

26:2H-12.34

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2008 **CHAPTER:** 57

NJSA: 26:2H-12.34 (Requires training for all trustees of general hospitals)

BILL NO: S1795 (Substituted for A2606)

SPONSOR(S): Whelan and others

DATE INTRODUCED: May 5, 2008

COMMITTEE: **ASSEMBLY:**

SENATE: Health, Human Services and Senior Citizens

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 23, 2008

SENATE: June 23, 2008

DATE OF APPROVAL: August 8, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second reprint of bill enacted)

S1795

SPONSOR'S STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(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)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

A2606

SPONSOR'S STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Law curbs fees to uninsured," Herald News, 8-9-08, p.A8

"Hospital 'sticker price' billing is history, The Record, 8-9-08, p.L08.

"Corzine signs bills to improve hospitals," Asbury Park Press, 8-9-08, p.A3

"N.J. enacts bills on hospital accountability, The Philadelphia Inquirer, 8-9-08. p.B2

"Early warning system for ailing hospitals become law," The Star Ledger, 8-9-08, p.7.

"Gov. inks Ramos' hospital reform," The Jersey Journal, 8-9-08, p.A6.

LAW

P.L. 2008, CHAPTER 57, *approved August 8, 2008*
Senate, No. 1795 (*Second Reprint*)

1 AN ACT concerning hospital trustees and amending P.L.2007, c.74.

2

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

5

6 1. Section 1 of P.L.2007, c.74 (C.26:2H-12.34) is amended to
7 read as follows:

8 1. a. (1) As a condition of serving as a member of the board of
9 trustees of a general hospital licensed pursuant to P.L.1971, c.136
10 (C.26:2H-1 et al.), a person shall be required to complete a training
11 program approved by the Commissioner of Health and Senior
12 Services that is designed to clarify the roles and duties of a hospital
13 trustee and is at least one day in length.

14 (2) The training shall be completed no later than six months
15 after the date that the person is appointed as a member of the board,
16 except that a person who is appointed as a member of a hospital
17 board of trustees on or after the date of enactment of this act but
18 prior to the effective date thereof shall complete the training no
19 later than six months after the effective date.

20 (3) A person who was appointed as a member of a hospital board
21 of trustees prior to the date of enactment of P.L.2007, c.74 shall
22 complete the training no later than ¹[24] ²[12¹] six² months after
23 the effective date of P.L. , c. (pending before the Legislature as
24 this bill).

25 b. The commissioner shall, in consultation with the New Jersey
26 Hospital Association, the Hospital Alliance of New Jersey, and the
27 New Jersey Council of Teaching Hospitals:

28 (1) prescribe the subject matter of the training, which shall
29 include, but need not be limited to, a review of the types of
30 financial, organizational, legal, regulatory, and ethical issues that a
31 hospital trustee may be required to consider in the course of
32 discharging the trustee's governance responsibilities;

33 (2) arrange for, or specify, the entity or entities to provide the
34 training;

35 (3) specify the timeframe within which the training is to be
36 completed;

37 (4) certify completion of the training for each trustee upon
38 receipt of documentation thereof, as provided on a form and in a
39 manner prescribed by the commissioner, or otherwise arrange for
40 certification by the training entity; and

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted May 15, 2008.

²Assembly floor amendments adopted June 16, 2008.

1 (5) take such other actions as the commissioner determines
2 appropriate to effectuate the purposes of this act.

3 [c. The provisions of this act shall apply only to those persons
4 who are appointed to serve as a member of a hospital board of
5 trustees on or after the date of enactment of this act.]

6 (cf: P.L.2007, c.74, s.1)

7

8 2. The Commissioner of Health and Senior Services, pursuant
9 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
10 1 et seq.), shall adopt rules and regulations to effectuate the
11 purposes of this act.

12

13 3. This act shall take effect on the 180th day after enactment,
14 but the Commissioner of Health and Senior Services may take such
15 anticipatory administrative action in advance thereof as shall be
16 necessary for the implementation of this act.

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Requires training for all trustees of general hospitals.

