 of P.L.1979, c.496 (C.55:13B-6) is amended to  
22 read as follows:

23 6. The commissioner shall establish standards to ensure that  
24 every rooming and boarding house in this State is constructed and  
25 operated in such a manner as will protect the health, safety, and  
26 welfare of its residents and at the same time preserve and promote a  
27 homelike atmosphere appropriate to such facilities, including, but  
28 not limited to, standards to provide for the following:

29 a. Safety from fire;

30 b. Safety from structural, mechanical, plumbing, and electrical  
31 deficiencies;

32 c. Adequate light and ventilation;

33 d. Physical security;

34 e. Protection from harassment, fraud, and eviction without due  
35 cause;

36 f. Clean and reasonably comfortable surroundings;

37 g. Adequate personal and financial services rendered in  
38 boarding houses;

39 h. Disclosure of owner identification information;

40 i. Maintenance of orderly and sufficient financial and  
41 occupancy records;

42 j. Referral of residents, by the operator, to social service and  
43 health agencies for needed services;

44 k. Assurance that no constitutional, civil, or legal right will be  
45 denied solely by reason of residence in a rooming or boarding  
46 house;

1 1. Reasonable access for employees of public and private  
2 agencies, and reasonable access for other citizens upon receiving  
3 the consent of the resident to be visited by them;

4 m. Opportunity for each resident to live with as much  
5 independence, autonomy, and interaction with the surrounding  
6 community as ~~he~~ the resident is capable of ~~;~~ and ~~doing.~~

7 n. ~~Assurance that the needs of residents with special needs,~~  
8 ~~including, but not limited to, persons with Alzheimer's disease and~~  
9 ~~related disorders or other forms of dementia, will be met in~~  
10 ~~accordance with standards adopted by regulation of the~~  
11 ~~commissioner, which shall be promulgated no later than 90 days~~  
12 ~~after the effective date of this act, which shall include, at a~~  
13 ~~minimum, the following:~~

14 (1) staffing levels;

15 (2) staff qualifications and training;

16 (3) special dietary needs of residents;

17 (4) special supervision requirements relating to the individual  
18 needs of residents;

19 (5) building safety requirements appropriate to the needs of  
20 residents;

21 (6) special health monitoring of residents by qualified, licensed  
22 health care professionals, including a requirement that a medical  
23 assessment be performed on a resident with special needs as  
24 described in this subsection, as determined necessary by the  
25 commissioner, prior to admission and on a quarterly basis thereafter  
26 to ensure that the facility is appropriate to the needs of the resident;  
27 and

28 (7) criteria for discharging residents which shall be set forth in  
29 the admission agreement which shall be provided to the resident or  
30 the resident's representative prior to or upon admission. The  
31 commissioner may revoke the license of any provider who violates  
32 the criteria for discharging residents. ~~Deleted by amendment, P.L.~~  
33 ~~c. (pending before the Legislature as this bill)~~

34 (cf: P.L.1997, c.260, s.2)

35  
36 14. Section 7 of P.L.1979, c.496 (C.55:13B-7) is amended to  
37 read as follows:

38 7. a. (1) No person shall own or operate a rooming or  
39 boarding house, hold out a building as available for rooming or  
40 boarding house occupancy, or apply for any necessary construction  
41 or planning approvals related to the establishment of a rooming or  
42 boarding house without a valid license to own or operate such a  
43 facility, issued by the commissioner and, if appropriate, by a  
44 municipality which has elected to issue such licenses pursuant to  
45 P.L.1993, c.290 (C.40:52-9 et seq.).

46 (2) ~~No person shall own or operate a rooming or boarding~~  
47 ~~house that offers or advertises or holds itself out as offering~~

1 personal care services to residents with special needs, including, but  
2 not limited to, persons with Alzheimer's disease and related  
3 disorders or other forms of dementia, hold out a building as  
4 available for rooming or boarding house occupancy for such  
5 residents, or apply for any necessary construction or planning  
6 approvals related to the establishment of a rooming or boarding  
7 house for such residents without a valid license to own or operate  
8 such a facility, issued by the commissioner.】 (Deleted by  
9 amendment, P.L. , c. (pending before the Legislature as this bill)

10 (3) Any person found to be in violation of this subsection shall  
11 be liable for a civil penalty of not more than ~~【\$5,000.00】~~ \$5,000 for  
12 each building so owned or operated, which penalty shall be payable  
13 to the appropriate licensing entity.

14 b. The commissioner shall establish separate categories of  
15 licensure for owning and for operating a rooming or boarding  
16 house, provided, however, that an owner who himself operates such  
17 a facility need not also possess an operator's license.

18 If an owner seeking to be licensed is other than an individual, the  
19 application shall state the name of an individual who is a member,  
20 officer, or stockholder in the corporation or association seeking to  
21 be licensed, and the same shall be designated the primary owner of  
22 the rooming or boarding house.

23 Each application for licensure shall contain such information as  
24 the commissioner may prescribe and, unless the person is licensed  
25 by a municipality to own or operate a rooming and boarding house  
26 pursuant to P.L.1993, c.290 (C.40:52-9 et seq.), shall be  
27 accompanied by a fee established by the commissioner which shall  
28 not be less than ~~【\$150.00】~~ \$150 or more than ~~【\$600.00】~~ \$600,  
29 except as provided in subsection e. of this section. If, upon receipt  
30 of the fee and a review of the application, the commissioner  
31 determines that the applicant will operate, or provide for the  
32 operation of, a rooming or boarding house in accordance with the  
33 provisions of this act, ~~【he】~~ the commissioner shall issue a license to  
34 ~~【him】~~ the applicant.

35 Each license shall be valid for one year from the date of  
36 issuance, but may be renewed upon application by the owner or  
37 operator and upon payment of the same fee required for initial  
38 licensure.

39 c. Only one license shall be required to own a rooming or  
40 boarding house, but an endorsement thereto shall be required for  
41 each separate building owned and operated, or intended to be  
42 operated, as a rooming or boarding house. Each application for  
43 licensure or renewal shall indicate every such building for which an  
44 endorsement is required. If, during the term of a license, an  
45 additional endorsement is required, or an existing one is no longer  
46 required, an amended application for licensure shall be submitted.

1 d. A person making application for, or who has been issued, a  
2 license to own or operate a rooming or boarding house who  
3 conceals the fact that the person has been denied a license to own or  
4 operate a residential facility, or that the person's license to own or  
5 operate a residential facility has been revoked by a department or  
6 agency of state government in this or any other state is liable for a  
7 civil penalty of not more than ~~【\$5,000.00】~~ \$5,000, and any license  
8 to own or operate a rooming or boarding house which has been  
9 issued to that person shall be immediately revoked.

10 e. The commissioner shall annually review the cost of  
11 administering and enforcing this section and shall establish by rule  
12 such changes to the license application fee as may be necessary to  
13 cover the cost of such administration and enforcement.

14 (cf: P.L.2007, c.339, s.1)

15

16 15. (New section) a. The Department of Community Affairs  
17 shall cease its responsibilities for licensure, inspections, and the  
18 establishment and enforcement of standards with respect to each  
19 rooming or boarding house that provides services to residents with  
20 special needs, including, but not limited to, persons with  
21 Alzheimer's disease and related disorders or other forms of  
22 dementia, as of the date that the Department of Health assumes  
23 these responsibilities pursuant to section 18 of P.L. , c. (C. )  
24 (pending before the Legislature as this bill).

25 b. The Department of Community Affairs shall establish and  
26 enter into an inter-agency agreement with the Department of Health  
27 as necessary for the purposes of this section and section 18 of P.L. ,  
28 c. (C. ) (pending before the Legislature as this bill).

29

30 16. (New section) The Department of Community Affairs shall  
31 not issue a license to any person to own or operate a new rooming  
32 or boarding house that provides services to residents with special  
33 needs, including, but not limited to, persons with Alzheimer's  
34 disease and related disorders or other forms of dementia, on or after  
35 the date of enactment of P.L. , c. (C. ) (pending before the  
36 Legislature as this bill).

37

38 17. (New section) As used in sections 18 through 26 of P.L. ,  
39 c. (C. ) (pending before the Legislature as this bill):

40 "Alzheimer's disease and related disorders" means a form of  
41 dementia characterized by a general loss of intellectual abilities of  
42 sufficient severity to interfere with social or occupational  
43 functioning.

44 "Commissioner" means the Commissioner of Health.

45 "Department" means the Department of Health.

46 "Dementia" means a chronic or persistent disorder of the mental  
47 processes due to organic brain disease, for which no curative



1 treatment is available, and marked by memory disorders, changes in  
2 personality, deterioration in personal care, impaired reasoning  
3 ability, and disorientation.

4 “Dementia care home” means a community residential facility  
5 that provides services to residents with special needs, including, but  
6 not limited to, persons with Alzheimer's disease and related  
7 disorders or other forms of dementia, is subject to the licensure  
8 authority of the Department of Health as a health care facility  
9 pursuant to P.L.1971, c.136 (C. 26:2H-1 et seq.), and meets the  
10 requirements of section 19 of P.L. , c. (C. ) (pending before  
11 the Legislature as this bill).

12

13 18. (New section) a. (1) Notwithstanding any law, rule, or  
14 regulation to the contrary, commencing on or after the effective date  
15 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
16 and subject to the provisions of subsection b. of this section, the  
17 Department of Health shall be responsible for licensure,  
18 inspections, and the establishment and enforcement of standards  
19 with respect to each community residential facility in the State that  
20 provides services to residents with special needs, including, but not  
21 limited to, persons with Alzheimer's disease and related disorders or  
22 other forms of dementia, which shall be thereafter known as a  
23 dementia care home.

24 (2) The department shall be empowered to exercise such  
25 authority with respect to a dementia care home as the department is  
26 granted with respect to any other health care facility licensed by the  
27 department, pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) and  
28 any rules and regulations adopted pursuant thereto, and in  
29 accordance with the provisions of P.L. , c. (C. ) (pending  
30 before the Legislature as this bill).

31 b. The department shall establish and enter into an inter-agency  
32 agreement with the Department of Community Affairs as necessary  
33 for the purposes of subsection a. of this section.

34 c. (1) Whenever any reference is made in any law, rule,  
35 regulation, order, contract, document, or judicial or administrative  
36 proceeding to rooming and boarding houses for residents with  
37 special needs, including, but not limited to, persons with  
38 Alzheimer's disease and related disorders or other forms of  
39 dementia, the same shall be deemed to mean or refer to “dementia  
40 care homes.”

41 (2) Whenever the term “Department of Community Affairs”  
42 appears or any reference is made thereto in any law, rule,  
43 regulation, order, contract, document, or judicial or administrative  
44 proceeding pertaining to rooming and boarding houses for residents  
45 with special needs, including, but not limited to, persons with  
46 Alzheimer's disease and related disorders or other forms of

1 dementia, the same shall be deemed to mean or refer to the  
2 “Department of Health.”

3 d. A dementia care home that is operating as a rooming or  
4 boarding house that provides services to residents with special  
5 needs, including, but not limited to, persons with Alzheimer's  
6 disease and related disorders or other forms of dementia, on the  
7 effective date of P.L. , c. (C. ) (pending before the Legislature  
8 as this bill) shall be granted provisional licensure by the department  
9 for a period of one year following the effective date. At the end of  
10 that period, the department shall issue a license to the facility  
11 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) or make continued  
12 licensure subject to such actions by the facility as the commissioner  
13 determines necessary to effectuate the purposes of P.L.1971, c.136  
14 and P.L. , c. (C. ) (pending before the Legislature as this bill).  
15

16 19. (New section) a. A dementia care home shall be a facility,  
17 whether in single or multiple dwellings, whether public or private,  
18 whether incorporated or unincorporated, whether for profit or  
19 nonprofit, operated at the direction of or under the management of  
20 an individual or individuals, corporation, partnership, society, or  
21 association, which furnishes food and shelter to four or more  
22 persons 18 years of age or older who are unrelated to the operator  
23 of the facility, and which provides dietary services, recreational  
24 activities, supervision of self-administration of medications,  
25 supervision of and assistance in activities of daily living and  
26 assistance in obtaining health services to any one or more of such  
27 persons, in addition to such facilities, services, activities, and  
28 assistance as the Commissioner of Health may prescribe by  
29 regulation that are designed to meet the specific needs of residents  
30 with special needs, including, but not limited to, persons with  
31 Alzheimer's disease and related disorders or other forms of  
32 dementia. A dementia care home shall not include: a community  
33 residence for the developmentally disabled as defined in section 2  
34 of P.L.1977, c. 448 (C.30:11B-2); a facility or living arrangement  
35 operated by, or under contract with, a State department or agency,  
36 upon the written authorization of the commissioner; or a privately  
37 operated establishment licensed pursuant to chapter 11 of Title 30  
38 of the Revised Statutes.

39 b. A resident of a dementia care home shall be a person with  
40 special needs, including, but not limited to, persons with  
41 Alzheimer's disease and related disorders or other forms of  
42 dementia, as prescribed by regulation of the commissioner, who is:  
43 18 years of age or older; ambulant with or without assistive devices;  
44 certified by a licensed physician to be free from communicable  
45 disease and not in need of skilled nursing care; and, except in the  
46 case of a person 65 years of age or over, in need of dietary services,  
47 supervision of self-administration of medications, supervision of

1 and assistance in activities of daily living, or assistance in obtaining  
2 health care services. A resident of a dementia care home shall not  
3 be given skilled nursing care while a resident, except that the  
4 provisions of this subsection shall not be construed to prevent: care  
5 of residents in emergencies or during temporary illness for a period  
6 of one week or less; or a licensed physician from ordering nursing  
7 or other health care services for the resident.

8

9 20. (New section) a. (1) A person shall not operate a dementia  
10 care home, or offer, advertise, or hold out a facility as a dementia  
11 care home, hold out a building as available for occupancy by  
12 dementia care home residents, or apply for any necessary  
13 construction or planning approvals related to the establishment of a  
14 dementia care home, without a valid license having been issued by  
15 the department for the operation of that facility in accordance with  
16 the provisions of P.L.1971, c.136 (C.26:2H-1 et seq.) and P.L. , c.  
17 (C. ) (pending before the Legislature as this bill).

18 (2) A person shall not offer, advertise, or hold out a dementia  
19 care home as another type of health care facility licensed pursuant  
20 to P.L.1971, c.136 (C.26:2H-1 et seq.).

21 (3) A person found to be in violation of paragraph (1) or (2) of  
22 this subsection shall be liable for a civil penalty for each building so  
23 operated in accordance with the provisions of section 24 of  
24 P.L. , c. (C. ) (pending before the Legislature as this bill).

25 b. Notwithstanding the provisions of any municipal ordinance  
26 to the contrary, a dementia care home shall meet such requirements  
27 as the commissioner shall establish by regulation for the posting of  
28 visible signs in its local community that identify the location of the  
29 facility.

30

31 21. (New section) The commissioner shall establish standards to  
32 ensure that each dementia care home is constructed and operated in  
33 such a manner as will protect the health, safety, and welfare of its  
34 residents and at the same time preserve and promote a homelike  
35 atmosphere appropriate to these facilities, including, but not limited  
36 to, standards to provide for the following:

37 a. Safety from fire;

38 b. Safety from structural, mechanical, plumbing, and electrical  
39 deficiencies;

40 c. Adequate light and ventilation;

41 d. Physical security;

42 e. Protection from harassment, fraud, and eviction without due  
43 cause;

44 f. Clean and reasonably comfortable surroundings;

45 g. Adequate personal and financial services rendered in the  
46 facility;

47 h. Disclosure of owner identification information;

- 1 i. Maintenance of orderly and sufficient financial and  
2 occupancy records;
- 3 j. Referral of residents, by the operator, to social service and  
4 health care providers for needed services;
- 5 k. Assurance that no constitutional, civil, or legal right will be  
6 denied solely by reason of residence in a dementia care home;
- 7 l. Reasonable access for employees of public and private  
8 agencies, and reasonable access for other citizens upon receiving  
9 the consent of the resident to be visited by them;
- 10 m. Opportunity for each resident to live with as much  
11 independence, autonomy, and interaction with the surrounding  
12 community as the resident is capable of doing;
- 13 n. Assurance that the needs of residents of a dementia care  
14 home will be met, which shall include, at a minimum, the  
15 following:
- 16 (1) staffing levels, which shall ensure that the ratio of direct care  
17 staff to residents in the facility is equal to or higher than that which  
18 existed on the date of enactment of P.L. , c. (C. ) (pending  
19 before the Legislature as this bill);
- 20 (2) staff qualifications and training;
- 21 (3) special dietary needs of residents;
- 22 (4) special supervision requirements relating to the individual  
23 needs of residents;
- 24 (5) building safety requirements appropriate to the needs of  
25 residents, including the requirement to maintain the operation 24  
26 hours a day, seven days a week, of window, door, and any other  
27 locks or security system designed to prevent the elopement of a  
28 resident;
- 29 (6) special health monitoring of residents by qualified, licensed  
30 health care professionals, including a requirement that a medical  
31 assessment by a physician be performed on a resident with special  
32 needs as described in this subsection, as determined necessary by  
33 the commissioner, prior to admission and on a quarterly basis  
34 thereafter, to ensure that the facility is appropriate to the needs of  
35 the resident; and
- 36 (7) criteria for discharging residents which shall be set forth in  
37 the admission agreement, which shall be provided to the resident or  
38 the resident's representative prior to or upon admission. The  
39 commissioner may revoke the license of any provider who violates  
40 the criteria for discharging residents.
- 41
- 42 22. (New section) a. Notwithstanding the provisions of any  
43 other law or regulation to the contrary, the commissioner may grant,  
44 to a dementia care home that is operating as a rooming or boarding  
45 house that provides services to residents with special needs,  
46 including, but not limited to, persons with Alzheimer's disease and  
47 related disorders or other forms of dementia, on the effective date of

1 P.L. , c. (C. ) (pending before the Legislature as this bill), a  
2 temporary or permanent waiver of one or more requirements  
3 established by regulation of the commissioner for health care  
4 facilities licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.)  
5 that the commissioner has determined are otherwise applicable to  
6 the dementia care home, if the dementia care home can demonstrate  
7 to the satisfaction of the commissioner that:

8 (1) the granting of the waiver would not pose a threat to the  
9 health, safety, or welfare of its residents; and

10 (2) the failure to grant such a waiver would pose a serious  
11 financial hardship to the facility.

12 b. A dementia care home that is seeking a waiver pursuant to  
13 subsection a. of this section shall apply for the waiver on a form and  
14 in a manner prescribed by the commissioner.

