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LAW

P.L. 2008, CHAPTER 43, *approved July 15, 2008*
Assembly, No. 2183

1 AN ACT concerning the rights of nursing home residents and
2 amending P.L.1976, c.120.

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

6
7 1. Section 5 of P.L.1976, c.120 (C.30:13-5) is amended to read
8 as follows:

9 5. Every resident of a nursing home shall:

10 a. Have the right to manage his own financial affairs unless he
11 or his guardian authorizes the administrator of the nursing home to
12 manage such resident's financial affairs. Such authorization shall
13 be in writing and shall be attested by a witness that is unconnected
14 with the nursing home, its operations, its staff personnel and the
15 administrator thereof, in any manner whatsoever.

16 b. Have the right to wear his own clothing. If clothing is
17 provided to the resident by the nursing home, it shall be of a proper
18 fit.

19 c. Have the right to retain and use his personal property in his
20 immediate living quarters, unless the nursing home can demonstrate
21 that it is unsafe or impractical to do so.

22 d. Have the right to receive and send unopened correspondence
23 and, upon request, to obtain assistance in the reading and writing of
24 such correspondence.

25 e. Have the right to unaccompanied access to a telephone at a
26 reasonable hour, including the right to a private phone at the
27 resident's expense.

28 f. Have the right to privacy.

29 g. Have the right to retain the services of his own personal
30 physician at his own expense or under a health care plan. Every
31 resident shall have the right to obtain from his own physician or the
32 physician attached to the nursing home complete and current
33 information concerning his medical diagnosis, treatment and
34 prognosis in terms and language the resident can reasonably be
35 expected to understand, except when the physician deems it
36 medically inadvisable to give such information to the resident and
37 records the reason for such decision in the resident's medical record.
38 In such a case, the physician shall inform the resident's next-of-kin
39 or guardian. The resident shall be afforded the opportunity to
40 participate in the planning of his total care and medical treatment
41 to the extent that his condition permits. A resident shall have the

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 right to refuse treatment. A resident shall have the right to refuse to
2 participate in experimental research, but if he chooses to participate,
3 his informed written consent must be obtained. Every resident shall
4 have the right to confidentiality and privacy concerning his medical
5 condition and treatment, except that records concerning said
6 medical condition and treatment may be disclosed to another
7 nursing home or health care facility on transfer, or as required by
8 law or third-party payment contracts.

9 h. Have the right to unrestricted communication, including
10 personal visitation with any persons of his choice, at any reasonable
11 hour.

12 i. Have the right to present grievances on behalf of himself or
13 others to the nursing home administrator, State governmental
14 agencies or other persons without threat of discharge or reprisal in
15 any form or manner whatsoever. The administrator shall provide all
16 residents or their guardians with the name, address, and telephone
17 number of the appropriate State governmental office where
18 complaints may be lodged. Such telephone number shall be posted
19 in a conspicuous place near every public telephone in the nursing
20 home.

21 j. Have the right to a safe and decent living environment and
22 considerate and respectful care that recognizes the dignity and
23 individuality of the resident, including the right to expect and
24 receive appropriate assessment, management and treatment of pain
25 as an integral component of that person's care consistent with sound
26 nursing and medical practices.

27 k. Have the right to refuse to perform services for the nursing
28 home that are not included for therapeutic purposes in his plan of
29 care as recorded in his medical record by his physician.

30 l. Have the right to reasonable opportunity for interaction with
31 members of the opposite sex. If married, the resident shall enjoy
32 reasonable privacy in visits by his spouse and, if both are residents
33 of the nursing home, they shall be afforded the opportunity, where
34 feasible, to share a room, unless medically inadvisable.

35 m. Not be deprived of any constitutional, civil or legal right
36 solely by reason of admission to a nursing home.