SENATE, No. 1795

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MAY 5, 2008

Sponsored by:

Senator JIM WHELAN

District 2 (Atlantic)

Senator RONALD L. RICE

District 28 (Essex)

Co-Sponsored by:

Senator Vitale

SYNOPSIS

Requires training for all trustees of general hospitals.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/9/2008)

1 AN ACT concerning hospital trustees and amending P.L.2007, c.74.

2

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

5

6 1. Section 1 of P.L.2007, c.74 (C.26:2H-12.34) is amended to
7 read as follows:

8 1. a. (1) As a condition of serving as a member of the board of
9 trustees of a general hospital licensed pursuant to P.L.1971, c.136
10 (C.26:2H-1 et al.), a person shall be required to complete a training
11 program approved by the Commissioner of Health and Senior
12 Services that is designed to clarify the roles and duties of a hospital
13 trustee and is at least one day in length.

14 (2) The training shall be completed no later than six months
15 after the date that the person is appointed as a member of the board,
16 except that a person who is appointed as a member of a hospital
17 board of trustees on or after the date of enactment of this act but
18 prior to the effective date thereof shall complete the training no
19 later than six months after the effective date.

20 (3) A person who was appointed as a member of a hospital
21 board of trustees prior to the date of enactment of P.L.2007, c.74
22 shall complete the training no later than 24 months after the
23 effective date of P.L. , c. (pending before the Legislature as this
24 bill).

25 b. The commissioner shall, in consultation with the New Jersey
26 Hospital Association, the Hospital Alliance of New Jersey, and the
27 New Jersey Council of Teaching Hospitals:

28 (1) prescribe the subject matter of the training, which shall
29 include, but need not be limited to, a review of the types of
30 financial, organizational, legal, regulatory, and ethical issues that a
31 hospital trustee may be required to consider in the course of
32 discharging the trustee's governance responsibilities;

33 (2) arrange for, or specify, the entity or entities to provide the
34 training;

35 (3) specify the timeframe within which the training is to be
36 completed;

37 (4) certify completion of the training for each trustee upon
38 receipt of documentation thereof, as provided on a form and in a
39 manner prescribed by the commissioner, or otherwise arrange for
40 certification by the training entity; and

41 (5) take such other actions as the commissioner determines
42 appropriate to effectuate the purposes of this act.

43 **[c.** The provisions of this act shall apply only to those persons
44 who are appointed to serve as a member of a hospital board of

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 trustees on or after the date of enactment of this act.】

2 (cf: P.L.2007, c.74, s.1)

3

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

8

9 3. This act shall take effect on the 180th day after enactment,
10 but the Commissioner of Health and Senior Services may take such
11 anticipatory administrative action in advance thereof as shall be
12 necessary for the implementation of this act.

13

14

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STATEMENT

16

17 This bill amends P.L.2007, c.74 (C.26:2H-12.34), which requires
18 that, as a condition of serving as a member of the board of trustees
19 of a general hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-
20 1 et seq.), a person must complete a training program approved by
21 the Commissioner of Health and Senior Services that is designed to
22 clarify the roles and duties of a hospital trustee and is at least one
23 day in length.

24 Currently, only persons appointed to serve as members of
25 hospital boards on or after April 30, 2007 are subject to the training
26 requirement. This bill would expand the training requirement to all
27 hospital board members, including those who were appointed before
28 April 30, 2007, when the requirement was originally enacted.

29 The training for board members who were not required to
30 undergo this training would be required to be completed no later
31 than twenty four months after the effective date of the bill.

32 This bill is based on a recommendation from the New Jersey
33 Commission on Rationalizing Health Care Resources.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 1795

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 15, 2008

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments Senate Bill No. 1795.

As amended by the committee, this bill amends P.L.2007, c.74 (C.26:2H-12.34), which requires that, as a condition of serving as a member of the board of trustees of a general hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a person must complete a training program approved by the Commissioner of Health and Senior Services that is designed to clarify the roles and duties of a hospital trustee and is at least one day in length.

Currently, only persons appointed to serve as members of hospital boards on or after April 30, 2007 are subject to the training requirement. The bill would expand the training requirement to all hospital board members, including those who were appointed before April 30, 2007, and would require the training to be completed no later than 12 months after the effective date of the bill.

This bill is based on a recommendation from the New Jersey Commission on Rationalizing Health Care Resources.

The committee amended the bill to change the timeframe for completing the training from 24 months to 12 months.

This bill is similar to Assembly Bill No. 2606 (1R) (Wagner/Conaway/Greenstein/Chiappone), which is pending in the General Assembly.