15

16 23. (New section) a. Every resident of a dementia care home  
17 facility shall have the right:

18 (1) To manage the resident's own financial affairs;

19 (2) To wear the resident's own clothing;

20 (3) To determine the resident's own dress, hair style, or other  
21 personal effects according to individual preference;

22 (4) To retain and use the resident's personal property in the  
23 resident's immediate living quarters, so as to maintain individuality  
24 and personal dignity, except where the facility can demonstrate that  
25 it would be unsafe, impractical to do so, or infringe upon the rights  
26 of others, and that mere convenience is not the facility's motive to  
27 restrict this right;

28 (5) To receive and send unopened correspondence;

29 (6) To unaccompanied access to a telephone at a reasonable  
30 hour and to a private phone at the resident's expense;

31 (7) To privacy;

32 (8) To retain the services of the resident's own personal  
33 physician at the resident's own expense or under a health care plan  
34 and to confidentiality and privacy concerning the resident's medical  
35 condition and treatment;

36 (9) To unrestricted communication, including personal visitation  
37 with any person of the resident's choice, at any reasonable hour;

38 (10) To make contacts with the community and to achieve the  
39 highest level of independence, autonomy, and interaction with the  
40 community of which the resident is capable;

41 (11) To present grievances on behalf of the resident or others to  
42 the operator, State governmental agencies, or other persons without  
43 threat of reprisal in any form or manner;

44 (12) To a safe and decent living environment and considerate  
45 and respectful care that recognizes the dignity and individuality of  
46 the resident;

1 (13) To refuse to perform services for the facility, except as  
2 contracted for by the resident and the operator;

3 (14) To practice the religion of the resident's choice, or to  
4 abstain from religious practice; and

5 (15) To not be deprived of any constitutional, civil, or legal  
6 right solely by reason of residence in a dementia care home.

7 b. The operator of a dementia care home shall ensure that a  
8 written notice of the rights set forth in subsection a. of this section  
9 is given to every resident upon admittance to the facility and to each  
10 resident upon request. The operator shall also post this notice in a  
11 conspicuous public place in the facility. This notice shall include  
12 the name, address, and telephone numbers of the Office of the  
13 Ombudsman for the Institutionalized Elderly, county welfare  
14 agency, and county office on aging.

15 c. A person or resident whose rights as set forth in subsection  
16 a. of this section are violated shall have a cause of action against  
17 any person committing the violation. The action may be brought in  
18 any court of competent jurisdiction to enforce those rights and to  
19 recover actual and punitive damages for their violation. A plaintiff  
20 who prevails in the action shall be entitled to recover reasonable  
21 attorney's fees and costs of the action.

22

23 24. (New section) A person who operates a dementia care home  
24 on or after the effective date of P.L. , c. (C. ) (pending before  
25 the Legislature as this bill) shall not provide health care services in  
26 that facility. Nothing in this section shall be construed to prohibit a  
27 licensed health care professional, who is acting within the scope of  
28 that person's license, from providing health care services to a  
29 resident of a dementia care home.

30

31 25. (New section) A person or entity found to be in violation of  
32 the provisions of P.L. , c. (C. ) (pending before the  
33 Legislature as this bill), or any rules or regulations adopted by the  
34 commissioner pursuant thereto with respect to the operation of a  
35 dementia care home, shall be subject to a penalty as provided for in  
36 sections 13 or 14 of P.L.1971, c.136 (C.26:2H-13 or 26:2H-14).

37

38 26. (New section) The commissioner and the Commissioner of  
39 Community Affairs, pursuant to the "Administrative Procedure  
40 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt,  
41 notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et  
42 seq.) to the contrary, immediately upon filing with the Office of  
43 Administrative Law, such rules and regulations as the  
44 commissioners deem necessary to effectuate the purposes of P.L. ,  
45 c. (C. ) (pending before the Legislature as this bill), which  
46 shall be effective for a period not to exceed 12 months following  
47 the effective date of P.L. , c. . The regulations shall thereafter be

1 amended, adopted, or readopted, in accordance with the provisions  
2 of P.L.1968, c.410 (C.52:14B-1 et seq.), as the commissioner or the  
3 Commissioner of Community Affairs determine necessary to  
4 effectuate the purposes of P.L. , c. (C. ) (pending before the  
5 Legislature as this bill).

6  
7 27. This act shall take effect on the first day of the seventh  
8 month next following the date of enactment, except that section 16  
9 shall take effect immediately, but the Commissioners of Health and  
10 Community Affairs may take such anticipatory administrative  
11 action in advance thereof as shall be necessary for the  
12 implementation of this act.

13  
14  
15 STATEMENT

16  
17 This bill transfers responsibility for the oversight of rooming or  
18 boarding houses for persons with dementia from the Department of  
19 Community Affairs (DCA) to the Department of Health (DOH),  
20 which is to license these facilities as “dementia care homes.”

21 The bill amends the “Rooming and Boarding House Act of 1979”  
22 to delete its provisions concerning the regulation of rooming or  
23 boarding houses for persons with dementia by DCA, and creates  
24 new sections of law that supplement chapter 2H of Title 26 of the  
25 Revised Statutes to set forth the regulatory authority of DOH over  
26 dementia care homes and the regulatory requirements that will  
27 apply to these entities as health care facilities licensed pursuant to  
28 the “Health Care Facilities Planning Act.”

29 DCA is prohibited under this bill from issuing a license to any  
30 person to own or operate a new rooming or boarding house that  
31 provides services to residents with special needs, including, but not  
32 limited to, persons with Alzheimer's disease and related disorders or  
33 other forms of dementia, on or after the date of enactment of the  
34 bill.

35 DOH is empowered under this bill to exercise such authority  
36 with respect to a dementia care home as it is granted with respect to  
37 any other DOH-licensed health care facility. A dementia care home  
38 will be granted provisional licensure by DOH for a period of one  
39 year following the effective date of the bill. At the end of that  
40 period, DOH is to issue a license to the facility or make continued  
41 licensure subject to such actions by the facility as the Commissioner  
42 of Health determines necessary to effectuate the purposes of the  
43 “Health Care Facilities Planning Act” and this bill.

44 The bill defines “dementia care home” as a community  
45 residential facility that provides services to residents with special  
46 needs, including, but not limited to, persons with Alzheimer's  
47 disease and related disorders or other forms of dementia, is subject

1 to the licensure authority of DOH as a health care facility, and  
2 meets the requirements of this bill.

3 The bill prohibits a person from operating, or advertising a  
4 facility as, a dementia care home without a valid license having  
5 been issued by DOH for the operation of that facility, or from  
6 advertising a dementia care home as another type of health care  
7 facility licensed by DOH.

8 The bill directs the Commissioner of Health to establish  
9 standards to protect the health, safety, and welfare of dementia care  
10 home residents, including standards that are designed to meet the  
11 particular needs of persons with dementia, and requires DOH to  
12 include dementia care homes among the long-term care facilities for  
13 which it posts information on its website about the ownership of the  
14 facility and any violation of statutory standards or DOH regulations.

15 In addition, the bill sets forth the rights of dementia care home  
16 residents and requires a dementia care home operator to ensure that  
17 a written notice of these rights is given to every resident upon  
18 admittance to the facility and to each resident upon request. The  
19 operator is to post this notice in a conspicuous public place in the  
20 facility, and the notice is to include the name, address, and  
21 telephone numbers of the Office of the Ombudsman for the  
22 Institutionalized Elderly, county welfare agency, and county office  
23 on aging.

24 The bill also includes dementia care homes among those  
25 facilities with respect to which the Office of the Ombudsman for the  
26 Institutionalized Elderly is authorized to receive, investigate, and  
27 resolve complaints and to initiate actions to secure, preserve, and  
28 promote the health, safety, and welfare, and the civil and human  
29 rights, of their elderly residents.

30 The Commissioner of Health is authorized to grant, to a  
31 dementia care home that is operating as a rooming or boarding  
32 house that provides services to persons with dementia on the  
33 effective date of the bill, a temporary or permanent waiver of one or  
34 more requirements established by regulation of the commissioner  
35 for licensed health care facilities that the commissioner has  
36 determined are otherwise applicable to the dementia care home, if  
37 the dementia care home can demonstrate to the satisfaction of the  
38 commissioner that: the granting of the waiver would not threaten  
39 the health, safety, or welfare of its residents; and the failure to grant  
40 a waiver would pose a serious financial hardship to the facility.

41 Dementia care homes would be exempted from the certificate of  
42 need requirement that applies to the construction or expansion of  
43 DOH-licensed health care facilities such as hospitals and nursing  
44 homes.

45 The bill provides for the imposition of penalties by DOH with  
46 respect to a dementia care home in the same manner as would apply



1 in the case of a violation of the “Health Care Facilities Planning  
2 Act” by any other licensee.

3 Finally, the bill authorizes the Commissioners of Health and  
4 Community Affairs to establish and enter into an inter-agency  
5 agreement as necessary for its purposes, and to adopt rules and  
6 regulations to implement its provisions on an expedited basis for a  
7 period of up to 12 months following its effective date.

8 The bill takes effect on the first day of the seventh month  
9 following enactment, but authorizes the Commissioners of Health  
10 and Community Affairs to take prior administrative action as  
11 necessary for its implementation.

# ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 1102

# STATE OF NEW JERSEY

DATED: DECEMBER 4, 2014

The Assembly Health and Senior Services Committee reports favorably Assembly Bill No. 1102.

This bill transfers responsibility for the oversight of rooming and boarding houses for persons with dementia from the Department of Community Affairs (DCA) to the Department of Health (DOH), which is to license these facilities as “dementia care homes.”

The bill amends the “Rooming and Boarding House Act of 1979” to delete its provisions concerning the regulation of rooming or boarding houses for persons with dementia by DCA, and creates new sections of law that supplement chapter 2H of Title 26 of the Revised Statutes to set forth the regulatory authority of DOH over dementia care homes and the regulatory requirements that will apply to these entities as health care facilities licensed pursuant to the “Health Care Facilities Planning Act.”

DCA is prohibited under this bill from issuing a license to any person to own or operate a new rooming or boarding house that provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, on or after the date of enactment of the bill.

DOH is empowered under this bill to exercise such authority with respect to a dementia care home as it is granted with respect to any other DOH-licensed health care facility. A dementia care home will be granted provisional licensure by DOH for a period of one year following the effective date of the bill. At the end of that period, DOH is to issue a license to the facility or make continued licensure subject to such actions by the facility as the Commissioner of Health determines necessary to effectuate the purposes of the “Health Care Facilities Planning Act” and this bill.

The bill defines “dementia care home” as a community residential facility that: (1) provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia; (2) is subject to the licensure authority of DOH as a health care facility; and (3) meets the requirements of this bill.

The bill prohibits a person from operating, or advertising a facility as, a dementia care home without a valid license having been issued by

DOH for the operation of that facility, or from advertising a dementia care home as another type of health care facility licensed by DOH.

The bill directs the Commissioner of Health to establish standards to protect the health, safety, and welfare of dementia care home residents, including standards that are designed to meet the particular needs of persons with dementia, and requires DOH to include dementia care homes among the long-term care facilities for which it posts information on its website about the ownership of the facility and any violation of statutory standards or DOH regulations.

In addition, the bill sets forth the rights of dementia care home residents and requires a dementia care home operator to ensure that a written notice of these rights is given to every resident upon admittance to the facility and to each resident upon request. The operator is to post this notice in a conspicuous public place in the facility, and the notice is to include the name, address, and telephone numbers of the Office of the Ombudsman for the Institutionalized Elderly, county welfare agency, and county office on aging.

The bill also includes dementia care homes among those facilities with respect to which the Office of the Ombudsman for the Institutionalized Elderly is authorized to receive, investigate, and resolve complaints and to initiate actions to secure, preserve, and promote the health, safety, and welfare, and the civil and human rights, of their elderly residents.

The Commissioner of Health is authorized to grant to a dementia care home that is operating as a rooming or boarding house that provides services to persons with dementia on the effective date of the bill, a temporary or permanent waiver of one or more requirements established by regulation of the commissioner for licensed health care facilities that the commissioner has determined are otherwise applicable to the dementia care home, if the dementia care home can demonstrate to the satisfaction of the commissioner that: granting the waiver would not threaten the health, safety, or welfare of its residents; and the failure to grant a waiver would pose a serious financial hardship to the facility.

Dementia care homes would be exempted from the certificate of need requirement that applies to the construction or expansion of DOH-licensed health care facilities such as hospitals and nursing homes.

Dementia care homes would be prohibited from providing health care services and skilled nursing care to residents. However, nothing in the bill would prevent a health care professional from providing health care services to a dementia care home resident in an emergency or during periods of temporary illness.

The bill provides for the imposition of penalties by DOH with respect to a dementia care home in the same manner as would apply in the case of a violation of the "Health Care Facilities Planning Act" by any other licensee.

Finally, the bill authorizes the Commissioners of Health and Community Affairs to establish and enter into an inter-agency agreement as necessary to effectuate the purposes of the bill, and to adopt rules and regulations to implement the provisions of the bill on an expedited basis for a period of up to 12 months following its effective date.

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 1102**  
**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

DATED: DECEMBER 18, 2014

**SUMMARY**

**Synopsis:** Provides for licensure of dementia care homes by DOH.

**Type of Impact:** Indeterminate State revenue increase.  
Indeterminate State cost.

**Agencies Affected:** Department of Community Affairs, Department of Health

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	
<b>State Cost</b>	Indeterminate increase- See comments below
<b>State Revenue</b>	Indeterminate increase- See comments below

- The Office of Legislative Services (OLS) estimates that Assembly Bill No. 1102 may result in increased revenue for the State through the collection of license and inspection fees by the Department of Health (DOH) from the newly designated dementia care homes. The bill provides no details on the range of these fees, but if the department establishes fees for these facilities at the same rate as current fees for similar facilities, the OLS estimates that the department will generate between \$10,680 and \$40,800 in fees the first year after enactment and between \$21,480 and \$76,800 in fees the following year.
- The DOH will also experience an increase in expenditures to license and provide regulatory oversight of the newly designated dementia care homes. These expenditures will most likely be offset by the additional revenue generated by the fees charged by the department to the operators and owners of dementia care homes.
- Additionally, the State will experience a reduction in State revenue for the first year after enactment of this bill as the approximately \$16,800 in current fees collected by the Department of Community Affairs (DCA) for the licensing of boarding homes for persons with dementia will no longer be collected.
- Furthermore, the bill provides new responsibilities to the Office of the Ombudsman for the Institutionalized Elderly which may result in minimal indeterminate costs for the office.

## **BILL DESCRIPTION**

Assembly Bill No. 1102 of 2014 transfers responsibility for the oversight of rooming and boarding houses for persons with dementia from the DCA to the DOH, which is to license these facilities as “dementia care homes.”

The bill amends the “Rooming and Boarding House Act of 1979” to delete its provisions concerning the regulation of rooming or boarding houses for persons with dementia by DCA, and creates new sections of law that supplement chapter 2H of Title 26 of the Revised Statutes to set forth the regulatory authority of DOH over dementia care homes and the regulatory requirements that will apply to these entities as health care facilities licensed pursuant to the “Health Care Facilities Planning Act.”

The DCA is prohibited under this bill from issuing a license to any person to own or operate a new rooming or boarding house that provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, on or after the date of enactment of the bill.

The DOH is empowered under this bill to exercise such authority with respect to a dementia care home as it is granted with respect to any other DOH-licensed health care facility. A dementia care home will be granted provisional licensure by DOH for a period of one year following the effective date of the bill. At the end of that period, DOH is to issue a license to the facility or make continued licensure subject to such actions by the facility as the Commissioner of Health determines necessary to effectuate the purposes of the “Health Care Facilities Planning Act” and this bill.

The bill defines “dementia care home” as a community residential facility that: (1) provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia; (2) is subject to the licensure authority of DOH as a health care facility; and (3) meets the requirements of this bill.

The bill prohibits a person from operating, or advertising a facility as, a dementia care home without a valid license having been issued by DOH for the operation of that facility, or from advertising a dementia care home as another type of health care facility licensed by DOH.

The bill directs the Commissioner of Health to establish standards to protect the health, safety, and welfare of dementia care home residents, including standards that are designed to meet the particular needs of persons with dementia, and requires DOH to include dementia care homes among the long-term care facilities for which it posts information on its website about the ownership of the facility and any violation of statutory standards or DOH regulations.

In addition, the bill sets forth the rights of dementia care home residents and requires a dementia care home operator to ensure that a written notice of these rights is given to every resident upon admittance to the facility and to each resident upon request. The operator is to post this notice in a conspicuous public place in the facility, and the notice is to include the name, address, and telephone numbers of the Office of the Ombudsman for the Institutionalized Elderly, county welfare agency, and county office on aging.

The bill also includes dementia care homes among those facilities with respect to which the Office of the Ombudsman for the Institutionalized Elderly is authorized to receive, investigate, and resolve complaints and to initiate actions to secure, preserve, and promote the health, safety, and welfare, and the civil and human rights, of their elderly residents.

The Commissioner of Health is authorized to grant to a dementia care home that is operating as a rooming or boarding house that provides services to persons with dementia on the effective date of the bill, a temporary or permanent waiver of one or more requirements established by regulation of the commissioner for licensed health care facilities that the commissioner has determined are otherwise applicable to the dementia care home, if the dementia care home can

demonstrate to the satisfaction of the commissioner that: granting the waiver would not threaten the health, safety, or welfare of its residents; and the failure to grant a waiver would pose a serious financial hardship to the facility.

Dementia care homes would be exempted from the certificate of need requirement that applies to the construction or expansion of DOH-licensed health care facilities such as hospitals and nursing homes.

Dementia care homes would be prohibited from providing health care services and skilled nursing care to residents. However, nothing in the bill would prevent a health care professional from providing health care services to a dementia care home resident in an emergency or during periods of temporary illness.

The bill provides for the imposition of penalties by DOH with respect to a dementia care home in the same manner as would apply in the case of a violation of the “Health Care Facilities Planning Act” by any other licensee.

Finally, the bill authorizes the Commissioners of Health and Community Affairs to establish and enter into an inter-agency agreement as necessary to effectuate the purposes of the bill, and to adopt rules and regulations to implement the provisions of the bill on an expedited basis for a period of up to 12 months following its effective date.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that Assembly Bill No. 1102 will result in increased revenue and increased expenditures by the DOH. Additionally, the bill will result in decreased costs and revenue for the DCA as a result of the shift in regulatory oversight of dementia care homes from the DCA to the DOH. As the bill does not establish the fees to be charged by the DOH, the OLS can only estimate the revenue that may be generated by the provisions of the bill by analyzing similar facilities overseen by the DOH. The current revenue collected by the DCA is also known and can be analyzed.

Currently, the DCA provides oversight for 24 licensed dementia boarding homes. The owners and/or operators of these boarding homes are charged a licensing fee of \$444 and then a supplemental fee which is assessed in direct proportion to the number of licensed beds. The total annual fee for any license may not exceed \$666. These fees generate approximately \$16,800 a year. According to the DCA, it employs 22 persons who are responsible for inspecting all types of boarding homes. A portion of these employees’ time is spent inspecting dementia boarding homes. According to the DCA, the cost to inspect boarding homes has exceeded the revenue it has generated and the shortfall has been paid for out of other DCA funds. The amount of shortfall is not available.