37 n. Have the right to receive, upon request, food that meets the
38 resident's religious dietary requirements, provided that the request
39 is made prior to or upon admission to the nursing home, and if the
40 resident is not a Medicaid recipient, that the resident agrees to
41 assume any additional cost incurred by the nursing home in order to
42 meet those dietary requirements. If the resident is a Medicaid
43 recipient upon admission, or becomes eligible for Medicaid after
44 admission, the nursing home shall include the cost of the religious
45 dietary requirements in its Medicaid cost report for consideration
46 under applicable reimbursement processes. As used in this section,
47 "Medicaid" means the Medicaid program established pursuant to

1 P.L.1968, c.413 (C.30:4D-1 et seq.).

2 (cf: P.L.2000, c.65, s.2)

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4 2. This act shall take effect on the 60th day after enactment.

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STATEMENT

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9 This bill expands the statutory enumeration of rights for nursing
10 home residents set forth in P.L.1976, c.120 (C.30:13-5) to provide
11 for the religious accommodation of nursing home residents.

12 Specifically, the bill provides that a resident has the right to
13 receive, upon request, food that meets the resident's religious
14 dietary requirements, provided that the request is made prior to or
15 upon admission to the nursing home, and if the resident is not a
16 Medicaid recipient, that the resident agrees to assume any
17 additional cost incurred by the nursing home in order to meet those
18 dietary requirements. If the resident is a Medicaid recipient upon
19 admission, or becomes eligible for Medicaid after admission, the
20 nursing home shall include the cost of the religious dietary
21 requirements in its Medicaid cost report for consideration under
22 applicable reimbursement processes. It is noted that, under current
23 nursing home rate setting regulations, N.J.A.C.8:85-3.19(e), a
24 nursing home may request interim adjustments to rates during a
25 prospective rate period for either legally mandated matters or for
26 extraordinary factors beyond their control. Such adjustments, if
27 approved, would not apply retroactively unless, for reasons beyond
28 the control of the nursing home, costs are affected retroactively.

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33 Provides that nursing home resident has right to receive food that
34 meets resident's religious dietary requirements.

ASSEMBLY, No. 2183

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED FEBRUARY 25, 2008

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen, Essex and Passaic)

Assemblyman ERIC MUNOZ

District 21 (Essex, Morris, Somerset and Union)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Co-Sponsored by:

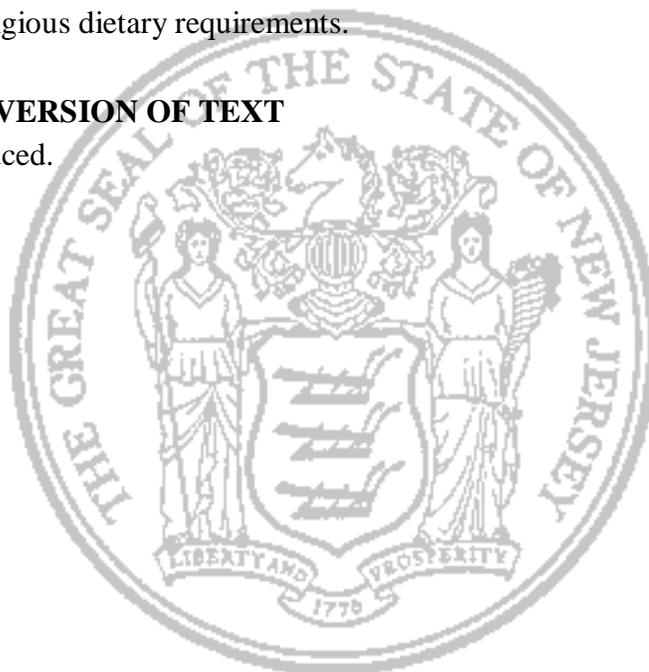
**Assemblyman Connors, Assemblywoman Greenstein, Assemblymen
Diegnan, Chivukula, Senators Weinberg, Gordon, Singer and Beck**

SYNOPSIS

Provides that nursing home resident has right to receive food that meets resident's religious dietary requirements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/23/2008)

1 AN ACT concerning the rights of nursing home residents and
2 amending P.L.1976, c.120.

3

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

6

7 1. Section 5 of P.L.1976, c.120 (C.30:13-5) is amended to read
8 as follows:

9 5. Every resident of a nursing home shall:

10 a. Have the right to manage his own financial affairs unless he
11 or his guardian authorizes the administrator of the nursing home to
12 manage such resident's financial affairs. Such authorization shall
13 be in writing and shall be attested by a witness that is unconnected
14 with the nursing home, its operations, its staff personnel and the
15 administrator thereof, in any manner whatsoever.