STATEMENT TO
[First Reprint]
SENATE, No. 1795

with Assembly Floor Amendments
(Proposed By Assemblywoman WAGNER)

ADOPTED: JUNE 16, 2008

This amendment provides that a person who was appointed as a member of a hospital board of trustees prior to the date of enactment of P.L.2007, c.74 shall complete the required training no later than six months, rather than 12 months, after the effective date of this bill.

This amendment makes this bill identical to A2606 (2R), which is pending before the Assembly.

ASSEMBLY, No. 2606

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MAY 5, 2008

Sponsored by:

Assemblywoman CONNIE WAGNER

District 38 (Bergen)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington and Camden)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman ANTHONY CHIAPPONE

District 31 (Hudson)

SYNOPSIS

Requires training for all trustees of general hospitals.

CURRENT VERSION OF TEXT

As introduced.



A2606 WAGNER, CONAWAY

2

1 AN ACT concerning hospital trustees and amending P.L.2007, c.74.

2

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4 of New Jersey:

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9 trustees of a general hospital licensed pursuant to P.L.1971, c.136
10 (C.26:2H-1 et al.), a person shall be required to complete a training
11 program approved by the Commissioner of Health and Senior
12 Services that is designed to clarify the roles and duties of a hospital
13 trustee and is at least one day in length.

14 (2) The training shall be completed no later than six months
15 after the date that the person is appointed as a member of the board,
16 except that a person who is appointed as a member of a hospital
17 board of trustees on or after the date of enactment of this act but
18 prior to the effective date thereof shall complete the training no
19 later than six months after the effective date.

20 (3) A person who was appointed as a member of a hospital
21 board of trustees prior to the date of enactment of P.L.2007, c.74
22 shall complete the training no later than 24 months after the
23 effective date of P.L. , c. (pending before the Legislature as this
24 bill).

25 b. The commissioner shall, in consultation with the New Jersey
26 Hospital Association, the Hospital Alliance of New Jersey, and the
27 New Jersey Council of Teaching Hospitals:

28 (1) prescribe the subject matter of the training, which shall
29 include, but need not be limited to, a review of the types of
30 financial, organizational, legal, regulatory, and ethical issues that a
31 hospital trustee may be required to consider in the course of
32 discharging the trustee's governance responsibilities;

33 (2) arrange for, or specify, the entity or entities to provide the
34 training;

35 (3) specify the timeframe within which the training is to be
36 completed;

37 (4) certify completion of the training for each trustee upon
38 receipt of documentation thereof, as provided on a form and in a
39 manner prescribed by the commissioner, or otherwise arrange for
40 certification by the training entity; and

41 (5) take such other actions as the commissioner determines
42 appropriate to effectuate the purposes of this act.

43 **[c.** The provisions of this act shall apply only to those persons
44 who are appointed to serve as a member of a hospital board of

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

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1 trustees on or after the date of enactment of this act.]
2 (cf: P.L.2007, c.74, s.1)

3

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

8

9 3. This act shall take effect on the 180th day after enactment,
10 but the Commissioner of Health and Senior Services may take such
11 anticipatory administrative action in advance thereof as shall be
12 necessary for the implementation of this act.

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STATEMENT

16

17 This bill amends P.L.2007, c.74 (C.26:2H-12.34), which requires
18 that, as a condition of serving as a member of the board of trustees
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20 1 et seq.), a person must complete a training program approved by
21 the Commissioner of Health and Senior Services that is designed to
22 clarify the roles and duties of a hospital trustee and is at least one
23 day in length.

24 Currently, only persons appointed to serve as members of
25 hospital boards on or after April 30, 2007 are subject to the training
26 requirement. This bill would expand the training requirement to all
27 hospital board members, including those who were appointed before
28 April 30, 2007, when the requirement was originally enacted.

29 The training for board members who were not required to
30 undergo this training would be required to be completed no later
31 than twenty four months after the effective date of the bill.

32 This bill is based on a recommendation from the New Jersey
33 Commission on Rationalizing Health Care Resources.

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2606

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 5, 2008

The Assembly Health and Senior Services Committee reports favorably and with amendments Assembly Bill No. 2606.

As amended by the committee, this bill amends P.L.2007, c.74 (C.26:2H-12.34), which requires a person, as a condition of serving as a member of the board of trustees of a licensed general hospital, to complete a training program approved by the Commissioner of Health and Senior Services that is designed to clarify the roles and duties of a hospital trustee and is at least one day in length.