The bill provides that the DCA may no longer license dementia boarding homes and instead requires the DOH to license dementia care homes, which are defined as community residential facilities that provide services to residents with special needs, including Alzheimer’s disease and dementia.

Pursuant to the bill, the DOH is tasked with the licensure, inspections and the establishment and enforcement of standards with respect to dementia care homes. The DOH is to promulgate

regulations regarding the establishment, licensure and regulations of dementia care homes and these regulations will most likely include costs for licensure and inspections. To determine an estimated cost, the OLS relied on the current fee structure for similar facilities that are licensed and inspected by the DOH.

In the first year after enactment the DOH may grant provisional licensure to current dementia boarding homes licensed by the DCA. The bill is silent on the cost of this licensure but it is likely that the fee will match the current licensure fee for other similar facilities licensed by the DOH. Currently, administrative regulation establishes various fee schedules for different types of facilities overseen by the department. Each assisted living resident or comprehensive personal care home facility pays a fee of \$1,500, plus \$15.00 per bed, initially and then annually each year thereafter (N.J.A.C.8:36-2.2). Furthermore, each residential health care facility located with a licensed health care facility is charged \$225, plus \$15.00 per bed, initially and then annually each year thereafter (N.J.A.C.8:43-2.1). These fees may not exceed the amount statutorily established as \$2,000 per facility (N.J.S.A.26:2H-12). Additionally, the same regulations requires that each assisted living residence and comprehensive personal care home facility is assessed a biennial inspection fee of \$1,500 and each residential health care facility located with a licensed health care facility is assessed a biennial inspection fee of \$450. It is likely that the department will adopt fees within the range of fees currently charged similar facilities. Therefore, if all 24 of the current dementia boarding homes choose to become dementia care homes, the total revenue generated for the DOH will range from approximately \$21,480 to \$76,800 for the year in which the homes are inspected and between \$10,680 to \$40,800 for a non-inspection year, using an average fee of \$445 to \$1700 a facility.

The total revenue estimated to be generated by the DOH fees must be offset by the \$16,800 in fees that will no longer be generated through the DCA as all of the fees are generated for the General Fund. Thus, the overall revenue anticipated to be generated pursuant to this bill will range from \$4,680 to \$76,800 for years in which an inspection fee is paid and (\$6,120) to \$24,000 in renewal years.

Although it is possible that the DOH will set the fees at the lower rate, it is more likely that the fees will be set to meet the expenditures and the bill will be revenue neutral.

The cost for the DOH to license and regulate the dementia care home is dependent upon the details of the regulations promulgated for the homes. Without more details on the specific responsibilities of the DOH and the number of staff needed to carry out these duties, it is not possible for the OLS to estimate with any certainty the costs to the DOH.

The bill also requires the Office of the Ombudsman for the Institutionalized Elderly to include dementia care homes among those facilities which the office is authorized to receive, investigate, and resolve complaints and to initiate actions to secure, preserve, and promote the health, safety, and welfare, and the civil and human rights, of their elderly residents. The OLS cannot determine if the office will be able to absorb the costs of this additional work with its current resources or if new costs will be incurred by the office.

Finally, the bill provides for the imposition of penalties by DOH with respect to violations in the administration or care provided by dementia care homes. This revenue cannot be estimated due to uncertainty on the violations that may be committed and the fines collected for those violations.

*Section: Human Services*

*Analyst: Robin Ford  
Senior Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*



This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 1102**

**STATE OF NEW JERSEY**

DATED: JUNE 8, 2015

The Senate Health, Human Services and Senior Citizens Committee reports favorably Assembly Bill No. 1102.

This bill would transfer responsibility for the oversight of rooming or boarding houses for persons with dementia from the Department of Community Affairs (DCA) to the Department of Health (DOH), which is to license these facilities as “dementia care homes.”

The bill amends the “Rooming and Boarding House Act of 1979” to delete its provisions concerning the regulation of rooming or boarding houses for persons with dementia by DCA, and would create new sections of law that supplement chapter 2H of Title 26 of the Revised Statutes to set forth the regulatory authority of DOH over dementia care homes and the regulatory requirements that will apply to these entities as health care facilities licensed pursuant to the “Health Care Facilities Planning Act.”

DCA would be prohibited under the bill from issuing a license to any person to own or operate a new rooming or boarding house that provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, on or after the date of enactment of the bill.

DOH would be empowered under the bill to exercise such authority with respect to a dementia care home as it is granted with respect to any other DOH-licensed health care facility. A dementia care home will be granted provisional licensure by DOH for a period of one year following the effective date of the bill. At the end of that period, DOH is to issue a license to the facility or make continued licensure subject to such actions by the facility as the Commissioner of Health determines necessary to effectuate the purposes of the “Health Care Facilities Planning Act” and this bill.

The bill defines “dementia care home” as a community residential facility that: (1) provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia; (2) is subject to the licensure authority of DOH as a health care facility; and (3) meets the requirements of this bill.

The bill prohibits a person from operating, or advertising a facility as, a dementia care home without a valid license having been issued by DOH for the operation of that facility, or from advertising a dementia care home as another type of health care facility licensed by DOH.

The bill directs the Commissioner of Health to establish standards to protect the health, safety, and welfare of dementia care home residents, including standards that are designed to meet the particular needs of persons with dementia, and requires DOH to include dementia care homes among the long-term care facilities for which it posts information on its website about the ownership of the facility and any violation of statutory standards or DOH regulations.

In addition, the bill sets forth the rights of dementia care home residents and requires a dementia care home operator to ensure that a written notice of these rights is given to every resident upon admittance to the facility and to each resident upon request. The operator is to post this notice in a conspicuous public place in the facility, and the notice is to include the name, address, and telephone numbers of the Office of the Ombudsman for the Institutionalized Elderly, county welfare agency, and county office on aging.

The bill also includes dementia care homes among those facilities with respect to which the Office of the Ombudsman for the Institutionalized Elderly is authorized to receive, investigate, and resolve complaints and to initiate actions to secure, preserve, and promote the health, safety, and welfare, and the civil and human rights, of their elderly residents.

The Commissioner of Health is authorized to grant, to a dementia care home that is operating as a rooming or boarding house that provides services to persons with dementia on the effective date of the bill, a temporary or permanent waiver of one or more requirements established by regulation of the commissioner for licensed health care facilities that the commissioner has determined are otherwise applicable to the dementia care home, if the dementia care home can demonstrate to the satisfaction of the commissioner that: the granting of the waiver would not threaten the health, safety, or welfare of its residents; and the failure to grant a waiver would pose a serious financial hardship to the facility.

Dementia care homes would be exempted from the certificate of need requirement that applies to the construction or expansion of DOH-licensed health care facilities such as hospitals and nursing homes.

Dementia care homes would be prohibited from providing health care services and skilled nursing care to residents. However, nothing in the bill would prevent a health care professional from providing health care services to a dementia care home resident in an emergency or during periods of temporary illness.

The bill provides for the imposition of penalties by DOH with respect to a dementia care home in the same manner as would apply in

the case of a violation of the “Health Care Facilities Planning Act” by any other licensee.

Finally, the bill authorizes the Commissioners of Health and Community Affairs to establish and enter into an inter-agency agreement as necessary for its purposes, and to adopt rules and regulations to implement its provisions on an expedited basis for a period of up to 12 months following its effective date.

As amended, this bill is identical to S-1145 (SCA) (Weinberg/Cruz-Perez), which the committee also reported favorably on this date.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 1102

# STATE OF NEW JERSEY

DATED: JUNE 23, 2015

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 1102.

This bill transfers responsibility for the oversight of rooming or boarding houses for persons with dementia from the Department of Community Affairs (DCA) to the Department of Health (DOH), which is to license these facilities as “dementia care homes.”

The bill amends the “Rooming and Boarding House Act of 1979” to delete its provisions concerning the regulation of rooming or boarding houses for persons with dementia by DCA, and creates new sections of law that supplement chapter 2H of Title 26 of the Revised Statutes to set forth the regulatory authority of DOH over dementia care homes and the regulatory requirements that will apply to these entities as health care facilities licensed pursuant to the “Health Care Facilities Planning Act.”

DCA is prohibited under the bill from issuing a license to any person to own or operate a new rooming or boarding house that provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, on or after the date of enactment of the bill.

DOH is empowered to exercise such authority with respect to a dementia care home as is granted with respect to any other DOH-licensed health care facility. A dementia care home will be granted provisional licensure by DOH for a period of one year following the effective date of the bill. At the end of that period, DOH is to issue a license to the facility or make continued licensure subject to such actions by the facility as the Commissioner of Health determines necessary to effectuate the purposes of the “Health Care Facilities Planning Act” and this bill.

The bill defines “dementia care home” as a community residential facility that: (1) provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia; (2) is subject to the licensure authority of DOH as a health care facility; and (3) meets the requirements of this bill.

The bill prohibits a person from operating, or advertising a facility as, a dementia care home without a valid license having been issued by

DOH for the operation of that facility, or from advertising a dementia care home as another type of health care facility licensed by DOH.

The bill directs the Commissioner of Health to establish standards to protect the health, safety, and welfare of dementia care home residents, including standards that are designed to meet the particular needs of persons with dementia, and requires DOH to include dementia care homes among the long-term care facilities for which it posts information on its website about the ownership of the facility and any violation of statutory standards or DOH regulations.

In addition, the bill sets forth the rights of dementia care home residents and requires a dementia care home operator to ensure that a written notice of these rights is given to every resident upon admittance to the facility and to each resident upon request. The operator is to post this notice in a conspicuous public place in the facility, and the notice is to include the name, address, and telephone numbers of the Office of the Ombudsman for the Institutionalized Elderly, county welfare agency, and county office on aging.

The bill also includes dementia care homes among those facilities with respect to which the Office of the Ombudsman for the Institutionalized Elderly is authorized to receive, investigate, and resolve complaints and to initiate actions to secure, preserve, and promote the health, safety, and welfare, and the civil and human rights, of their elderly residents.

The Commissioner of Health is authorized to grant a temporary or permanent waiver, to a dementia care home that is operating as a rooming or boarding house that provides services to persons with dementia on the effective date of the bill, of one or more requirements established by regulation of the commissioner for licensed health care facilities that the commissioner has determined are otherwise applicable to the dementia care home, if the dementia care home can demonstrate to the satisfaction of the commissioner that: the granting of the waiver would not threaten the health, safety, or welfare of its residents; and the failure to grant a waiver would pose a serious financial hardship to the facility.

Dementia care homes will be exempt from the certificate of need requirement that applies to the construction or expansion of DOH-licensed health care facilities such as hospitals and nursing homes.

Dementia care homes will be prohibited from providing health care services and skilled nursing care to residents. However, nothing in the bill will prevent a health care professional from providing health care services to a dementia care home resident in an emergency or during periods of temporary illness.

The bill provides for the imposition of penalties by DOH with respect to a dementia care home in the same manner as would apply in the case of a violation of the "Health Care Facilities Planning Act" by any other licensee.

Finally, the bill authorizes the Commissioners of Health and Community Affairs to establish and enter into an inter-agency agreement as necessary for its purposes, and to adopt rules and regulations to implement its provisions on an expedited basis for a period of up to 12 months following its effective date.

The bill will take effect on the first day of the seventh month next following the date of enactment.

As reported, this bill is identical to Senate Bill No. 1145 (1R), as reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill may result in increased revenue for the State through the collection of license and inspection fees by the (DOH) from the newly designated dementia care homes. The bill provides no details on the range of these fees, but if the department establishes fees for these facilities at the same rate as current fees for similar facilities, the OLS estimates that the department will generate between \$10,680 and \$40,800 in fees the first year after enactment and between \$21,480 and \$76,800 in fees the following year.

The DOH will also experience an increase in expenditures to license and provide regulatory oversight of the newly designated dementia care homes. These expenditures will most likely be offset by the additional revenue generated by the fees charged by the department to the operators and owners of dementia care homes.

Additionally, the State will experience a reduction in State revenue for the first year after enactment of the bill as the approximately \$16,800 in current fees collected by DCA for the licensing of boarding homes for persons with dementia will no longer be collected.

The bill also provides new responsibilities for the Office of the Ombudsman for the Institutionalized Elderly which may result in minimal indeterminate costs for the office.

# SENATE, No. 1145

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JANUARY 30, 2014

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Senator NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**SYNOPSIS**

Provides for licensure of dementia care homes by DOH.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 3/17/2015)



1 AN ACT providing for the licensure of dementia care homes by the  
2 Department of Health and amending and supplementing various  
3 parts of the statutory law.

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

7  
8 1. Section 2 of P.L.1971, c.136 (C.26:2H-2) is amended to read  
9 as follows:

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

12 a. "Health care facility" means the facility or institution  
13 whether public or private, engaged principally in providing services  
14 for health maintenance organizations, diagnosis, or treatment of  
15 human disease, pain, injury, deformity, or physical condition,  
16 including, but not limited to, a general hospital, special hospital,  
17 mental hospital, public health center, diagnostic center, treatment  
18 center, rehabilitation center, extended care facility, skilled nursing  
19 home, nursing home, intermediate care facility, tuberculosis  
20 hospital, chronic disease hospital, maternity hospital, outpatient  
21 clinic, dispensary, home health care agency, residential health care  
22 facility, dementia care home, and bioanalytical laboratory (except  
23 as specifically excluded hereunder) or central services facility  
24 serving one or more such institutions but excluding institutions that  
25 provide healing solely by prayer and excluding such bioanalytical  
26 laboratories as are independently owned and operated, and are not  
27 owned, operated, managed, or controlled, in whole or in part,  
28 directly or indirectly by any one or more health care facilities, and  
29 the predominant source of business of which is not by contract with  
30 health care facilities within the State of New Jersey and which  
31 solicit or accept specimens and operate predominantly in interstate  
32 commerce.

33 b. "Health care service" means the preadmission, outpatient,  
34 inpatient, and postdischarge care provided in or by a health care  
35 facility, and such other items or services as are necessary for such  
36 care, which are provided by or under the supervision of a physician  
37 for the purpose of health maintenance organizations, diagnosis, or  
38 treatment of human disease, pain, injury, disability, deformity, or  
39 physical condition, including, but not limited to, nursing service,  
40 home care nursing, and other paramedical service, ambulance  
41 service, service provided by an intern, resident in training or  
42 physician whose compensation is provided through agreement with  
43 a health care facility, laboratory service, medical social service,  
44 drugs, biologicals, supplies, appliances, equipment, bed and board,  
45 but excluding services provided by a physician in his private

**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.

1 practice, except as provided in sections 7 and 12 of P.L.1971, c.136  
2 (C.26:2H-7 and 26:2H-12), or by practitioners of healing solely by  
3 prayer, and services provided by first aid, rescue and ambulance  
4 squads as defined in the "New Jersey Highway Safety Act of 1971,"  
5 P.L.1971, c.351 (C.27:5F-1 et seq.).

6 c. "Construction" means the erection, building, or substantial  
7 acquisition, alteration, reconstruction, improvement, renovation,  
8 extension, or modification of a health care facility, including its  
9 equipment, the inspection and supervision thereof; and the studies,  
10 surveys, designs, plans, working drawings, specifications,  
11 procedures, and other actions necessary thereto.

12 d. "Board" means the Health Care Administration Board  
13 established pursuant to this act.

14 e. (Deleted by amendment, P.L.1998, c.43).

15 f. "Government agency" means a department, board, bureau,  
16 division, office, agency, public benefit, or other corporation, or any  
17 other unit, however described, of the State or political subdivision  
18 thereof.

19 g. (Deleted by amendment, P.L.1991, c.187).

20 h. (Deleted by amendment, P.L.1991, c.187).

21 i. "Department" means the Department of Health.

22 j. "Commissioner" means the Commissioner of Health.

23 k. "Preliminary cost base" means that proportion of a hospital's  
24 current cost which may reasonably be required to be reimbursed to  
25 a properly utilized hospital for the efficient and effective delivery of  
26 appropriate and necessary health care services of high quality  
27 required by such hospital's mix of patients. The preliminary cost  
28 base initially may include costs identified by the commissioner and  
29 approved or adjusted by the commission as being in excess of that  
30 proportion of a hospital's current costs identified above, which  
31 excess costs shall be eliminated in a timely and reasonable manner  
32 prior to certification of the revenue base. The preliminary cost base  
33 shall be established in accordance with regulations proposed by the  
34 commissioner and approved by the board.

35 l. (Deleted by amendment, P.L.1992, c.160).

36 m. "Provider of health care" means an individual (1) who is a  
37 direct provider of health care service in that the individual's primary  
38 activity is the provision of health care services to individuals or the  
39 administration of health care facilities in which such care is  
40 provided and, when required by State law, the individual has  
41 received professional training in the provision of such services or in  
42 such administration and is licensed or certified for such provision or  
43 administration; or (2) who is an indirect provider of health care in  
44 that the individual (a) holds a fiduciary position with, or has a  
45 fiduciary interest in, any entity described in subparagraph b(ii) or  
46 subparagraph b(iv); provided, however, that a member of the  
47 governing body of a county or any elected official shall not be  
48 deemed to be a provider of health care unless he is a member of the

1 board of trustees of a health care facility or a member of a board,  
2 committee or body with authority similar to that of a board of  
3 trustees, or unless he participates in the direct administration of a  
4 health care facility; or (b) received, either directly or through his  
5 spouse, more than one-tenth of his gross annual income for any one  
6 or more of the following:

7 (i) Fees or other compensation for research into or instruction in  
8 the provision of health care services;

9 (ii) Entities engaged in the provision of health care services or in  
10 research or instruction in the provision of health care services;

11 (iii) Producing or supplying drugs or other articles for  
12 individuals or entities for use in the provision of or in research into  
13 or instruction in the provision of health care services;

14 (iv) Entities engaged in producing drugs or such other articles.

15 n. "Private long-term health care facility" means a nursing  
16 home, skilled nursing home, or intermediate care facility presently  
17 in operation and licensed as such prior to the adoption of the 1967  
18 Life Safety Code by the Department of Health in 1972 and which  
19 has a maximum 50-bed capacity and which does not accommodate  
20 Medicare or Medicaid patients.

21 o. (Deleted by amendment, P.L.1998, c.43).

22 p. "State Health Planning Board" means the board established  
23 pursuant to section 33 of P.L.1991, c.187 (C.26:2H-5.7) to conduct  
24 certificate of need review activities.