16 b. Have the right to wear his own clothing. If clothing is
17 provided to the resident by the nursing home, it shall be of a proper
18 fit.

19 c. Have the right to retain and use his personal property in his
20 immediate living quarters, unless the nursing home can demonstrate
21 that it is unsafe or impractical to do so.

22 d. Have the right to receive and send unopened correspondence
23 and, upon request, to obtain assistance in the reading and writing of
24 such correspondence.

25 e. Have the right to unaccompanied access to a telephone at a
26 reasonable hour, including the right to a private phone at the
27 resident's expense.

28 f. Have the right to privacy.

29 g. Have the right to retain the services of his own personal
30 physician at his own expense or under a health care plan. Every
31 resident shall have the right to obtain from his own physician or the
32 physician attached to the nursing home complete and current
33 information concerning his medical diagnosis, treatment and
34 prognosis in terms and language the resident can reasonably be
35 expected to understand, except when the physician deems it
36 medically inadvisable to give such information to the resident and
37 records the reason for such decision in the resident's medical record.
38 In such a case, the physician shall inform the resident's next-of-kin
39 or guardian. The resident shall be afforded the opportunity to
40 participate in the planning of his total care and medical treatment
41 to the extent that his condition permits. A resident shall have the
42 right to refuse treatment. A resident shall have the right to refuse to
43 participate in experimental research, but if he chooses to participate,
44 his informed written consent must be obtained. Every resident shall
45 have the right to confidentiality and privacy concerning his medical

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 condition and treatment, except that records concerning said
2 medical condition and treatment may be disclosed to another
3 nursing home or health care facility on transfer, or as required by
4 law or third-party payment contracts.

5 h. Have the right to unrestricted communication, including
6 personal visitation with any persons of his choice, at any reasonable
7 hour.

8 i. Have the right to present grievances on behalf of himself or
9 others to the nursing home administrator, State governmental
10 agencies or other persons without threat of discharge or reprisal in
11 any form or manner whatsoever. The administrator shall provide all
12 residents or their guardians with the name, address, and telephone
13 number of the appropriate State governmental office where
14 complaints may be lodged. Such telephone number shall be posted
15 in a conspicuous place near every public telephone in the nursing
16 home.

17 j. Have the right to a safe and decent living environment and
18 considerate and respectful care that recognizes the dignity and
19 individuality of the resident, including the right to expect and
20 receive appropriate assessment, management and treatment of pain
21 as an integral component of that person's care consistent with sound
22 nursing and medical practices.

23 k. Have the right to refuse to perform services for the nursing
24 home that are not included for therapeutic purposes in his plan of
25 care as recorded in his medical record by his physician.

26 l. Have the right to reasonable opportunity for interaction with
27 members of the opposite sex. If married, the resident shall enjoy
28 reasonable privacy in visits by his spouse and, if both are residents
29 of the nursing home, they shall be afforded the opportunity, where
30 feasible, to share a room, unless medically inadvisable.

31 m. Not be deprived of any constitutional, civil or legal right
32 solely by reason of admission to a nursing home.

33 n. Have the right to receive, upon request, food that meets the
34 resident's religious dietary requirements, provided that the request
35 is made prior to or upon admission to the nursing home, and if the
36 resident is not a Medicaid recipient, that the resident agrees to
37 assume any additional cost incurred by the nursing home in order to
38 meet those dietary requirements. If the resident is a Medicaid
39 recipient upon admission, or becomes eligible for Medicaid after
40 admission, the nursing home shall include the cost of the religious
41 dietary requirements in its Medicaid cost report for consideration
42 under applicable reimbursement processes. As used in this section,
43 "Medicaid" means the Medicaid program established pursuant to
44 P.L.1968, c.413 (C.30:4D-1 et seq.).

45 (cf: P.L.2000, c.65, s.2)

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47 2. This act shall take effect on the 60th day after enactment.