Currently, only persons appointed to serve as members of hospital boards on or after April 30, 2007 (the date of enactment of P.L.2007, c.74) are subject to the training requirement. This bill expands the training requirement so that it applies to all hospital board members, including those appointed prior to April 30, 2007.

The bill provides that a hospital trustee:

- who is appointed on or after the date of enactment of this bill is to complete the required training prior to the person participating as a member of the board; and
- who is appointed prior to the date of enactment of this bill is to complete the required training no later than six months after the effective date of this bill.

The bill takes effect on the 180th day after enactment, but authorizes the Commissioner of Health and Senior Services to take anticipatory administrative action in advance as necessary for its implementation.

The provisions of this bill are based on recommendations from the *New Jersey Commission on Rationalizing Health Care Resources Final Report, 2008*.

COMMITTEE AMENDMENTS

The committee amendments to the bill:

- require that a hospital trustee appointed on or after the date of enactment of this bill complete the training prior to the person participating as a member of the board; and

- require that a hospital trustee appointed prior to the date of enactment of this bill complete the training no later than six months after the effective date of this bill.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 2606

with Assembly Floor Amendments
(Proposed By Assemblywoman WAGNER)

ADOPTED: MAY 19, 2008

These amendments provide that:

- A person appointed to a hospital board of trustees is to complete the required training no later than six months after the date that the person is appointed as a member of the board, except that a person who is appointed as a member of a hospital board of trustees on or after the date of enactment of this bill but prior to the effective date thereof is to complete the training no later than six months after the effective date of this bill; and
- A person who was appointed as a member of a hospital board of trustees prior to the date of enactment of P.L.2007, c.74 is to complete the training no later than six months after the effective date of this bill.



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JON S. CORZINE
Governor

[En Español](#)**For Immediate Release:****For Kids** **Release Date:** August 8, 2008**For More Information:**

Sean Darcy
Jim Gardner

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Governor Corzine Signs Hospital Reform Legislation

Hamilton – Governor Jon S. Corzine today signed a package of four bills that will improve access to health care, protect the uninsured and strengthen the accountability and transparency of the health care delivery system in the Garden State. The legislation was signed at Robert Wood Johnson University Hospital Hamilton.

“The series of hospital reform bills I am signing reflects a re-prioritization of New Jersey’s health care system,” said Governor Corzine. “These measures, combined with the stabilization fund we formally enacted in June, ensure that there is increased transparency, better financial management and long-term planning in place for all New Jersey hospitals.”

The legislation addresses several key recommendations made by the Commission on Rationalizing Health Care Resources, a panel appointed by the governor to review the state's hospitals and other health care services.

"With the signing of this bill package, New Jersey takes an important step forward in improving access to health care, protecting the uninsured and strengthening the fiscal monitoring and transparency of hospital operations," said Health and Senior Services Commissioner Heather Howard. "These key legislative reforms will strengthen New Jersey's health care system."

A2609/ S1797 will ensure that working poor families without health insurance are not overcharged for needed hospital care. Because the uninsured often pay the highest prices for services, this bill eliminates that unfair practice by requiring hospitals to charge no more than 15 percent above the Medicare rate. Uninsured families qualify for this rate if their income is less than 500 percent of the federal poverty level.

"When avoidable financial hardships force hospitals to shut their doors, New Jerseyans in need are forced to travel longer distances to receive immediate medical care," said Assemblyman Herb Conaway, Jr. (D-Burlington). "We cannot allow fiscal issues to cause another hospital to close its doors and further jeopardize the quality and availability of health care in New Jersey."

Primary sponsors of the bill were Assemblymen Herb Conaway, Jr., (D-Burlington) and Paul D. Moriarity (Camden, Gloucester). In the Senate, primary sponsors were Senators Loretta Weinberg (D-Bergen) and Bill Baroni (R-Mercer, Middlesex).

Another bill, S1796/A2608 creates an Early Warning System that will provide the Department of Health and Senior Services with the authority and the information needed to adequately monitor hospital finances, identify distressed hospitals early, and institute a system of progressive monitoring.

"New Jersey has faced an epidemic of hospital closures in recent years," said Senator Bob Gordon (D-Bergen), the prime sponsor of S-1796. "Through this legislation, the Department of Health will have an early warning when a hospital becomes fiscally unstable, and will be able to take the appropriate action to ensure that the health care needs of the community are met. Hopefully, we will be able to intervene before fiscal instability gives way to fiscal insolvency, and yet another health care facility in the Garden State has to close its doors forever."