25 (cf: P.L.2012, c.17, s.153)

26

27 2. Section 19 of P.L.1992, c.160 (C.26:2H-7a) is amended to  
28 read as follows:

29 19. Notwithstanding the provisions of section 7 of P.L.1971,  
30 c.136 (C.26:2H-7) to the contrary, the following are exempt from  
31 the certificate of need requirement:

32 Community-based primary care centers;

33 Outpatient drug and alcohol services;

34 Hospital-based medical detoxification for drugs and alcohol;

35 Ambulance and invalid coach services;

36 Mental health services which are non-bed related outpatient  
37 services;

38 Residential health care facility services;

39 Dementia care homes;

40 Capital improvements and renovations to health care facilities;

41 Additions of medical/surgical, adult intensive care and adult  
42 critical care beds in hospitals;

43 Replacement of existing major moveable equipment;

44 Inpatient operating rooms;

45 Alternate family care programs;

46 Hospital-based subacute care;

47 Ambulatory care facilities;

48 Comprehensive outpatient rehabilitation services;

- 1 Special child health clinics;
- 2 New technology in accordance with the provisions of section 18
- 3 of P.L.1998, c.43 (C.26:2H-7d);
- 4 Transfer of ownership interest except in the case of an acute care
- 5 hospital;
- 6 Change of site for approved certificate of need within the same
- 7 county;
- 8 Additions to vehicles or hours of operation of a mobile intensive
- 9 care unit;
- 10 Relocation or replacement of a health care facility within the
- 11 same county, except for an acute care hospital;
- 12 Continuing care retirement communities authorized pursuant to
- 13 P.L.1986, c.103 (C.52:27D-330 et seq.);
- 14 Magnetic resonance imaging;
- 15 Adult day health care facilities;
- 16 Pediatric day health care facilities;
- 17 Chronic or acute renal dialysis facilities; and
- 18 Transfer of ownership of a hospital to an authority in accordance
- 19 with P.L.2006, c.46 (C.30:9-23.15 et al.).
- 20 (cf: P.L.2006, c.46, s.10)

21

22 3. Section 1 of P.L.2007, c.65 (C.26:2H-12.33) is amended to

23 read as follows:

24 1. a. The Department of Health shall make available to the

25 public, through its official department website, information

26 regarding:

27 (1) the ownership of each long-term care facility and adult day

28 health services facility licensed by the department; and

29 (2) any violation of statutory standards or rules and regulations

30 of the department pertaining to the care of patients or physical plant

31 standards found at any such facility by the department.

32 As used in this section, "long-term care facility" means a nursing

33 home, assisted living residence, comprehensive personal care home,

34 residential health care facility, or dementia care home licensed

35 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

36 b. The information made available to the public pursuant to

37 subsection a. of this section shall be provided in a manner that

38 would enable a member of the public to search the website by name

39 of a facility or its owner in order to access the information. The

40 department shall also make the information available in writing,

41 upon request.

42 c. The information regarding the ownership of a long-term care

43 or adult day health services facility that is made available to the

44 public pursuant to subsection a. of this section shall provide, at a

45 minimum: the name of the owner of a facility as listed on the

46 facility's license and, if there is more than one owner or the facility

47 is owned by a corporation, the name of each person who holds at

48 least a 10【%】 percent interest in the facility; the name of any other

1 licensed long-term care or adult day health services facility in the  
2 State owned by this owner, corporation, and each person who holds  
3 at least a 10【%】 percent interest in the facility, as applicable; and  
4 the address and contact information for the facility.

5 d. The information that is displayed on the official department  
6 website pursuant to subsection a. of this section shall include  
7 Internet web links to the New Jersey Report Card for Nursing  
8 Homes maintained by the department and the Medicare Nursing  
9 Home Compare database maintained by the federal Centers for  
10 Medicare & Medicaid Services.

11 (cf: P.L.2012, c.17, s.197)

12

13 4. Section 2 of P.L.1984, c.114 (C.26:2H-14.2) is amended to  
14 read as follows:

15 2. a. Every nursing home as defined in section 2 of P.L.1976,  
16 c. 120 (C. 30:13-2) or licensed pursuant to P.L.1971, c. 136 (C.  
17 26:2H-1 et seq.), **【and】** every residential health care facility as  
18 defined in section 1 of P.L.1953, c. 212 (C. 30:11A-1) or licensed  
19 pursuant to P.L.1971, c. 136 (C. 26:2H-1 et seq.), and every  
20 dementia care home as defined in section 17 of P.L. , c. (C. )  
21 (pending before the Legislature as this bill) shall establish by  
22 written policy a heat emergency action plan which shall include  
23 those procedures to be followed in the event of a heat emergency in  
24 order to protect the health and welfare of its residents, and which  
25 shall be approved by the department. The department shall review  
26 a heat emergency action plan established pursuant to this act at  
27 least once in each year.

28 b. A health care facility included within the provisions of this  
29 act shall be required to notify the department immediately in the  
30 event of a heat emergency.

31 (cf: P.L.1984, c.114, s.2)

32

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

35 3. The Commissioner of Health shall, pursuant to the  
36 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
37 (C.52:14B-1 et seq.),<sub>2</sub> adopt rules and regulations necessary to  
38 effectuate the purposes of this act. The regulations shall require  
39 that:

40 a. Each health care facility included within the provisions of  
41 this act and which is not equipped with air conditioning on the  
42 effective date of P.L.1989, c.173 (C.26:2H-14.4 et al.), shall  
43 provide for and operate adequate ventilation in all areas used by  
44 patients or residents, including, but not limited to, the use of ceiling  
45 fans, wall fans or portable fans, where appropriate, so that the  
46 temperature in these areas does not exceed 82 degrees Fahrenheit,  
47 but the health care facility shall not directly assess patients or

1 residents for the purchase or installation of the fans or other  
2 ventilating equipment.

3 (1) The regulations shall also provide that within two years after  
4 the effective date of P.L.1989, c.173 (C.26:2H-14.4 et al.), every  
5 nursing home included within the provisions of this act, and every  
6 residential health care facility as specified in this paragraph, shall  
7 be equipped with air conditioning, except that the commissioner  
8 may grant a nursing home or residential health care facility a waiver  
9 from the air conditioning requirement to give the nursing home or  
10 residential health care facility one additional year to comply with  
11 the air conditioning requirement, for which waiver the nursing  
12 home or residential health care facility shall apply on a form and in  
13 a manner prescribed by the commissioner, if the nursing home or  
14 residential health care facility can demonstrate to the satisfaction of  
15 the commissioner that the failure to grant such a waiver would pose  
16 a serious financial hardship to the nursing home or residential  
17 health care facility. The air conditioning shall be operated so that  
18 the temperature in all areas used by patients or residents does not  
19 exceed 82 degrees Fahrenheit. The air conditioning requirement  
20 established in this subsection shall apply to a residential health care  
21 facility only: (1) upon enactment into law of legislation that  
22 increases the rate of reimbursement provided by the State under the  
23 Supplemental Security Income program, P.L.1973, c.256 (C.44:7-  
24 85 et seq.), which rate is certified by the Commissioner of Health to  
25 be sufficient to enable the facility to meet the costs of complying  
26 with the requirement; and (2) if the facility qualifies for funds for  
27 energy efficiency rehabilitation through the "Petroleum Overcharge  
28 Reimbursement Fund," established pursuant to P.L.1987, c.231,  
29 which funds can be applied towards equipping the facility with air  
30 conditioning. A nursing home or residential health care facility  
31 shall not directly assess patients or residents for the purchase or  
32 installation of the air conditioning equipment.

33 (2) The regulations shall also provide that within two years after  
34 the effective date of P.L. , c. (C. ) (pending before the  
35 Legislature as this bill), every dementia care home shall be  
36 equipped with air conditioning, except that the commissioner may  
37 grant a dementia care home a waiver from the air conditioning  
38 requirement to give the dementia care home one additional year to  
39 comply with the air conditioning requirement, for which waiver the  
40 dementia care home shall apply on a form and in a manner  
41 prescribed by the commissioner, if the dementia care home can  
42 demonstrate to the satisfaction of the commissioner that the failure  
43 to grant such a waiver would pose a serious financial hardship to  
44 that facility. The air conditioning shall be operated so that the  
45 temperature in all areas used by residents does not exceed 82  
46 degrees Fahrenheit. A dementia care home shall not directly assess  
47 residents for the purchase or installation of the air conditioning  
48 equipment; and

1       b. Patients or residents are identified by predisposition, due to  
2 illness, medication or otherwise, to heat-related illness and that  
3 during a heat emergency, their body temperature, dehydration status  
4 and other symptoms of heat-related illness are monitored frequently  
5 and regularly, any anomalies are promptly reported to the attending  
6 physician, and any necessary therapeutic or palliative measures are  
7 instituted, including the provision of liquids, where required.

8 (cf: P.L.1989, c.173, s.1)

9

10       6. Section 2 of P.L.1989, c.173 (C.26:2H-14.4) is amended to  
11 read as follows:

12       2. A nursing home or residential health care facility included  
13 within the provisions of P.L.1984, c.114 (C.26:2H-14.1 et seq.)  
14 which is constructed or expanded after the effective date of  
15 P.L.1989, c.173 (C.26:2H-14.4 et al.), or a dementia care home  
16 included within the provisions of P.L.1984, c.114 (C.26:2H-14.1 et  
17 seq.) which is constructed or expanded after the effective date of  
18 P.L. , c. (C. ) (pending before the Legislature as this bill), shall  
19 be equipped with air conditioning in all areas used by patients or  
20 residents, and the air conditioning shall be operated so that the  
21 temperature in these areas does not exceed 82 degrees Fahrenheit.

22 (cf: P.L.1989, c.173, s.2)

23

24       7. Section 2 of P.L.1977, c.238 (C.26:2H-37) is amended to  
25 read as follows:

26       2. As used in this act, and unless the context otherwise  
27 requires:

28       a. "Boarding or nursing home" or "home" means: a private  
29 nursing home or convalescent home regulated under chapter 11 of  
30 Title 30 of the Revised Statutes **【or】**; a facility or institution,  
31 private or public, regulated and licensed as an extended care  
32 facility, skilled nursing home, nursing home, or intermediate care  
33 facility pursuant to P.L.1971, c. 136 (C. 26:2H-1 to 26:2H-26) **【or】**;  
34 a residential health care facility, as defined in section 1 of P.L.1953,  
35 c. 212 (C. 30:11A-1) or licensed pursuant to P.L.1971, c. 136 (C.  
36 26:2H-1 to 26:2H-26); or a dementia care home as defined in  
37 section 17 of P.L. , c. (C. ) (pending before the Legislature as  
38 this bill).

39       b. "Owner" means the holder or holders of the title in fee  
40 simple to the property on which the home is located.

41       c. "Licensee" means the holder or holders of a license to  
42 operate a boarding or nursing home pursuant to chapter 11 of Title  
43 30 of the Revised Statutes, P.L.1953, c. 212 (C. 30:11A-1 to  
44 30:11A-14) or P.L.1971, c. 136 (C. 26:2H-1 to 26:2H-26).

45       d. "Department" means the State Department of Health.

46 (cf: P.L.1979, c.496, s.24)

1       8. Section 3 of P.L.1991, c.201 (C.26:2H-55) is amended to  
2 read as follows:

3       3. As used in this act:

4       "Adult" means an individual 18 years of age or older.

5       "Advance directive for health care" or "advance directive" means  
6 a writing executed in accordance with the requirements of this act.  
7 An "advance directive" may include a proxy directive or an  
8 instruction directive, or both.

9       "Attending physician" means the physician selected by, or  
10 assigned to, the patient who has primary responsibility for the  
11 treatment and care of the patient.

12       "Decision making capacity" means a patient's ability to  
13 understand and appreciate the nature and consequences of health  
14 care decisions, including the benefits and risks of each, and  
15 alternatives to any proposed health care, and to reach an informed  
16 decision. A patient's decision making capacity is evaluated relative  
17 to the demands of a particular health care decision.

18       "Declarant" means a competent adult who executes an advance  
19 directive.

20       "Do not resuscitate order" means a physician's written order not  
21 to attempt cardiopulmonary resuscitation in the event the patient  
22 suffers a cardiac or respiratory arrest.

23       "Emergency care" means immediate treatment provided in  
24 response to a sudden, acute and unanticipated medical crisis in  
25 order to avoid injury, impairment or death.

26       "Health care decision" means a decision to accept or to refuse  
27 any treatment, service or procedure used to diagnose, treat or care  
28 for a patient's physical or mental condition, including life-sustaining  
29 treatment. "Health care decision" also means a decision to accept or  
30 to refuse the services of a particular physician, nurse, other health  
31 care professional or health care institution, including a decision to  
32 accept or to refuse a transfer of care.

33       "Health care institution" means all institutions, facilities, and  
34 agencies licensed, certified, or otherwise authorized by State law to  
35 administer health care in the ordinary course of business, including  
36 hospitals, nursing homes, residential health care facilities, dementia  
37 care homes, home health care agencies, hospice programs operating  
38 in this State, mental health institutions, facilities or agencies, or  
39 institutions, facilities and agencies for the developmentally  
40 disabled. The term "health care institution" shall not be construed  
41 to include "health care professionals" as defined in this act.

42       "Health care professional" means an individual licensed by this  
43 State to administer health care in the ordinary course of business or  
44 practice of a profession.

45       "Health care representative" means the individual designated by  
46 a declarant pursuant to the proxy directive part of an advance  
47 directive for the purpose of making health care decisions on the  
48 declarant's behalf, and includes an individual designated as an



1 alternate health care representative who is acting as the declarant's  
2 health care representative in accordance with the terms and order of  
3 priority stated in an advance directive.

4 "Instruction directive" means a writing which provides  
5 instructions and direction regarding the declarant's wishes for health  
6 care in the event that the declarant subsequently lacks decision  
7 making capacity.

8 "Life-sustaining treatment" means the use of any medical device  
9 or procedure, artificially provided fluids and nutrition, drugs,  
10 surgery or therapy that uses mechanical or other artificial means to  
11 sustain, restore or supplant a vital bodily function, and thereby  
12 increase the expected life span of a patient.

13 "Other health care professionals" means health care professionals  
14 other than physicians and nurses.

15 "Patient" means an individual who is under the care of a  
16 physician, nurse or other health care professional.

17 "Permanently unconscious" means a medical condition that has  
18 been diagnosed in accordance with currently accepted medical  
19 standards and with reasonable medical certainty as total and  
20 irreversible loss of consciousness and capacity for interaction with  
21 the environment. The term "permanently unconscious" includes  
22 without limitation a persistent vegetative state or irreversible coma.

23 "Physician" means an individual licensed to practice medicine  
24 and surgery in this State.

25 "Proxy directive" means a writing which designates a health care  
26 representative in the event the declarant subsequently lacks decision  
27 making capacity.

28 "State" means a state, territory, or possession of the United  
29 States, the District of Columbia, or the Commonwealth of Puerto  
30 Rico.

31 "Terminal condition" means the terminal stage of an irreversibly  
32 fatal illness, disease or condition. A determination of a specific life  
33 expectancy is not required as a precondition for a diagnosis of a  
34 "terminal condition," but a prognosis of a life expectancy of six  
35 months or less, with or without the provision of life-sustaining  
36 treatment, based upon reasonable medical certainty, shall be  
37 deemed to constitute a terminal condition.

38 (cf: P.L.1991, c.201, s.3)

39

40 9. Section 2 of P.L.1977, c.448 (C.30:11B-2) is amended to  
41 read as follows:

42 2. "Alzheimer's disease and related disorders" means a form of  
43 dementia characterized by a general loss of intellectual abilities of  
44 sufficient severity to interfere with social or occupational  
45 functioning.

46 "Community residence for the developmentally disabled" means  
47 any community residential facility housing up to 16 persons with  
48 developmental disabilities, which provides food, shelter, and

1 personal guidance for persons with developmental disabilities who  
2 require assistance, temporarily or permanently, in order to live  
3 independently in the community. Such residences shall not be  
4 considered health care facilities within the meaning of the "Health  
5 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.)  
6 and shall include, but not be limited to, group homes, halfway  
7 houses, supervised apartment living arrangements, and hostels.

8 "Community residence for the mentally ill" means any  
9 community residential facility which provides food, shelter, and  
10 personal guidance, under such supervision as required, to not more  
11 than 15 persons with mental illness who require assistance  
12 temporarily or permanently, in order to live independently in the  
13 community. These residences shall be approved for a purchase of  
14 service contract or an affiliation agreement pursuant to procedures  
15 established by the Division of Mental Health and Addiction  
16 Services in the Department of Human Services or the Division of  
17 Children's System of Care in the Department of Children and  
18 Families, as applicable. These residences shall not house persons  
19 who have been assigned to a State psychiatric hospital after having  
20 been found not guilty of a criminal offense by reason of insanity or  
21 unfit to be tried on a criminal charge. These residences shall not be  
22 considered health care facilities within the meaning of the "Health  
23 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.)  
24 and shall include, but not be limited to, group homes, halfway  
25 houses, supervised apartment living arrangements, family care  
26 homes, and hostels.

27 "Community residence for persons with head injuries" means a  
28 community residential facility providing food, shelter, and personal  
29 guidance, under such supervision as required, to not more than 15  
30 persons with head injuries, who require assistance, temporarily or  
31 permanently, in order to live in the community, and shall include,  
32 but not be limited to: group homes, halfway houses, supervised  
33 apartment living arrangements, and hostels. Such a residence shall  
34 not be considered a health care facility within the meaning of the  
35 "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1  
36 et seq.).

37 "Dementia" means a chronic or persistent disorder of the mental  
38 processes due to organic brain disease, for which no curative  
39 treatment is available, and marked by memory disorders, changes in  
40 personality, deterioration in personal care, impaired reasoning  
41 ability, and disorientation.

42 "Developmental disability" or "developmentally disabled" means  
43 a severe, chronic disability of a person which: a. is attributable to a  
44 mental or physical impairment or combination of mental or physical  
45 impairments; b. is manifest before age 22; c. is likely to continue  
46 indefinitely; d. results in substantial functional limitations in three  
47 or more of the following areas of major life activity, that is, self-  
48 care, receptive and expressive language, learning, mobility, self-

1 direction and capacity for independent living, or economic self-  
2 sufficiency; and e. reflects the need for a combination and sequence  
3 of special interdisciplinary or generic care, treatment, or other  
4 services which are of lifelong or extended duration and are  
5 individually planned and coordinated. Developmental disability  
6 includes, but is not limited to, severe disabilities attributable to an  
7 intellectual disability, autism, cerebral palsy, epilepsy, spina bifida,  
8 and other neurological impairments where the above criteria are  
9 met.

10 "Mentally ill" or "mental illness" means any psychiatric disorder  
11 which has required an individual to receive either inpatient  
12 psychiatric care or outpatient psychiatric care on an extended basis.

13 "Person with head injury" means a person who has sustained an  
14 injury, illness, or traumatic changes to the skull, the brain contents  
15 or its coverings which results in a temporary or permanent  
16 physiobiological decrease of cognitive, behavioral, social, or  
17 physical functioning which causes partial or total disability, but  
18 excluding a person with Alzheimer's disease and related disorders  
19 or other forms of dementia.