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STATEMENT

This bill expands the statutory enumeration of rights for nursing home residents set forth in P.L.1976, c.120 (C.30:13-5) to provide for the religious accommodation of nursing home residents.

Specifically, the bill provides that a resident has the right to receive, upon request, food that meets the resident's religious dietary requirements, provided that the request is made prior to or upon admission to the nursing home, and if the resident is not a Medicaid recipient, that the resident agrees to assume any additional cost incurred by the nursing home in order to meet those dietary requirements. If the resident is a Medicaid recipient upon admission, or becomes eligible for Medicaid after admission, the nursing home shall include the cost of the religious dietary requirements in its Medicaid cost report for consideration under applicable reimbursement processes. It is noted that, under current nursing home rate setting regulations, N.J.A.C.8:85-3.19(e), a nursing home may request interim adjustments to rates during a prospective rate period for either legally mandated matters or for extraordinary factors beyond their control. Such adjustments, if approved, would not apply retroactively unless, for reasons beyond the control of the nursing home, costs are affected retroactively.

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2183

STATE OF NEW JERSEY

DATED: MARCH 3, 2008

The Assembly Health and Senior Services Committee reports favorably Assembly Bill No. 2183.

This bill expands the statutory enumeration of rights for nursing home residents set forth in P.L.1976, c.120 (C.30:13-5), to provide for the religious accommodation of nursing home residents.

Specifically, the bill provides that a resident has the right to receive, upon request, food that meets the resident's religious dietary requirements, subject to the following conditions:

- The request must be made prior to or upon admission to the nursing home;
- If the resident is not a Medicaid recipient, the resident must agree to assume any additional cost incurred by the nursing home in order to meet those dietary requirements; and
- If the resident is a Medicaid recipient upon admission, or becomes eligible for Medicaid after admission, the nursing home is to include the cost of the religious dietary requirements in its Medicaid cost report for consideration under applicable reimbursement processes. (Under current nursing home rate setting regulations, as set forth at N.J.A.C.8:85-3.19(e), a nursing home may request interim adjustments to rates during a prospective rate period for either legally mandated matters or for extraordinary factors beyond its control; and these adjustments, if approved, do not apply retroactively unless, for reasons beyond the control of the nursing home, costs are affected retroactively.)

This bill is identical to Senate Bill No. 1218 of 2008 (Weinberg/Gordon), which is currently pending in the Senate Health, Human Services and Senior Citizens Committee.

The bill is similar to Assembly Bill No. 3515 (1R) of 2006 (Schaer/Gordon/Cohen), which this committee reported during the prior session. That bill passed the General Assembly 80-0-0 on June 11, 2007, and was pending in the Senate Health, Human Services and Senior Citizens Committee at the conclusion of the 212th Legislature.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2183

STATE OF NEW JERSEY

DATED: MAY 5, 2008

The Senate Health, Human Services and Senior Citizens Committee reports favorably Assembly Bill No. 2183.

This bill expands the statutory enumeration of rights for nursing home residents set forth in P.L.1976, c.120 (C.30:13-5), to provide for the religious accommodation of nursing home residents.

Specifically, the bill provides that a resident has the right to receive, upon request, food that meets the resident's religious dietary requirements, subject to the following conditions:

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This bill is identical to Senate Bill No. 1218 of 2008 (Weinberg/Gordon), which the committee also reported favorably on this date.

SENATE, No. 1218

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 21, 2008

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator ROBERT M. GORDON

District 38 (Bergen)

Co-Sponsored by:

Senators Singer and Beck

SYNOPSIS

Provides that nursing home resident has right to receive food that meets resident's religious dietary requirements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/4/2008)

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STATEMENT

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SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 1218

STATE OF NEW JERSEY

DATED: MAY 5, 2008

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 1218.

This bill expands the statutory enumeration of rights for nursing home residents set forth in P.L.1976, c.120 (C.30:13-5) to provide for the religious accommodation of nursing home residents.

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This bill is identical to Assembly Bill No. 2183 (Schaer/Munoz/Watson Coleman), which the committee also reported favorably on this date.