"Closer scrutiny of how health care dollars are spent at hospitals in dire financial straits can help turn around poor

management and prevent a hospital from shutting its doors for good," said Assemblyman Ralph R. Caputo (D-Essex).

"Audits and monitoring by state officials will bring accountability and transparency to New Jersey's healthcare industry," said Assembly Majority Leader Bonnie Watson Coleman (D-Mercer). "The state has a responsibility to step in and hold hospitals accountable for how health care dollars are spent and managed."

Primary sponsors of the legislation were Senators Robert M. Gordon (D-Bergen) and Thomas H. Kean, Jr., (R-Essex, Morris, Somerset, Union). In the Assembly, primary sponsors included Assemblymen Herb Conaway, Jr. (D-Burlington), Ralph R. Caputo (D-Essex), Gary S. Schaer (D-Bergen, Essex, Passaic), Albert Coutinho (D-Essex, Union) Anthony Chiappone (D-Hudson), Assemblywoman Grace L. Spencer (D-Essex, Union) and Assembly Majority Leader Bonnie Watson Coleman (D-Mercer).

Through A2607 / S1794, each general hospital and State psychiatric hospital is required to annually conduct a public meeting for the community it serves. The goal is to improve communication between a hospital and the community it serves.

"Our local hospitals serve as safe havens for the residents who live nearby, and they play a vital role in the communities they serve," said Senator Dana Redd (D-Camden, Gloucester), who is a prime sponsor of S-1794.

"Hospitals can only continue to provide this necessary care if they are in tune with the needs of residents, so it is imperative that the lines of communication are open between hospital administration and the public."

It is imperative that New Jersey communities are part of the decision-making process regarding the delivery of health care services to ensure that hospitals are providing quality care to the communities that rely on its services the most," said Assemblyman Jerry Green (D-Union).

Primary sponsors of the bill were Assemblymen Jerry Green (D-Middlesex, Somerset, Union), Herb Conaway, Jr. (D-Burlington), Albert Coutinho (D-Essex, Union), Anthony Chiappone (D-Hudson) and Assemblywoman Grace L. Spencer (D-Essex, Union). In the Senate, primary sponsors were Senators Dana L. Redd (D-Camden) and Diane B. Allen (R-Burlington, Camden).

Finally, S1795/A2606 requires that all general hospital trustees complete comprehensive training to ensure effective financial oversight and to hold hospital management accountable. As a result, New Jersey is now the first

State to require hospital trustee training for all board members.

"This law was based on recommendations from the Commission on Rationalizing Health Care Resources, which was established to examine regulatory, financing and market mechanisms that affect the long-term stability of the State's health care delivery system," said Senator Jim Whelan (D-Atlantic). "It is vital that all hospital board members are aware of every aspect of their facilities, and in order to do so, they must complete this training program which will help clarify the roles and duties of a hospital trustee."

"Hospital trustee members should be properly trained to fulfill their duties," said Senator Ronald L. Rice (D-Essex). "Trustees must ensure that hospitals are operating efficiently and are financially responsible. Sufficient education and training are vital to ensuring that hospitals are staffed with the most qualified individuals in order to prevent mismanagement of resources."

"Hospital trustees must be trained in their role and responsibilities to ensure that a hospital is operating efficiently and managing its finances responsibly," said Assemblywoman Connie Wagner (D-Bergen). "Appropriate education and training are key to ensuring that hospital boards are staffed with the most capable and knowledgeable individuals to prevent mismanagement of precious hospital resources."

Primary sponsors of the legislation were Senators Jim Whelan (D-Atlantic) and Ronald L. Rice (D-Essex). In the Assembly, primary sponsors were Assemblywomen Connie Wagner (D-Bergen) and Linda R. Greenstein (Mercer, Middlesex) and Assemblymen Herb Conaway, Jr. (D-Burlington), Anthony Chiappone (D-Hudson) and Ruben J. Ramos, Jr. (D-Hudson).

Governor Corzine recently signed legislation establishing the Health Care Stabilization Fund with an appropriation of \$44 million to address the financial stability of the state's hospitals. The Health Care Stabilization Fund will provide critical support and a mechanism for working with hospitals and other financially distressed facilities that face closure or significant service reductions.

###

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Office of the Governor

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