20 (cf: P.L.2012, c.16, s.125)

21

22 10. Section 2 of P.L.1978, c.159 (C.40:55D-66.2) is amended to  
23 read as follows:

24 2. As used in this act:

25 a. "Community residence for the developmentally disabled"  
26 means any community residential facility licensed pursuant to  
27 P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter, and  
28 personal guidance, under such supervision as required, to not more  
29 than 15 developmentally disabled or mentally ill persons, who  
30 require assistance, temporarily or permanently, in order to live in  
31 the community, and shall include, but not be limited to: group  
32 homes, halfway houses, intermediate care facilities, supervised  
33 apartment living arrangements, and hostels. Such a residence shall  
34 not be considered a health care facility within the meaning of the  
35 "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1  
36 et al.). In the case of such a community residence housing mentally  
37 ill persons, such residence shall have been approved for a purchase  
38 of service contract or an affiliation agreement pursuant to such  
39 procedures as shall be established by regulation of the Division of  
40 Mental Health and **【Hospitals of】** Addiction Services in the  
41 Department of Human Services. As used in this act,  
42 "developmentally disabled person" means a person who is  
43 developmentally disabled as defined in section 2 of P.L.1977, c.448  
44 (C.30:11B-2), and "mentally ill person" means a person who is  
45 afflicted with a mental illness as defined in R.S.30:4-23, but shall  
46 not include a person who has been committed after having been  
47 found not guilty of a criminal offense by reason of insanity or  
48 having been found unfit to be tried on a criminal charge.

1       b. "Community shelter for victims of domestic violence" means  
2 any shelter approved for a purchase of service contract and certified  
3 pursuant to standards and procedures established by regulation of  
4 the Department of Human Services pursuant to P.L.1979, c.337  
5 (C.30:14-1 et seq.), providing food, shelter, medical care, legal  
6 assistance, personal guidance, and other services to not more than  
7 15 persons who have been victims of domestic violence, including  
8 any children of such victims, who temporarily require shelter and  
9 assistance in order to protect their physical or psychological  
10 welfare.

11       c. "Community residence for persons with head injuries"  
12 means a community residential facility licensed pursuant to  
13 P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter, and  
14 personal guidance, under such supervision as required, to not more  
15 than 15 persons with head injuries, who require assistance,  
16 temporarily or permanently, in order to live in the community, and  
17 shall include, but not be limited to: group homes, halfway houses,  
18 supervised apartment living arrangements, and hostels. Such a  
19 residence shall not be considered a health care facility within the  
20 meaning of the "Health Care Facilities Planning Act," P.L.1971,  
21 c.136 (C.26:2H-1 et al.).

22       d. "Person with head injury" means a person who has sustained  
23 an injury, illness, or traumatic changes to the skull, the brain  
24 contents, or its coverings which results in a temporary or permanent  
25 physiobiological decrease of mental, cognitive, behavioral, social,  
26 or physical functioning which causes partial or total disability, but  
27 excluding a person with Alzheimer's disease and related disorders  
28 or other forms of dementia.

29       e. "Community residence for the terminally ill" means any  
30 community residential facility operated as a hospice program  
31 providing food, shelter, personal guidance, and health care services,  
32 under such supervision as required, to not more than 15 terminally  
33 ill persons.

34       f. "Alzheimer's disease and related disorders" means a form of  
35 dementia characterized by a general loss of intellectual abilities of  
36 sufficient severity to interfere with social or occupational  
37 functioning.

38       g. "Dementia" means a chronic or persistent disorder of the  
39 mental processes due to organic brain disease, for which no curative  
40 treatment is available, and marked by memory disorders, changes in  
41 personality, deterioration in personal care, impaired reasoning  
42 ability, and disorientation.

43 (cf: P.L.1997, c.321, s.2)

44

45       11. Section 2 of P.L.1977, c.239 (C.52:27G-2) is amended to  
46 read as follows:

47       2. As used in this act, unless the context clearly indicates  
48 otherwise:

- 1 a. "Abuse" means the willful infliction of physical pain, injury,  
2 or mental anguish; unreasonable confinement; or the willful  
3 deprivation of services which are necessary to maintain a person's  
4 physical and mental health. However, no person shall be deemed to  
5 be abused for the sole reason he is being furnished nonmedical  
6 remedial treatment by spiritual means through prayer alone, in  
7 accordance with a recognized religious method of healing, in lieu of  
8 medical treatment;
- 9 b. An "act" of any facility or government agency shall be  
10 deemed to include any failure or refusal to act by such facility or  
11 government agency;
- 12 c. "Administrator" means any person who is charged with the  
13 general administration or supervision of a facility, whether or not  
14 such person has an ownership interest in such facility, and whether  
15 or not such person's functions and duties are shared with one or  
16 more other persons;
- 17 d. "Caretaker" means a person employed by a facility to  
18 provide care or services to an elderly person, and includes, but is  
19 not limited to, the administrator of a facility;
- 20 e. "Exploitation" means the act or process of using a person or  
21 his resources for another person's profit or advantage without legal  
22 entitlement to do so;
- 23 f. "Facility" means any facility or institution, whether public or  
24 private, offering health or health related services for the  
25 institutionalized elderly, and which is subject to regulation,  
26 visitation, inspection, or supervision by any government agency.  
27 Facilities include, but are not limited to, nursing homes, skilled  
28 nursing homes, intermediate care facilities, extended care facilities,  
29 convalescent homes, rehabilitation centers, residential health care  
30 facilities, dementia care homes, special hospitals, veterans'  
31 hospitals, chronic disease hospitals, psychiatric hospitals, mental  
32 hospitals, developmental centers or facilities, day care facilities for  
33 the elderly and medical day care centers;
- 34 g. "Government agency" means any department, division,  
35 office, bureau, board, commission, authority, or any other agency or  
36 instrumentality created by the State or to which the State is a party,  
37 or by any county or municipality, which is responsible for the  
38 regulation, visitation, inspection, or supervision of facilities, or  
39 which provides services to patients, residents, or clients of  
40 facilities;
- 41 h. "Guardian" means any person with the legal right to manage  
42 the financial affairs and protect the rights of any patient, resident,  
43 or client of a facility, who has been declared an incapacitated person  
44 by a court of competent jurisdiction;
- 45 i. "Institutionalized elderly," "elderly" or "elderly person"  
46 means any person 60 years of age or older, who is a patient,  
47 resident, or client of any facility;

1 j. "Office" means the Office of the Ombudsman for the  
2 Institutionalized Elderly established herein;

3 k. "Ombudsman" means the administrator and chief executive  
4 officer of the Office of the Ombudsman for the Institutionalized  
5 Elderly;

6 l. "Patient, resident or client" means any elderly person who is  
7 receiving treatment or care in any facility in all its aspects,  
8 including, but not limited to, admission, retention, confinement,  
9 commitment, period of residence, transfer, discharge, and any  
10 instances directly related to such status.

11 (cf: P.L. 2010, c.50, s.79)

12

13 12. Section 3 of P.L.1979, c.496 (C.55:13B-3) is amended to  
14 read as follows:

15 3. As used in this act:

16 a. "Boarding house" means any building, together with any  
17 related structure, accessory building, any land appurtenant thereto,  
18 and any part thereof, which contains two or more units of dwelling  
19 space arranged or intended for single room occupancy, exclusive of  
20 any such unit occupied by an owner or operator, and wherein  
21 personal or financial services are provided to the residents,  
22 including any residential hotel or congregate living arrangement,  
23 but excluding any hotel, motel, or established guest house wherein a  
24 minimum of 85【%】 percent of the units of dwelling space are  
25 offered for limited tenure only, any resource family home as  
26 defined in section 1 of P.L.1962, c.137 (C.30:4C-26.1), any  
27 community residence for the developmentally disabled and any  
28 community residence for the mentally ill as defined in section 2 of  
29 P.L.1977, c.448 (C.30:11B-2), any adult family care home as  
30 defined in section 3 of P.L.2001, c.304 (C.26:2Y-3), any dormitory  
31 owned or operated on behalf of any nonprofit institution of primary,  
32 secondary, or higher education for the use of its students, any  
33 building arranged for single room occupancy wherein the units of  
34 dwelling space are occupied exclusively by students enrolled in a  
35 full-time course of study at an institution of higher education  
36 approved by the New Jersey Commission on Higher Education, any  
37 facility or living arrangement operated by, or under contract with,  
38 any State department or agency, upon the written authorization of  
39 the commissioner, and any owner-occupied, one-family residential  
40 dwelling made available for occupancy by not more than six guests,  
41 where the primary purpose of the occupancy is to provide charitable  
42 assistance to the guests and where the owner derives no income  
43 from the occupancy. A dwelling shall be deemed "owner-occupied"  
44 within the meaning of this section if it is owned or operated by a  
45 nonprofit religious or charitable association or corporation and is  
46 used as the principal residence of a minister or employee of that  
47 corporation or association. For any such dwelling, however, fire

- 1 detectors shall be required as determined by the Department of  
2 Community Affairs.
- 3 b. "Commissioner" means the Commissioner of the Department  
4 of Community Affairs.
- 5 c. "Financial services" means any assistance permitted or  
6 required by the commissioner to be furnished by an owner or  
7 operator to a resident in the management of personal financial  
8 matters, including, but not limited to, the cashing of checks, holding  
9 of personal funds for safekeeping in any manner or assistance in the  
10 purchase of goods or services with a resident's personal funds.
- 11 d. "Limited tenure" means residence at a rooming or boarding  
12 house on a temporary basis, for a period lasting no more than 90  
13 days, when a resident either maintains a primary residence at a  
14 location other than the rooming or boarding house or intends to  
15 establish a primary residence at such a location and does so within  
16 90 days after taking up original residence at the rooming or  
17 boarding house.
- 18 e. "Operator" means any individual who is responsible for the  
19 daily operation of a rooming or boarding house.
- 20 f. "Owner" means any person who owns, purports to own, or  
21 exercises control of any rooming or boarding house.
- 22 g. "Personal services" means any services permitted or required  
23 to be furnished by an owner or operator to a resident, other than  
24 shelter, including, but not limited to, meals or other food services,  
25 and assistance in dressing, bathing, or attending to other personal  
26 needs.
- 27 h. "Rooming house" means a boarding house wherein no  
28 personal or financial services are provided to the residents.
- 29 i. "Single room occupancy" means an arrangement of dwelling  
30 space which does not provide a private, secure dwelling space  
31 arranged for independent living, which contains both the sanitary  
32 and cooking facilities required in dwelling spaces pursuant to the  
33 "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et  
34 seq.), and which is not used for limited tenure occupancy in a hotel,  
35 motel, or established guest house, regardless of the number of  
36 individuals occupying any room or rooms.
- 37 j. "Unit of dwelling space" means any room, rooms, suite, or  
38 portion thereof, whether furnished or unfurnished, which is  
39 occupied or intended, arranged, or designed to be occupied for  
40 sleeping or dwelling purposes by one or more persons.
- 41 k. **["Alzheimer's disease and related disorders" means a form**  
42 **of dementia characterized by a general loss of intellectual abilities**  
43 **of sufficient severity to interfere with social or occupational**  
44 **functioning.]** (Deleted by amendment, P.L. , c. (pending before  
45 the Legislature as this bill)
- 46 l. **["Dementia" means a chronic or persistent disorder of the**  
47 **mental processes due to organic brain disease, for which no curative**  
48 **treatment is available, and marked by memory disorders, changes in**

1 personality, deterioration in personal care, impaired reasoning  
2 ability and disorientation.】 (Deleted by amendment, P.L. \_\_\_\_\_,  
3 c. (pending before the Legislature as this bill)  
4 (cf: P.L.2004, c.130, s.123)  
5

6 13. Section 6 of P.L.1979, c.496 (C.55:13B-6) is amended to  
7 read as follows:

8 6. The commissioner shall establish standards to ensure that  
9 every rooming and boarding house in this State is constructed and  
10 operated in such a manner as will protect the health, safety, and  
11 welfare of its residents and at the same time preserve and promote a  
12 homelike atmosphere appropriate to such facilities, including, but  
13 not limited to, standards to provide for the following:

- 14 a. Safety from fire;
- 15 b. Safety from structural, mechanical, plumbing, and electrical  
16 deficiencies;
- 17 c. Adequate light and ventilation;
- 18 d. Physical security;
- 19 e. Protection from harassment, fraud, and eviction without due  
20 cause;
- 21 f. Clean and reasonably comfortable surroundings;
- 22 g. Adequate personal and financial services rendered in  
23 boarding houses;
- 24 h. Disclosure of owner identification information;
- 25 i. Maintenance of orderly and sufficient financial and  
26 occupancy records;
- 27 j. Referral of residents, by the operator, to social service and  
28 health agencies for needed services;
- 29 k. Assurance that no constitutional, civil, or legal right will be  
30 denied solely by reason of residence in a rooming or boarding  
31 house;
- 32 l. Reasonable access for employees of public and private  
33 agencies, and reasonable access for other citizens upon receiving  
34 the consent of the resident to be visited by them;
- 35 m. Opportunity for each resident to live with as much  
36 independence, autonomy, and interaction with the surrounding  
37 community as ~~he~~ the resident is capable of ~~;~~ doing.
- 38 n. ~~Assurance that the needs of residents with special needs,~~  
39 ~~including, but not limited to, persons with Alzheimer's disease and~~  
40 ~~related disorders or other forms of dementia, will be met in~~  
41 ~~accordance with standards adopted by regulation of the~~  
42 ~~commissioner, which shall be promulgated no later than 90 days~~  
43 ~~after the effective date of this act, which shall include, at a~~  
44 ~~minimum, the following:~~
  - 45 (1) staffing levels;
  - 46 (2) staff qualifications and training;
  - 47 (3) special dietary needs of residents;



1 (4) special supervision requirements relating to the individual  
2 needs of residents;

3 (5) building safety requirements appropriate to the needs of  
4 residents;

5 (6) special health monitoring of residents by qualified, licensed  
6 health care professionals, including a requirement that a medical  
7 assessment be performed on a resident with special needs as  
8 described in this subsection, as determined necessary by the  
9 commissioner, prior to admission and on a quarterly basis thereafter  
10 to ensure that the facility is appropriate to the needs of the resident;  
11 and

12 (7) criteria for discharging residents which shall be set forth in  
13 the admission agreement which shall be provided to the resident or  
14 the resident's representative prior to or upon admission. The  
15 commissioner may revoke the license of any provider who violates  
16 the criteria for discharging residents.】 (Deleted by amendment,  
17 P.L. , c. (pending before the Legislature as this bill)  
18 (cf: P.L.1997, c.260, s.2)

19

20 14. Section 7 of P.L.1979, c.496 (C.55:13B-7) is amended to  
21 read as follows:

22 7. a. (1) No person shall own or operate a rooming or  
23 boarding house, hold out a building as available for rooming or  
24 boarding house occupancy, or apply for any necessary construction  
25 or planning approvals related to the establishment of a rooming or  
26 boarding house without a valid license to own or operate such a  
27 facility, issued by the commissioner and, if appropriate, by a  
28 municipality which has elected to issue such licenses pursuant to  
29 P.L.1993, c.290 (C.40:52-9 et seq.).

30 (2) **【**No person shall own or operate a rooming or boarding  
31 house that offers or advertises or holds itself out as offering  
32 personal care services to residents with special needs, including, but  
33 not limited to, persons with Alzheimer's disease and related  
34 disorders or other forms of dementia, hold out a building as  
35 available for rooming or boarding house occupancy for such  
36 residents, or apply for any necessary construction or planning  
37 approvals related to the establishment of a rooming or boarding  
38 house for such residents without a valid license to own or operate  
39 such a facility, issued by the commissioner.】 (Deleted by  
40 amendment, P.L. , c. (pending before the Legislature as this bill)

41 (3) Any person found to be in violation of this subsection shall  
42 be liable for a civil penalty of not more than **【\$5,000.00】** \$5,000 for  
43 each building so owned or operated, which penalty shall be payable  
44 to the appropriate licensing entity.

45 b. The commissioner shall establish separate categories of  
46 licensure for owning and for operating a rooming or boarding  
47 house, provided, however, that an owner who himself operates such  
48 a facility need not also possess an operator's license.

1 If an owner seeking to be licensed is other than an individual, the  
2 application shall state the name of an individual who is a member,  
3 officer, or stockholder in the corporation or association seeking to  
4 be licensed, and the same shall be designated the primary owner of  
5 the rooming or boarding house.

6 Each application for licensure shall contain such information as  
7 the commissioner may prescribe and, unless the person is licensed  
8 by a municipality to own or operate a rooming and boarding house  
9 pursuant to P.L.1993, c.290 (C.40:52-9 et seq.), shall be  
10 accompanied by a fee established by the commissioner which shall  
11 not be less than ~~[\$150.00]~~ \$150 or more than ~~[\$600.00]~~ \$600,  
12 except as provided in subsection e. of this section. If, upon receipt  
13 of the fee and a review of the application, the commissioner  
14 determines that the applicant will operate, or provide for the  
15 operation of, a rooming or boarding house in accordance with the  
16 provisions of this act, ~~[he]~~ the commissioner shall issue a license to  
17 ~~[him]~~ the applicant.

18 Each license shall be valid for one year from the date of  
19 issuance, but may be renewed upon application by the owner or  
20 operator and upon payment of the same fee required for initial  
21 licensure.

22 c. Only one license shall be required to own a rooming or  
23 boarding house, but an endorsement thereto shall be required for  
24 each separate building owned and operated, or intended to be  
25 operated, as a rooming or boarding house. Each application for  
26 licensure or renewal shall indicate every such building for which an  
27 endorsement is required. If, during the term of a license, an  
28 additional endorsement is required, or an existing one is no longer  
29 required, an amended application for licensure shall be submitted.

30 d. A person making application for, or who has been issued, a  
31 license to own or operate a rooming or boarding house who  
32 conceals the fact that the person has been denied a license to own or  
33 operate a residential facility, or that the person's license to own or  
34 operate a residential facility has been revoked by a department or  
35 agency of state government in this or any other state is liable for a  
36 civil penalty of not more than ~~[\$5,000.00]~~ \$5,000, and any license  
37 to own or operate a rooming or boarding house which has been  
38 issued to that person shall be immediately revoked.

39 e. The commissioner shall annually review the cost of  
40 administering and enforcing this section and shall establish by rule  
41 such changes to the license application fee as may be necessary to  
42 cover the cost of such administration and enforcement.

43 (cf: P.L.2007, c.339, s.1)

44

45 15. (New section) a. The Department of Community Affairs  
46 shall cease its responsibilities for licensure, inspections, and the  
47 establishment and enforcement of standards with respect to each  
48 rooming or boarding house that provides services to residents with

1 special needs, including, but not limited to, persons with  
2 Alzheimer's disease and related disorders or other forms of  
3 dementia, as of the date that the Department of Health assumes  
4 these responsibilities pursuant to section 18 of P.L. , c. (C. )  
5 (pending before the Legislature as this bill).

6 b. The Department of Community Affairs shall establish and  
7 enter into an inter-agency agreement with the Department of Health  
8 as necessary for the purposes of this section and section 18 of  
9 P.L. , c. (C. ) (pending before the Legislature as this bill).

10

11 16. (New section) The Department of Community Affairs shall  
12 not issue a license to any person to own or operate a new rooming  
13 or boarding house that provides services to residents with special  
14 needs, including, but not limited to, persons with Alzheimer's  
15 disease and related disorders or other forms of dementia, on or after  
16 the date of enactment of P.L. , c. (C. ) (pending before the  
17 Legislature as this bill).

18

19 17. (New section) As used in sections 18 through 26 of P.L. ,  
20 c. (C. ) (pending before the Legislature as this bill):

21 "Alzheimer's disease and related disorders" means a form of  
22 dementia characterized by a general loss of intellectual abilities of  
23 sufficient severity to interfere with social or occupational  
24 functioning.

25 "Commissioner" means the Commissioner of Health.

26 "Department" means the Department of Health.

27 "Dementia" means a chronic or persistent disorder of the mental  
28 processes due to organic brain disease, for which no curative  
29 treatment is available, and marked by memory disorders, changes in  
30 personality, deterioration in personal care, impaired reasoning  
31 ability, and disorientation.

32 "Dementia care home" means a community residential facility  
33 that provides services to residents with special needs, including, but  
34 not limited to, persons with Alzheimer's disease and related  
35 disorders or other forms of dementia, is subject to the licensure  
36 authority of the Department of Health as a health care facility  
37 pursuant to P.L.1971, c.136 (C. 26:2H-1 et seq.), and meets the  
38 requirements of section 19 of P.L. , c. (C. ) (pending before  
39 the Legislature as this bill).

40

41 18. (New section) a. (1) Notwithstanding any law, rule, or  
42 regulation to the contrary, commencing on or after the effective date  
43 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
44 and subject to the provisions of subsection b. of this section, the  
45 Department of Health shall be responsible for licensure,  
46 inspections, and the establishment and enforcement of standards  
47 with respect to each community residential facility in the State that  
48 provides services to residents with special needs, including, but not

1 limited to, persons with Alzheimer's disease and related disorders or  
2 other forms of dementia, which shall be thereafter known as a  
3 dementia care home.

4 (2) The department shall be empowered to exercise such  
5 authority with respect to a dementia care home as the department is  
6 granted with respect to any other health care facility licensed by the  
7 department, pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) and  
8 any rules and regulations adopted pursuant thereto, and in  
9 accordance with the provisions of P.L. , c. (C. ) (pending  
10 before the Legislature as this bill).

11 b. The department shall establish and enter into an inter-agency  
12 agreement with the Department of Community Affairs as necessary  
13 for the purposes of subsection a. of this section.

14 c. (1) Whenever any reference is made in any law, rule,  
15 regulation, order, contract, document, or judicial or administrative  
16 proceeding to rooming and boarding houses for residents with  
17 special needs, including, but not limited to, persons with  
18 Alzheimer's disease and related disorders or other forms of  
19 dementia, the same shall be deemed to mean or refer to "dementia  
20 care homes."

21 (2) Whenever the term "Department of Community Affairs"  
22 appears or any reference is made thereto in any law, rule,  
23 regulation, order, contract, document, or judicial or administrative  
24 proceeding pertaining to rooming and boarding houses for residents  
25 with special needs, including, but not limited to, persons with  
26 Alzheimer's disease and related disorders or other forms of  
27 dementia, the same shall be deemed to mean or refer to the  
28 "Department of Health."

29 d. A dementia care home that is operating as a rooming or  
30 boarding house that provides services to residents with special  
31 needs, including, but not limited to, persons with Alzheimer's  
32 disease and related disorders or other forms of dementia, on the  
33 effective date of P.L. , c. (C. ) (pending before the Legislature  
34 as this bill) shall be granted provisional licensure by the department  
35 for a period of one year following the effective date. At the end of  
36 that period, the department shall issue a license to the facility  
37 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) or make continued  
38 licensure subject to such actions by the facility as the commissioner  
39 determines necessary to effectuate the purposes of P.L.1971, c.136  
40 and P.L. , c. (C. ) (pending before the Legislature as this bill).

41

42 19. (New section) a. A dementia care home shall be a facility,  
43 whether in single or multiple dwellings, whether public or private,  
44 whether incorporated or unincorporated, whether for profit or  
45 nonprofit, operated at the direction of or under the management of  
46 an individual or individuals, corporation, partnership, society, or  
47 association, which furnishes food and shelter to four or more  
48 persons 18 years of age or older who are unrelated to the operator

1 of the facility, and which provides dietary services, recreational  
2 activities, supervision of self-administration of medications,  
3 supervision of and assistance in activities of daily living and  
4 assistance in obtaining health services to any one or more of such  
5 persons, in addition to such facilities, services, activities, and  
6 assistance as the Commissioner of Health may prescribe by  
7 regulation that are designed to meet the specific needs of residents  
8 with special needs, including, but not limited to, persons with  
9 Alzheimer's disease and related disorders or other forms of  
10 dementia. A dementia care home shall not include: a community  
11 residence for the developmentally disabled as defined in section 2  
12 of P.L.1977, c. 448 (C.30:11B-2); a facility or living arrangement  
13 operated by, or under contract with, a State department or agency,  
14 upon the written authorization of the commissioner; or a privately  
15 operated establishment licensed pursuant to chapter 11 of Title 30  
16 of the Revised Statutes.

17 b. A resident of a dementia care home shall be a person with  
18 special needs, including, but not limited to, persons with  
19 Alzheimer's disease and related disorders or other forms of  
20 dementia, as prescribed by regulation of the commissioner, who is:  
21 18 years of age or older; ambulant with or without assistive devices;  
22 certified by a licensed physician to be free from communicable  
23 disease and not in need of skilled nursing care; and, except in the  
24 case of a person 65 years of age or over, in need of dietary services,  
25 supervision of self-administration of medications, supervision of  
26 and assistance in activities of daily living, or assistance in obtaining  
27 health care services. A resident of a dementia care home shall not  
28 be given skilled nursing care while a resident, except that the  
29 provisions of this subsection shall not be construed to prevent: care  
30 of residents in emergencies or during temporary illness for a period  
31 of one week or less; or a licensed physician from ordering nursing  
32 or other health care services for the resident.

33

34 20. (New section) a. (1) A person shall not operate a dementia  
35 care home, or offer, advertise, or hold out a facility as a dementia  
36 care home, hold out a building as available for occupancy by  
37 dementia care home residents, or apply for any necessary  
38 construction or planning approvals related to the establishment of a  
39 dementia care home, without a valid license having been issued by  
40 the department for the operation of that facility in accordance with  
41 the provisions of P.L.1971, c.136 (C.26:2H-1 et seq.) and P.L. ,  
42 c. (C. ) (pending before the Legislature as this bill).

43 (2) A person shall not offer, advertise, or hold out a dementia  
44 care home as another type of health care facility licensed pursuant  
45 to P.L.1971, c.136 (C.26:2H-1 et seq.).

46 (3) A person found to be in violation of paragraph (1) or (2) of  
47 this subsection shall be liable for a civil penalty for each building so

1 operated in accordance with the provisions of section 24 of P.L. ,  
2 c. (C. ) (pending before the Legislature as this bill).

3 b. Notwithstanding the provisions of any municipal ordinance  
4 to the contrary, a dementia care home shall meet such requirements  
5 as the commissioner shall establish by regulation for the posting of  
6 visible signs in its local community that identify the location of the  
7 facility.

8  
9 21. (New section) The commissioner shall establish standards to  
10 ensure that each dementia care home is constructed and operated in  
11 such a manner as will protect the health, safety, and welfare of its  
12 residents and at the same time preserve and promote a homelike  
13 atmosphere appropriate to these facilities, including, but not limited  
14 to, standards to provide for the following:

15 a. Safety from fire;

16 b. Safety from structural, mechanical, plumbing, and electrical  
17 deficiencies;

18 c. Adequate light and ventilation;

19 d. Physical security;

20 e. Protection from harassment, fraud, and eviction without due  
21 cause;

22 f. Clean and reasonably comfortable surroundings;

23 g. Adequate personal and financial services rendered in the  
24 facility;

25 h. Disclosure of owner identification information;

26 i. Maintenance of orderly and sufficient financial and  
27 occupancy records;

28 j. Referral of residents, by the operator, to social service and  
29 health care providers for needed services;

30 k. Assurance that no constitutional, civil, or legal right will be  
31 denied solely by reason of residence in a dementia care home;

32 l. Reasonable access for employees of public and private  
33 agencies, and reasonable access for other citizens upon receiving  
34 the consent of the resident to be visited by them;

35 m. Opportunity for each resident to live with as much  
36 independence, autonomy, and interaction with the surrounding  
37 community as the resident is capable of doing;

38 n. Assurance that the needs of residents of a dementia care  
39 home will be met, which shall include, at a minimum, the  
40 following:

41 (1) staffing levels, which shall ensure that the ratio of direct care  
42 staff to residents in the facility is equal to or higher than that which  
43 existed on the date of enactment of P.L. , c. (C. ) (pending  
44 before the Legislature as this bill);

45 (2) staff qualifications and training;

46 (3) special dietary needs of residents;

47 (4) special supervision requirements relating to the individual  
48 needs of residents;

1 (5) building safety requirements appropriate to the needs of  
2 residents, including the requirement to maintain the operation 24  
3 hours a day, seven days a week, of window, door, and any other  
4 locks or security system designed to prevent the elopement of a  
5 resident;

6 (6) special health monitoring of residents by qualified, licensed  
7 health care professionals, including a requirement that a medical  
8 assessment by a physician be performed on a resident with special  
9 needs as described in this subsection, as determined necessary by  
10 the commissioner, prior to admission and on a quarterly basis  
11 thereafter, to ensure that the facility is appropriate to the needs of  
12 the resident; and

13 (7) criteria for discharging residents which shall be set forth in  
14 the admission agreement, which shall be provided to the resident or  
15 the resident's representative prior to or upon admission. The  
16 commissioner may revoke the license of any provider who violates  
17 the criteria for discharging residents.

18

19 22. (New section) a. Notwithstanding the provisions of any  
20 other law or regulation to the contrary, the commissioner may grant,  
21 to a dementia care home that is operating as a rooming or boarding  
22 house that provides services to residents with special needs,  
23 including, but not limited to, persons with Alzheimer's disease and  
24 related disorders or other forms of dementia, on the effective date of  
25 P.L. , c. (C. ) (pending before the Legislature as this bill), a  
26 temporary or permanent waiver of one or more requirements  
27 established by regulation of the commissioner for health care  
28 facilities licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.)  
29 that the commissioner has determined are otherwise applicable to  
30 the dementia care home, if the dementia care home can demonstrate  
31 to the satisfaction of the commissioner that:

32 (1) the granting of the waiver would not pose a threat to the  
33 health, safety, or welfare of its residents; and

34 (2) the failure to grant such a waiver would pose a serious  
35 financial hardship to the facility.

36 b. A dementia care home that is seeking a waiver pursuant to  
37 subsection a. of this section shall apply for the waiver on a form and  
38 in a manner prescribed by the commissioner.

39

40 23. (New section) a. Every resident of a dementia care home  
41 facility shall have the right:

42 (1) To manage the resident's own financial affairs;

43 (2) To wear the resident's own clothing;

44 (3) To determine the resident's own dress, hair style, or other  
45 personal effects according to individual preference;

46 (4) To retain and use the resident's personal property in the  
47 resident's immediate living quarters, so as to maintain individuality  
48 and personal dignity, except where the facility can demonstrate that

1 it would be unsafe, impractical to do so, or infringe upon the rights  
2 of others, and that mere convenience is not the facility's motive to  
3 restrict this right;

4 (5) To receive and send unopened correspondence;

5 (6) To unaccompanied access to a telephone at a reasonable  
6 hour and to a private phone at the resident's expense;

7 (7) To privacy;

8 (8) To retain the services of the resident's own personal  
9 physician at the resident's own expense or under a health care plan  
10 and to confidentiality and privacy concerning the resident's medical  
11 condition and treatment;

12 (9) To unrestricted communication, including personal visitation  
13 with any person of the resident's choice, at any reasonable hour;

14 (10) To make contacts with the community and to achieve the  
15 highest level of independence, autonomy, and interaction with the  
16 community of which the resident is capable;

17 (11) To present grievances on behalf of the resident or others to  
18 the operator, State governmental agencies, or other persons without  
19 threat of reprisal in any form or manner;

20 (12) To a safe and decent living environment and considerate and  
21 respectful care that recognizes the dignity and individuality of the  
22 resident;

23 (13) To refuse to perform services for the facility, except as  
24 contracted for by the resident and the operator;

25 (14) To practice the religion of the resident's choice, or to  
26 abstain from religious practice; and

27 (15) To not be deprived of any constitutional, civil, or legal right  
28 solely by reason of residence in a dementia care home.

29 b. The operator of a dementia care home shall ensure that a  
30 written notice of the rights set forth in subsection a. of this section  
31 is given to every resident upon admittance to the facility and to each  
32 resident upon request. The operator shall also post this notice in a  
33 conspicuous public place in the facility. This notice shall include  
34 the name, address, and telephone numbers of the Office of the  
35 Ombudsman for the Institutionalized Elderly, county welfare  
36 agency, and county office on aging.

37 c. A person or resident whose rights as set forth in subsection  
38 a. of this section are violated shall have a cause of action against  
39 any person committing the violation. The action may be brought in  
40 any court of competent jurisdiction to enforce those rights and to  
41 recover actual and punitive damages for their violation. A plaintiff  
42 who prevails in the action shall be entitled to recover reasonable  
43 attorney's fees and costs of the action.

44

45 24. (New section) A person who operates a dementia care home  
46 on or after the effective date of P.L. , c. (C. ) (pending before  
47 the Legislature as this bill) shall not provide health care services in  
48 that facility. Nothing in this section shall be construed to prohibit a



1 licensed health care professional, who is acting within the scope of  
2 that person's license, from providing health care services to a  
3 resident of a dementia care home.

4  
5 25. (New section) A person or entity found to be in violation of  
6 the provisions of P.L. , c. (C. ) (pending before the  
7 Legislature as this bill), or any rules or regulations adopted by the  
8 commissioner pursuant thereto with respect to the operation of a  
9 dementia care home, shall be subject to a penalty as provided for in  
10 sections 13 or 14 of P.L.1971, c.136 (C.26:2H-13 or 26:2H-14).

11  
12 26. (New section) The commissioner and the Commissioner of  
13 Community Affairs, pursuant to the "Administrative Procedure  
14 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt,  
15 notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et  
16 seq.) to the contrary, immediately upon filing with the Office of  
17 Administrative Law, such rules and regulations as the  
18 commissioners deem necessary to effectuate the purposes of P.L. ,  
19 c. (C. ) (pending before the Legislature as this bill), which  
20 shall be effective for a period not to exceed 12 months following  
21 the effective date of P.L. , c. . The regulations shall thereafter be  
22 amended, adopted, or readopted, in accordance with the provisions  
23 of P.L.1968, c.410 (C.52:14B-1 et seq.), as the commissioner or the  
24 Commissioner of Community Affairs determine necessary to  
25 effectuate the purposes of P.L. , c. (C. ) (pending before the  
26 Legislature as this bill).

27  
28 27. This act shall take effect on the first day of the seventh  
29 month next following the date of enactment, except that section 16  
30 shall take effect immediately, but the Commissioners of Health and  
31 Community Affairs may take such anticipatory administrative  
32 action in advance thereof as shall be necessary for the  
33 implementation of this act.

34  
35  
36 STATEMENT

37  
38 This bill transfers responsibility for the oversight of rooming or  
39 boarding houses for persons with dementia from the Department of  
40 Community Affairs (DCA) to the Department of Health (DOH),  
41 which is to license these facilities as "dementia care homes."

42 The bill amends the "Rooming and Boarding House Act of 1979"  
43 to delete its provisions concerning the regulation of rooming or  
44 boarding houses for persons with dementia by DCA, and creates  
45 new sections of law that supplement chapter 2H of Title 26 of the  
46 Revised Statutes to set forth the regulatory authority of DOH over  
47 dementia care homes and the regulatory requirements that will

1 apply to these entities as health care facilities licensed pursuant to  
2 the “Health Care Facilities Planning Act.”

3 DCA is prohibited under this bill from issuing a license to any  
4 person to own or operate a new rooming or boarding house that  
5 provides services to residents with special needs, including, but not  
6 limited to, persons with Alzheimer's disease and related disorders or  
7 other forms of dementia, on or after the date of enactment of the  
8 bill.

9 DOH is empowered under this bill to exercise such authority  
10 with respect to a dementia care home as it is granted with respect to  
11 any other DOH-licensed health care facility. A dementia care home  
12 will be granted provisional licensure by DOH for a period of one  
13 year following the effective date of the bill. At the end of that  
14 period, DOH is to issue a license to the facility or make continued  
15 licensure subject to such actions by the facility as the Commissioner  
16 of Health determines necessary to effectuate the purposes of the  
17 “Health Care Facilities Planning Act” and this bill.

18 The bill defines “dementia care home” as a community  
19 residential facility that provides services to residents with special  
20 needs, including, but not limited to, persons with Alzheimer's  
21 disease and related disorders or other forms of dementia, is subject  
22 to the licensure authority of DOH as a health care facility, and  
23 meets the requirements of this bill.

24 The bill prohibits a person from operating, or advertising a  
25 facility as, a dementia care home without a valid license having  
26 been issued by DOH for the operation of that facility, or from  
27 advertising a dementia care home as another type of health care  
28 facility licensed by DOH.

29 The bill directs the Commissioner of Health to establish  
30 standards to protect the health, safety, and welfare of dementia care  
31 home residents, including standards that are designed to meet the  
32 particular needs of persons with dementia, and requires DOH to  
33 include dementia care homes among the long-term care facilities for  
34 which it posts information on its website about the ownership of the  
35 facility and any violation of statutory standards or DOH regulations.

36 In addition, the bill sets forth the rights of dementia care home  
37 residents and requires a dementia care home operator to ensure that  
38 a written notice of these rights is given to every resident upon  
39 admittance to the facility and to each resident upon request. The  
40 operator is to post this notice in a conspicuous public place in the  
41 facility, and the notice is to include the name, address, and  
42 telephone numbers of the Office of the Ombudsman for the  
43 Institutionalized Elderly, county welfare agency, and county office  
44 on aging.

45 The bill also includes dementia care homes among those  
46 facilities with respect to which the Office of the Ombudsman for the  
47 Institutionalized Elderly is authorized to receive, investigate, and  
48 resolve complaints and to initiate actions to secure, preserve, and

1 promote the health, safety, and welfare, and the civil and human  
2 rights, of their elderly residents.

3 The Commissioner of Health is authorized to grant, to a  
4 dementia care home that is operating as a rooming or boarding  
5 house that provides services to persons with dementia on the  
6 effective date of the bill, a temporary or permanent waiver of one or  
7 more requirements established by regulation of the commissioner  
8 for licensed health care facilities that the commissioner has  
9 determined are otherwise applicable to the dementia care home, if  
10 the dementia care home can demonstrate to the satisfaction of the  
11 commissioner that: the granting of the waiver would not threaten  
12 the health, safety, or welfare of its residents; and the failure to grant  
13 a waiver would pose a serious financial hardship to the facility.

14 Dementia care homes would be exempted from the certificate of  
15 need requirement that applies to the construction or expansion of  
16 DOH-licensed health care facilities such as hospitals and nursing  
17 homes.

18 The bill provides for the imposition of penalties by DOH with  
19 respect to a dementia care home in the same manner as would apply  
20 in the case of a violation of the “Health Care Facilities Planning  
21 Act” by any other licensee.

22 Finally, the bill authorizes the Commissioners of Health and  
23 Community Affairs to establish and enter into an inter-agency  
24 agreement as necessary for its purposes, and to adopt rules and  
25 regulations to implement its provisions on an expedited basis for a  
26 period of up to 12 months following its effective date.

27 The bill takes effect on the first day of the seventh month  
28 following enactment, but authorizes the Commissioners of Health  
29 and Community Affairs to take prior administrative action as  
30 necessary for its implementation.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 1145**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 8, 2015

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 1145.

As amended by the committee, this bill would transfer responsibility for the oversight of rooming or boarding houses for persons with dementia from the Department of Community Affairs (DCA) to the Department of Health (DOH), which is to license these facilities as “dementia care homes.”

The bill amends the “Rooming and Boarding House Act of 1979” to delete its provisions concerning the regulation of rooming or boarding houses for persons with dementia by DCA, and would create new sections of law that supplement chapter 2H of Title 26 of the Revised Statutes to set forth the regulatory authority of DOH over dementia care homes and the regulatory requirements that will apply to these entities as health care facilities licensed pursuant to the “Health Care Facilities Planning Act.”

DCA would be prohibited under the bill from issuing a license to any person to own or operate a new rooming or boarding house that provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, on or after the date of enactment of the bill.

DOH would be empowered under the bill to exercise such authority with respect to a dementia care home as it is granted with respect to any other DOH-licensed health care facility. A dementia care home will be granted provisional licensure by DOH for a period of one year following the effective date of the bill. At the end of that period, DOH is to issue a license to the facility or make continued licensure subject to such actions by the facility as the Commissioner of Health determines necessary to effectuate the purposes of the “Health Care Facilities Planning Act” and this bill.

The bill defines “dementia care home” as a community residential facility that: (1) provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia; (2) is subject to the

licensure authority of DOH as a health care facility; and (3) meets the requirements of this bill.

The bill prohibits a person from operating, or advertising a facility as, a dementia care home without a valid license having been issued by DOH for the operation of that facility, or from advertising a dementia care home as another type of health care facility licensed by DOH.

The bill directs the Commissioner of Health to establish standards to protect the health, safety, and welfare of dementia care home residents, including standards that are designed to meet the particular needs of persons with dementia, and requires DOH to include dementia care homes among the long-term care facilities for which it posts information on its website about the ownership of the facility and any violation of statutory standards or DOH regulations.

In addition, the bill sets forth the rights of dementia care home residents and requires a dementia care home operator to ensure that a written notice of these rights is given to every resident upon admittance to the facility and to each resident upon request. The operator is to post this notice in a conspicuous public place in the facility, and the notice is to include the name, address, and telephone numbers of the Office of the Ombudsman for the Institutionalized Elderly, county welfare agency, and county office on aging.

The bill also includes dementia care homes among those facilities with respect to which the Office of the Ombudsman for the Institutionalized Elderly is authorized to receive, investigate, and resolve complaints and to initiate actions to secure, preserve, and promote the health, safety, and welfare, and the civil and human rights, of their elderly residents.

The Commissioner of Health is authorized to grant, to a dementia care home that is operating as a rooming or boarding house that provides services to persons with dementia on the effective date of the bill, a temporary or permanent waiver of one or more requirements established by regulation of the commissioner for licensed health care facilities that the commissioner has determined are otherwise applicable to the dementia care home, if the dementia care home can demonstrate to the satisfaction of the commissioner that: the granting of the waiver would not threaten the health, safety, or welfare of its residents; and the failure to grant a waiver would pose a serious financial hardship to the facility.

Dementia care homes would be exempted from the certificate of need requirement that applies to the construction or expansion of DOH-licensed health care facilities such as hospitals and nursing homes.

Dementia care homes would be prohibited from providing health care services and skilled nursing care to residents. However, nothing in the bill would prevent a health care professional from providing health care services to a dementia care home resident in an emergency or during periods of temporary illness.

The bill provides for the imposition of penalties by DOH with respect to a dementia care home in the same manner as would apply in the case of a violation of the “Health Care Facilities Planning Act” by any other licensee.

Finally, the bill authorizes the Commissioners of Health and Community Affairs to establish and enter into an inter-agency agreement as necessary for its purposes, and to adopt rules and regulations to implement its provisions on an expedited basis for a period of up to 12 months following its effective date.

The committee amended the bill to incorporate technical changes as necessary to:

- ensure that existing State law is correctly cited throughout the bill, and that the citations in the bill are identical to those contained in A-1102;
- ensure that sections 8 and 11 of the bill properly reflect the most recent version of the laws that are being amended thereby; and
- otherwise ensure that the bill text is identical to the text of A-1102.

As amended, this bill is identical to A-1102 (Vainieri Huttle/Watson Coleman/Sumter/Spencer/Schaer/Wimberly), which the committee also reported favorably on this date.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 1145 STATE OF NEW JERSEY 216th LEGISLATURE

DATED: JUNE 19, 2015

### SUMMARY

**Synopsis:** Provides for licensure of dementia care homes by DOH.

**Type of Impact:** Indeterminate State revenue increase.  
Indeterminate State cost.

**Agencies Affected:** Department of Community Affairs, Department of Health

#### Office of Legislative Services Estimate

Fiscal Impact	
State Cost	Indeterminate increase
State Revenue	Indeterminate increase

- The Office of Legislative Services (OLS) estimates that Senate Bill No. 1145 (1R) may result in increased revenue for the State through the collection of license and inspection fees by the Department of Health (DOH) from the newly designated dementia care homes. The bill provides no details on the range of these fees, but if the department establishes fees for these facilities at the same rate as current fees for similar facilities, the OLS estimates that the department will generate between \$10,680 and \$40,800 in fees the first year after enactment and between \$21,480 and \$76,800 in fees the following year.
- The DOH will also experience an increase in expenditures to license and provide regulatory oversight of the newly designated dementia care homes. These expenditures will most likely be offset by the additional revenue generated by the fees charged by the department to the operators and owners of dementia care homes.
- Additionally, the State will experience a reduction in State revenue for the first year after enactment of this bill as the approximately \$16,800 in current fees collected by the Department of Community Affairs (DCA) for the licensing of boarding homes for persons with dementia will no longer be collected.

- Furthermore, the bill provides new responsibilities to the Office of the Ombudsman for the Institutionalized Elderly which may result in minimal indeterminate costs for the office.

### **BILL DESCRIPTION**

Senate Bill No. 1145 (1R) of 2014 transfers responsibility for the oversight of rooming and boarding houses for persons with dementia from the DCA to the DOH, which is to license these facilities as “dementia care homes.”

The bill amends the “Rooming and Boarding House Act of 1979” to delete its provisions concerning the regulation of rooming or boarding houses for persons with dementia by DCA, and creates new sections of law that supplement chapter 2H of Title 26 of the Revised Statutes to set forth the regulatory authority of DOH over dementia care homes and the regulatory requirements that will apply to these entities as health care facilities licensed pursuant to the “Health Care Facilities Planning Act.”

The DCA is prohibited under this bill from issuing a license to any person to own or operate a new rooming or boarding house that provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, on or after the date of enactment of the bill.

The DOH is empowered under this bill to exercise such authority with respect to a dementia care home as it is granted with respect to any other DOH-licensed health care facility. A dementia care home will be granted provisional licensure by DOH for a period of one year following the effective date of the bill. At the end of that period, DOH is to issue a license to the facility or make continued licensure subject to such actions by the facility as the Commissioner of Health determines necessary to effectuate the purposes of the “Health Care Facilities Planning Act” and this bill.

The bill defines “dementia care home” as a community residential facility that: (1) provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia; (2) is subject to the licensure authority of DOH as a health care facility; and (3) meets the requirements of this bill.

The bill prohibits a person from operating, or advertising a facility as, a dementia care home without a valid license having been issued by DOH for the operation of that facility, or from advertising a dementia care home as another type of health care facility licensed by DOH.

The bill directs the Commissioner of Health to establish standards to protect the health, safety, and welfare of dementia care home residents, including standards that are designed to meet the particular needs of persons with dementia, and requires DOH to include dementia care homes among the long-term care facilities for which it posts information on its website about the ownership of the facility and any violation of statutory standards or DOH regulations.

In addition, the bill sets forth the rights of dementia care home residents and requires a dementia care home operator to ensure that a written notice of these rights is given to every resident upon admittance to the facility and to each resident upon request. The operator is to post this notice in a conspicuous public place in the facility, and the notice is to include the name, address, and telephone numbers of the Office of the Ombudsman for the Institutionalized Elderly, county welfare agency, and county office on aging.

The bill also includes dementia care homes among those facilities with respect to which the Office of the Ombudsman for the Institutionalized Elderly is authorized to receive, investigate, and resolve complaints and to initiate actions to secure, preserve, and promote the health, safety, and welfare, and the civil and human rights, of their elderly residents.

The Commissioner of Health is authorized to grant to a dementia care home that is operating as a rooming or boarding house that provides services to persons with dementia on the effective date of the bill, a temporary or permanent waiver of one or more requirements established by



regulation of the commissioner for licensed health care facilities that the commissioner has determined are otherwise applicable to the dementia care home, if the dementia care home can demonstrate to the satisfaction of the commissioner that: granting the waiver would not threaten the health, safety, or welfare of its residents; and the failure to grant a waiver would pose a serious financial hardship to the facility.

Dementia care homes would be exempted from the certificate of need requirement that applies to the construction or expansion of DOH-licensed health care facilities such as hospitals and nursing homes.

Dementia care homes would be prohibited from providing health care services and skilled nursing care to residents. However, nothing in the bill would prevent a health care professional from providing health care services to a dementia care home resident in an emergency or during periods of temporary illness.

The bill provides for the imposition of penalties by DOH with respect to a dementia care home in the same manner as would apply in the case of a violation of the “Health Care Facilities Planning Act” by any other licensee.

Finally, the bill authorizes the Commissioners of Health and Community Affairs to establish and enter into an inter-agency agreement as necessary to effectuate the purposes of the bill, and to adopt rules and regulations to implement the provisions of the bill on an expedited basis for a period of up to 12 months following its effective date.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that Senate Bill No. 1145 (1R) will result in increased revenue and increased expenditures by the DOH. Additionally, the bill will result in decreased costs and revenue for the DCA as a result of the shift in regulatory oversight of dementia care homes from the DCA to the DOH. As the bill does not establish the fees to be charged by the DOH, the OLS can only estimate the revenue that may be generated by the provisions of the bill by analyzing similar facilities overseen by the DOH. The current revenue collected by the DCA is also known and can be analyzed.

Currently, the DCA provides oversight for 24 licensed dementia boarding homes. The owners and/or operators of these boarding homes are charged a licensing fee of \$444 and then a supplemental fee which is assessed in direct proportion to the number of licensed beds. The total annual fee for any license may not exceed \$666. These fees generate approximately \$16,800 a year. According to the DCA, it employs 22 persons who are responsible for inspecting all types of boarding homes. A portion of these employees’ time is spent inspecting dementia boarding homes. According to the DCA, the costs to inspect boarding homes has exceeded the revenue it has generated and the shortfall has been paid for out of other DCA funds. The amount of shortfall is not available.

The bill provides that the DCA may no longer license dementia boarding homes and instead requires the DOH to license dementia care homes, which are defined as community residential facilities that provide services to residents with special needs, including Alzheimer’s disease and dementia.

Pursuant to the bill, the DOH is tasked with the licensure, inspections and the establishment and enforcement of standards with respect to dementia care homes. The DOH is to promulgate regulations regarding the establishment, licensure and regulations of dementia care homes and these regulations will most likely include costs for licensure and inspections. To determine an estimated cost, the OLS relied on the current fee structure for similar facilities that are licensed and inspected by the DOH.

In the first year after enactment the DOH may grant provisional licensure to current dementia boarding homes licensed by the DCA. The bill is silent on the cost of this licensure but it is likely that the fee will match the current licensure fee for other similar facilities licensed by the DOH. Currently, administrative regulation establishes various fee schedules for different types of facilities overseen by the department. Each assisted living resident or comprehensive personal care home facility pays a fee of \$1,500, plus \$15.00 per bed, initially and then annually each year thereafter (N.J.A.C.8:36-2.2). Furthermore, each residential health care facility located with a licensed health care facility is charged \$225, plus \$15.00 per bed, initially and then annually each year thereafter (N.J.A.C.8:43-2.1). These fees may not exceed the amount statutorily established as \$2,000 per facility (N.J.S.A.26:2H-12). Additionally, the same regulations requires that each assisted living residence and comprehensive personal care home facility is assessed a biennial inspection fee of \$1,500 and each residential health care facility located with a licensed health care facility is assessed a biennial inspection fee of \$450. It is likely that the department will adopt fees within the range of fees currently charged similar facilities. Therefore, if all 24 of the current dementia boarding homes choose to become dementia care homes, the total revenue generated for the DOH will range from approximately \$21,480 to \$76,800 for the year in which the homes are inspected and between \$10,680 to \$40,800 for a non-inspection year, using an average fee of \$445 to \$1700 a facility.

The total revenue estimated to be generated by the DOH fees must be offset by the \$16,800 in fees that will no longer be generated through the DCA as all of the fees are generated for the General Fund. Thus, the overall revenue anticipated to be generated pursuant to this bill will range from \$4,680 to \$76,800 for years in which an inspection fee is paid and (\$6,120) to \$24,000 in renewal years.

Although it is possible that the DOH will set the fees at the lower rate, it is more likely that the fees will be set to meet the expenditures and the bill will be revenue neutral.

The costs for the DOH to license and regulate the dementia care home is dependent upon the details of the regulations promulgated for the homes. Without more details on the specific responsibilities of the DOH and the number of staff needed to carry out these duties, it is not possible for the OLS to estimate with any certainty the costs to the DOH.

The bill also requires the Office of the Ombudsman for the Institutionalized Elderly to include dementia care homes among those facilities which the office is authorized to receive, investigate, and resolve complaints and to initiate actions to secure, preserve, and promote the health, safety, and welfare, and the civil and human rights, of their elderly residents. The OLS cannot determine if the office will be able to absorb the costs of this additional work with its current resources or if new costs will be incurred by the office.

Finally, the bill provides for the imposition of penalties by DOH with respect to violations in the administration or care provided by dementia care homes. This revenue cannot be estimated due to uncertainty on the violations that may be committed and the fines collected for those violations.

*Section:* Human Services

*Analyst:* Robin Ford  
Senior Fiscal Analyst

*Approved: David J. Rosen*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 1145**

# **STATE OF NEW JERSEY**

DATED: JUNE 23, 2015

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1145 (1R).

This bill transfers responsibility for the oversight of rooming or boarding houses for persons with dementia from the Department of Community Affairs (DCA) to the Department of Health (DOH), which is to license these facilities as “dementia care homes.”

The bill amends the “Rooming and Boarding House Act of 1979” to delete its provisions concerning the regulation of rooming or boarding houses for persons with dementia by DCA, and creates new sections of law that supplement chapter 2H of Title 26 of the Revised Statutes to set forth the regulatory authority of DOH over dementia care homes and the regulatory requirements that will apply to these entities as health care facilities licensed pursuant to the “Health Care Facilities Planning Act.”

DCA is prohibited under the bill from issuing a license to any person to own or operate a new rooming or boarding house that provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, on or after the date of enactment of the bill.

DOH is empowered to exercise such authority with respect to a dementia care home as is granted with respect to any other DOH-licensed health care facility. A dementia care home will be granted provisional licensure by DOH for a period of one year following the effective date of the bill. At the end of that period, DOH is to issue a license to the facility or make continued licensure subject to such actions by the facility as the Commissioner of Health determines necessary to effectuate the purposes of the “Health Care Facilities Planning Act” and this bill.

The bill defines “dementia care home” as a community residential facility that: (1) provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia; (2) is subject to the licensure authority of DOH as a health care facility; and (3) meets the requirements of this bill.

The bill prohibits a person from operating, or advertising a facility as, a dementia care home without a valid license having been issued by DOH for the operation of that facility, or from advertising a dementia care home as another type of health care facility licensed by DOH.

The bill directs the Commissioner of Health to establish standards to protect the health, safety, and welfare of dementia care home residents, including standards that are designed to meet the particular needs of persons with dementia, and requires DOH to include dementia care homes among the long-term care facilities for which it posts information on its website about the ownership of the facility and any violation of statutory standards or DOH regulations.

In addition, the bill sets forth the rights of dementia care home residents and requires a dementia care home operator to ensure that a written notice of these rights is given to every resident upon admittance to the facility and to each resident upon request. The operator is to post this notice in a conspicuous public place in the facility, and the notice is to include the name, address, and telephone numbers of the Office of the Ombudsman for the Institutionalized Elderly, county welfare agency, and county office on aging.

The bill also includes dementia care homes among those facilities with respect to which the Office of the Ombudsman for the Institutionalized Elderly is authorized to receive, investigate, and resolve complaints and to initiate actions to secure, preserve, and promote the health, safety, and welfare, and the civil and human rights, of their elderly residents.

The Commissioner of Health is authorized to grant a temporary or permanent waiver, to a dementia care home that is operating as a rooming or boarding house that provides services to persons with dementia on the effective date of the bill, of one or more requirements established by regulation of the commissioner for licensed health care facilities that the commissioner has determined are otherwise applicable to the dementia care home, if the dementia care home can demonstrate to the satisfaction of the commissioner that: the granting of the waiver would not threaten the health, safety, or welfare of its residents; and the failure to grant a waiver would pose a serious financial hardship to the facility.

Dementia care homes will be exempt from the certificate of need requirement that applies to the construction or expansion of DOH-licensed health care facilities such as hospitals and nursing homes.

Dementia care homes will be prohibited from providing health care services and skilled nursing care to residents. However, nothing in the bill will prevent a health care professional from providing health care services to a dementia care home resident in an emergency or during periods of temporary illness.

The bill provides for the imposition of penalties by DOH with respect to a dementia care home in the same manner as would apply in

the case of a violation of the “Health Care Facilities Planning Act” by any other licensee.

Finally, the bill authorizes the Commissioners of Health and Community Affairs to establish and enter into an inter-agency agreement as necessary for its purposes, and to adopt rules and regulations to implement its provisions on an expedited basis for a period of up to 12 months following its effective date.

The bill will take effect on the first day of the seventh month next following the date of enactment.

As reported, this bill is identical to Assembly Bill No. 1102, as reported by the committee.

**FISCAL IMPACT:**

The Office of Legislative Services (OLS) estimates that the bill may result in increased revenue for the State through the collection of license and inspection fees by the (DOH) from the newly designated dementia care homes. The bill provides no details on the range of these fees, but if the department establishes fees for these facilities at the same rate as current fees for similar facilities, the OLS estimates that the department will generate between \$10,680 and \$40,800 in fees the first year after enactment and between \$21,480 and \$76,800 in fees the following year.

The DOH will also experience an increase in expenditures to license and provide regulatory oversight of the newly designated dementia care homes. These expenditures will most likely be offset by the additional revenue generated by the fees charged by the department to the operators and owners of dementia care homes.

Additionally, the State will experience a reduction in State revenue for the first year after enactment of the bill as the approximately \$16,800 in current fees collected by DCA for the licensing of boarding homes for persons with dementia will no longer be collected.

The bill also provides new responsibilities for the Office of the Ombudsman for the Institutionalized Elderly which may result in minimal indeterminate costs for the office.

## Governor Christie Takes Action On Pending Legislation

Monday, November 9, 2015 Tags: [Bill Action](#)



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Trenton, NJ – Governor Chris Christie today took action on legislation, including a package of five bills intended to address the fiscal stability of Atlantic City.

Understanding both the immediate and long-term obstacles facing Atlantic City and its stabilization, the Governor has consistently highlighted the need for comprehensive reform efforts to confront the city's challenges – both from State and local leaders. The Governor remains committed to bringing about the necessary reforms to stabilize Atlantic City and continue an effective long-term transition to an economy that is diversified beyond its traditional gaming industry.

Continuing in that effort, Governor Christie conditionally vetoed A-3981, establishing a payment-in-lieu-of-taxes (PILOT) program for casinos operating in the City, A-3984, reallocating revenue derived from the casino investment alternative tax from the Casino Reinvestment Development Authority to the City to pay debt service on municipal bonds, and A-3985, repealing the Atlantic City Alliance.

"While I commend the Legislature for attempting to devise measures to stabilize the City's budget and finances, I am concerned that the bills, in their present form, fail to recognize the true path to economic revitalization and fiscal stability in the City," Governor Christie said. "While these bills represent the bipartisan efforts of many to provide important, near-term support to the City's immediate challenges, I do not believe they meet the goal of setting a course toward renewed, long-term prosperity and economic growth. To achieve these goals, we must continue our work and go further to ensure that the next step leads to that economically vibrant future for Atlantic City."

In addition, the Governor signed A- 3983, authorizing supplemental school aid to the Atlantic City school district, and vetoed the fifth bill, A-3982, which would add a costly and unjustified new mandate for casino business operation in the City by requiring each casino, as a condition of licensure, to provide to its full time employees "suitable" health care benefits and "suitable" retirement benefits.

"A-3982 would do nothing to enhance the financial condition of Atlantic City," Governor Christie wrote. "To be sure, this bill would make it more costly for casinos to operate in Atlantic City, thereby impeding the industry's ability to grow and expand."

Governor Christie also vetoed legislation designed to revise certain laws concerning domestic violence and firearms. The Christie Administration has made protecting our most vulnerable residents one of its main priorities and has enacted some of the toughest measures to combat domestic violence. Governor Christie has supported a comprehensive approach to addressing the level of violence within our society and recently signed legislation to further penalize aggravated assault perpetuated against domestic violence victims. This legislation, A-4218 (Mosquera, Greenwald, Lagana, Benson, Lampitt, Vainieri Huttie, Danielsen/Weinberg, Gill, Cruz-Perez), substantially restates New Jersey's existing laws that govern firearms and domestic violence and does not offer new and sensible improvements to those current laws. For that reason, rather than restate existing laws, the Governor is proposing significant amendments that will meaningfully deter future acts of violence.

- **Enhanced Penalties For Domestic Violence.** Governor Christie is proposing enhanced criminal penalties imposed against those who are convicted of domestic violence. To demonstrate society's unconditional condemnation of this conduct, perpetrators would receive the maximum available prison sentence under New Jersey law.

- **Tighter Restrictions On Parole Eligibility For Perpetrators Of Domestic Violence.** The Governor's recommended changes will strengthen penalties for perpetrators of domestic abuse by lengthening periods of parole

ineligibility.

- **Prioritizing Victims Who Seek Firearms For Protection.** The Governor is also recommending an immediate codification in statute of new rules currently being processed, giving expedited processing of firearm license applications for victims of domestic violence so that the victims may better defend themselves against future instances of abuse.

"I urge the Legislature to join with me in a bipartisan manner to broaden this bill's approach to reducing domestic violence while simultaneously empowering victims to protect themselves through lawful means," Governor Christie said. "Together, we can enact a more comprehensive approach and reduce the harm that domestic violence inflicts on victims, families, and our society."

The Governor also took the following action on other pending legislation:

#### BILL SIGNINGS:

**S-2174/A-3364 (Barnes, Holzapfel/Quijano, Mainor, Pinkin)** - Prohibits manufacture, sale, or installation of counterfeit or nonfunctional air bags in motor vehicles

**A-815/S-852 (Coughlin, Ciattarelli, Diegnan, Pinkin, Giblin/Vitale)** - Requires municipalities which license peddlers and solicitors to accept certain background check results from other municipalities

**A-1029/S-274 (Benson, Vainieri Huttie, Jasey, Tucker, Wimberly/Greenstein, Ruiz)** - Requires training program for school bus drivers and school bus aides on interacting with students with special needs, and requires development and use of student information cards

**A-1041/S-2676 (Schaer, Johnson, Vainieri Huttie, Eustace, Mazzeo/Rumana, Gordon, Weinberg)** - Exempts Holocaust reparations payments from legal process, and from estate recovery under Medicaid program

**A-1102/S-1145 (Vainieri Huttie, Sumter, Spencer, Schaer, Wimberly/Weinberg, Cruz-Perez)** - Provides for licensure of dementia care homes by DOH

**ACS for A-1662/S-2856 (Johnson, Lagana, Wimberly/Weinberg)** - Authorizes the court to order the deletion, sealing, labeling, or correction of certain personal information in government records involving certain victims of identity theft

**AS for A-1678/SS for S-1365 (Johnson, Mainor, O'Scanlon, Wilson, Wimberly/Weinberg)** - Authorizes court to order submission of DNA evidence to national database to determine whether evidence matches known individual or DNA profile from an unsolved crime

**AS for ACS for A-2073/SCS for S-712 (Handlin, Space, Garcia, Pintor Marin/Cruz-Perez, Kyrillos, Lesniak)** - Exempts certain offers and sales of securities from registration

**A-2385/S-944 (McKeon, Diegnan, Jasey, Andrzejczak/Smith, Codey)** - Authorizes rural electric cooperative and certain municipalities to establish municipal shared services authority

**ACS for A-2477/SCS for S-1705 (Lampitt, Conaway, Benson, Sumter, Munoz, Pinkin/Vitale, Singer)** - Establishes requirements for pharmacists to dispense biological products

**A-2714/S-1993 (Giblin, Sumter/Barnes)** - Requires continuing education for licensed practicing psychologists

**A-2936/S-1957 (Mosquera, Lampitt, Singleton, Wimberly/Singer, Connors)** - Requires complaint for guardianship of person receiving services from Division of Developmental Disabilities to include one of documents identified in bill

**A-3012/S-2296 (Ciattarelli, Dancer/Bateman)** - Criminalizes bestiality

**A-3079/S-2766 (Jasey, Diegnan, Mainor, Wimberly, Oliver, DeCroce/Turner, Ruiz)** - Prohibits administration of standardized assessments in kindergarten through second grade

**A-3153/S-2415 (DeAngelo, Mosquera/Madden, Beach)** - Requires UI employer contribution reports and remittances be submitted to the Division of Revenue

**A-3248/S-2459 (Conaway, Sumter, Pintor Marin/Singer)** - Establishes the Task Force on Chronic Obstructive Pulmonary Disease in DOH

**A-3580/S-2846 (Moriarty, Dancer, Coughlin, Mainor, Pinkin, Munoz, Daniels, Wimberly/Madden, Turner)** - Prohibits sale of powdered alcohol

**A-3636/SCS for S-2393, 2408, 2411 (McKeon, Lagana, Spencer/Scutari, O'Toole, Holzapfel)** - Establishes crime-fraud exception to marital and civil union partnership privilege

**A-3669/S-2655 (Mazzeo, Burzichelli/Whelan)** - Prohibits eligibility for certain sign programs from being conditioned on availability of free drinking water or public telephone

**A-3807/S-2619 (Eustace, Greenwald/Whelan)** - Permits educational research and services corporations to act as lead procurement agencies for local units and publically supported educational institutions; permits Council of County Colleges to act as lead procurement agency for county colleges



**A-3841/S-2540 (Munoz, Gusciora, Angelini, DeCroce/O'Toole, Weinberg)** – Upgrades violation of a stalking restraining order to a crime of the third degree

**A-3843/S-2735 (Caputo, Giblin, Tucker, Johnson, Mainor, Sumter/Rice)** - Permits municipality to enact ordinance allowing voluntary registration of private outdoor video surveillance cameras

**A-3983/S-2574 (Mazzeo, Burzichelli, Giblin/Sweeney, Whelan)** - Authorizes supplemental State aid to school districts in municipality with significant decrease in commercial property valuation; makes appropriation

**A-4008/SCS for S-2334 (Singleton, Mukherji, Pintor Marin, Wimberly, Sumter/Cunningham, Ruiz)** - Requires DOC to make reports containing information concerning treatment and reentry initiative participation; requires AOC to establish program that collects recidivism data and make reports concerning adults sentenced to period of probation

**A-4013/S-2497 (Greenwald, Lagana, Coughlin/Oroho)** - Eliminates mortgage guaranty insurance coverage cap of 25% of outstanding balance of insured loan

**A-4073/S-2687 (Schaer, Prieto, Caride, Lagana, Giblin, Wimberly, Rumana/Sarlo, Gill)** - Requires installation of carbon monoxide detectors in certain structures; designated as "Korman and Park's Law"

**A-4078/S-2686 (Vainieri Huttie, Mosquera, McKeon, Munoz, Benson, Sumter/Pou, Beck)** - "Sexual Assault Survivor Protection Act of 2015"; authorizes the court to issue protective orders for victims of certain nonconsensual sexual conduct

**A-4089/S-2693 (Coughlin, Ciattarelli/Beach, Singer)** - Revises certain provisions of dental service corporation law

**A-4143/S-2514 (Lagana, Spencer, Mukherji, Johnson, Rumana, Rodriguez-Gregg, Gusciora, Mazzeo/Barnes, Addiego)** - Permits holders of certain alcoholic beverage licenses to be issued amusement game license and updates definition of recognized amusement park

**A-4144/S-2755 (Pintor Marin, Spencer, Caride, Quijano, Mukherji/Ruiz, Stack)** – Requires insurance producer licensing examination and registration materials to be offered in English and Spanish, and examination instructional materials to be available in Spanish

**A-4167/S-2751 (Lagana, Mazzeo, Eustace, Andrzejczak, Vainieri Huttie/Barnes)** - Requires DHS to notify enrollees in Programs of All-Inclusive Care for the Elderly of Medicare eligibility

**A-4168/S-2750 (Lagana, Mazzeo, Eustace, Andrzejczak, Vainieri Huttie/Barnes)** - Requires providers to submit to DHS expenditure details of enrollees in Program of All-Inclusive Care for the Elderly

**A-4169/S-2752 (Lagana, Mazzeo, Eustace, Andrzejczak, Vainieri Huttie/Barnes)** - Requires DHS to monitor utilization and billing of services for Medicaid home and community-based long-term care

**A-4333/S-3020 (Singleton, Gill)** - Exempts certain activities of alarm businesses from statutes governing practice of locksmithing

**A-4361/S-2891 (Johnson, A.M. Bucco, Garcia, S. Kean/Barnes, A.R. Bucco)** - Revises definition of all-terrain vehicles

**A-4375/S-3011 (Moriarty, Andrzejczak, Mazzeo, Mosquera, Quijano, Ciattarelli, Wimberly/Van Drew, Bateman)** - Upgrades crimes of false public alarm under certain circumstances and establishes reporting requirements concerning crime

**A-4485/S-2881 (Diegnan, Jasey, Wimberly, McKeon, Lagana/Gill, Turner)** - Prohibits withholding of State school aid based on student participation rate on State assessments

**A-4587/S-3049 (Greenwald, Lampitt, McKeon, Holley/Scutari, Cruz-Perez)** – Requires facilities providing services to persons with developmental disabilities and schools to adopt policies permitting administration of medical marijuana to qualifying patients

**AJR-64/SJR-82 (Schaer, Eustace, Lagana, Spencer, Caride, Mukherji/Pou, Ruiz)** - Declares August 16 of each year as "Dominican Restoration Day" in New Jersey

#### **BILLS VETOED:**

**S-929/A-1908 (Sweeney, Madden/Burzichelli, Riley, Moriarty)** – **ABSOLUTE** -Concerns certain workers' compensation supplemental benefits

**A-801/S-861 (Coughlin, Wisniewski, Mazzeo/Vitale, Sacco)** - **CONDITIONAL** - Directs New Jersey Turnpike Authority and South Jersey Transportation Authority to study and report on potential revenue generating services of rest areas and service plazas

**A-947/S-2216 (Singleton, Lagana, Diegnan/Pennacchio, Rice)** – **CONDITIONAL** - Requires release of bid list prior to bid date under "Local Public Contracts Law"

**A-1468/S-2513 (Diegnan, Lampitt, Caride/Barnes, Ruiz)** – **CONDITIONAL** -Establishes Task Force on Engineering Curriculum and Instruction

**A-1726/S-308 (Eustace, Lagana, Mosquera, Vainieri Huttie, Wimberly/Gordon)** – **CONDITIONAL** - Amends "Flood Hazard Area Control Act" to require DEP to take certain actions concerning delineations of flood hazard areas and

floodplains

**A-2579/S-1510 (Mukherji, Pintor Marin, Eustace/Smith, Bateman) – CONDITIONAL** - Authorizes municipalities to facilitate private financing of water conservation, storm shelter construction, and flood and hurricane resistance projects through use of voluntary special assessments

**A-2771/S-452 (Johnson, Burzichelli, Pintor Marin, Mosquera/Ruiz, Cruz-Perez) – CONDITIONAL** - "The New Jersey Social Innovation Act"; establishes social innovation loan pilot program and study commission within EDA

**A-2906/S-2926 (Stender, Pinkin, Mazzeo/Whelan, Scutari) – ABSOLUTE** - Excludes from gross income compensation paid to members of district boards of election for services rendered in elections

**A-3223/S-2056 (Singleton, Lampitt, Quijano, Pintor Marin, Wimberly/Sarlo, Ruiz) – CONDITIONAL** - Requires Division of Local Government Services to include certain property tax information on division's web page

**A-3393/S-2167 (Spencer, Pintor Marin, Caputo, Tucker/Rice, Ruiz) – CONDITIONAL** - Permits Newark to use rental car tax proceeds over three-year period to help reduce its "cash deficit for preceding year" appropriation and operational deficit

**A-3421/S-2220 (Dancer, Mukherji/Singer) – CONDITIONAL** - Revises the "Self-Funded Multiple Employer Welfare Arrangement Regulation Act"

**A-3435/S-2503 (Garcia, Mukherji, Vainieri Huttie, Mainor, Eustace, Mosquera/Stack, Gordon) - CONDITIONAL** - "Boys & Girls Clubs Keystone Law"; permits minors to give consent for behavioral health care

**A-3500/S-1973 (Andrzejczak, Pinkin, Quijano/Van Drew, Beach) – ABSOLUTE** - Requires local recreation departments and youth serving organizations to have defibrillators for youth athletic events

**A-3954/S-2981 (Conaway, Singleton, Spencer, McKeon/Greenstein) – CONDITIONAL** - Requires maximum contaminant level to be established for 1,2,3-trichloropropane in drinking water

**A-3981/S-2572 (Mazzeo, Burzichelli, Andrzejczak/Sweeney, Whelan) - CONDITIONAL** - "Casino Property Taxation Stabilization Act"

**A-3982/S-2573 (Mazzeo, Burzichelli, Andrzejczak/Sweeney, Whelan) – ABSOLUTE** - Requires holder of casino license to provide certain employees with certain health care and retirement benefits

**A-3984/S-2575 (Mazzeo, Burzichelli, Giblin/Sweeney, Whelan) – CONDITIONAL** - Reallocates casino investment alternative tax to Atlantic City to pay debt service on municipal bonds issued

**A-3985/S-2576 (Mazzeo, Burzichelli, Andrzejczak, Giblin/Sweeney, Whelan) – CONDITIONAL** - Removes provisions of law relating to Atlantic City Alliance

**A-4018/S-2843 (Burzichelli, Caputo, Mazzeo/Sarlo, Whelan) – ABSOLUTE** - Authorizes operation of lottery courier services

**A-4218/S-2786 (Mosquera, Greenwald, Lagana, Benson, Lampitt, Vainieri Huttie, Danielsen/Weinberg, Gill, Cruz-Perez) - CONDITIONAL** - Revises certain laws concerning domestic violence and firearms

**A-4265/S-2783 (McKeon, Pintor Marin, Jasey, Caputo, Giblin, Tucker, Spencer, Oliver, Gusciora, Danielson/Codey, Ruiz, Rice) – ABSOLUTE** - Permits municipal, county, and regional police and fire forces to establish five-year residency requirement for police officers and firefighters; allows exceptions to requirement under certain circumstances

**A-4337/S-3008 (Schaer, Danielsen, Dancer, Sumter/Barnes) – ABSOLUTE** - Expands eligibility of inmates for medical parole and requires inmate's enrollment in Medicaid under certain circumstances

**A-4476/S-2876 (Conaway/Codey) - CONDITIONAL** - Requires certain surgical practices and ambulatory care facilities licensed in this State to be owned by hospital or medical school located in the State

**A-4607/S-3106 (Pintor Marin, Schaer, Oliver, Lagana, Johnson, Singleton/Ruiz, Cunningham) – ABSOLUTE** - Makes FY 2016 supplemental appropriations of \$6,500,000 and adds language provision

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