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LAW/RWH

[First Reprint]

ASSEMBLY, No. 370

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Assemblywoman JOAN M. VOSS

District 38 (Bergen)

Co-Sponsored by:

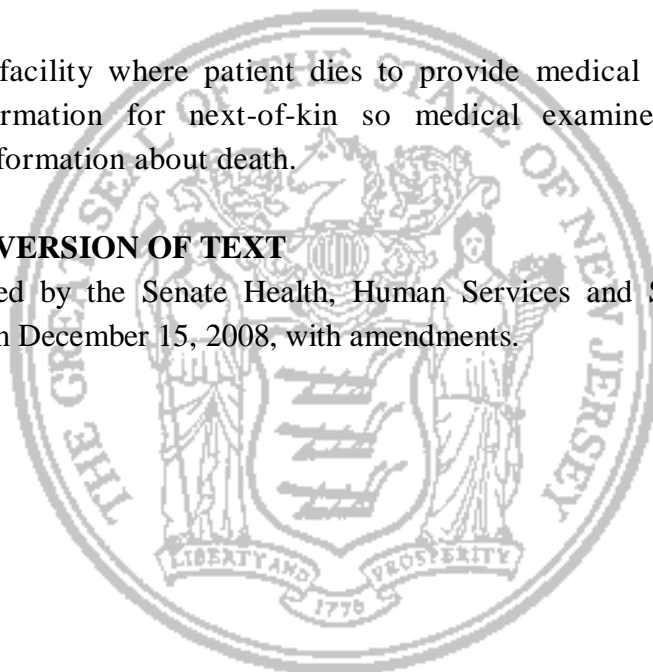
**Assemblymen Vas, Giblin, Wisniewski, Johnson, Assemblywomen Vainieri
Huttle, Greenstein, Assemblyman P. Barnes, III, Assemblywomen Pou,
Wagner, Evans, Assemblyman Connors, Assemblywoman Lampitt,
Senators Weinberg, B.Smith, T.Kean, Ruiz and Assemblyman Chiappone**

SYNOPSIS

Requires facility where patient dies to provide medical examiner with contact information for next-of-kin so medical examiner may obtain additional information about death.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on December 15, 2008, with amendments.



(Sponsorship Updated As Of: 6/26/2009)

1 AN ACT concerning medical examiners and supplementing Title 52
2 of the Revised Statutes.

3

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

6

7 1. In the case of the death of a resident of a long-term care
8 facility licensed by the Department of Health and Senior Services
9 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a State psychiatric
10 hospital operated by the Department of Human Services and listed
11 in R.S.30:1-7, a county psychiatric hospital, a facility for persons
12 with developmental disabilities as defined in section 3 of P.L.1977,
13 c.82 (C.30:6D-3), or a facility for persons with traumatic brain
14 injury as defined in ¹~~42 U.S.C. s.280b-1b~~ 42 U.S.C. s.280b-1c¹
15 that is operated by or under contract with the Department of Human
16 Services, the ¹~~psychiatric hospital or facility, as the case may be,~~
17 shall, in addition to notifying the next-of-kin of the resident's death,
18 so notify the county medical examiner and provide the county
19 medical examiner with contact information for the resident's next-
20 of-kin. The¹ county medical examiner, or a deputy or assistant
21 county medical examiner ¹~~or investigator~~¹ on his behalf, shall make
22 every practicable effort to contact the resident's next-of-kin to
23 ¹~~notify that person of the resident's death and~~¹ offer that person
24 the opportunity to provide the medical examiner with information
25 that the person deems relevant to¹ the circumstances of the
26 resident's death¹ and whether there is a need to perform a
27 dissection or autopsy of the decedent.

28

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

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 December 15, 2008.

ASSEMBLY, No. 370

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Assemblywoman JOAN M. VOSS

District 38 (Bergen)

Co-Sponsored by:

**Assemblymen Vas, Giblin, Wisniewski, Johnson, Assemblywomen Vainieri
Huttle, Greenstein and Assemblyman P. Barnes, III**

SYNOPSIS

Requires medical examiner to contact next-of-kin in case of certain deaths.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 5/6/2008)

1 AN ACT concerning medical examiners and supplementing Title 52
2 of the Revised Statutes.

3

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

6

7 1. In the case of the death of a resident of a long-term care
8 facility licensed by the Department of Health and Senior Services
9 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a State psychiatric
10 hospital operated by the Department of Human Services and listed
11 in R.S.30:1-7, a county psychiatric hospital, a facility for persons
12 with developmental disabilities as defined in section 3 of P.L.1977,
13 c.82 (C.30:6D-3), or a facility for persons with traumatic brain
14 injury as defined in 42 U.S.C. s.280b-1b that is operated by or
15 under contract with the Department of Human Services, the county
16 medical examiner, or a deputy or assistant county medical examiner
17 on his behalf, shall make every practicable effort to contact the
18 resident's next-of-kin to notify that person of the resident's death
19 and offer that person the opportunity to provide the medical
20 examiner with information that the person deems relevant to the
21 circumstances of the resident's death and whether there is a need to
22 perform a dissection or autopsy of the decedent.

23

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

25

26

27

STATEMENT

28

29 This bill provides that, in the case of the death of individuals
30 residing in certain settings (e.g., a licensed long-term care facility, a
31 State or county psychiatric hospital, a facility for persons with
32 developmental disabilities, or a facility for persons with traumatic
33 brain injury), the county medical examiner, or a deputy or assistant
34 county medical examiner on his behalf, is to make every practicable
35 effort to contact the resident's next-of-kin to notify that person of
36 the resident's death and offer that person the opportunity to provide
37 the medical examiner with information that the person deems
38 relevant to the circumstances of the resident's death and whether
39 there is a need to perform a dissection or autopsy of the decedent.

40

The bill takes effect on the 60th day after enactment.

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 370

STATE OF NEW JERSEY

DATED: SEPTEMBER 15, 2008

The Assembly Health and Senior Services Committee reports favorably Assembly Bill No. 370

This bill provides that, in the case of the death of individuals residing in certain settings (e.g., a licensed long-term care facility, a State or county psychiatric hospital, a facility for persons with developmental disabilities, or a facility for persons with traumatic brain injury), the county medical examiner, or a deputy or assistant county medical examiner on his behalf, is to make every practicable effort to contact the resident's next-of-kin to notify that person of the resident's death and offer that person the opportunity to provide the medical examiner with information that the person deems relevant to the circumstances of the resident's death and whether there is a need to perform a dissection or autopsy of the decedent.

The bill takes effect on the 60th day after enactment.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been preformed.

This bill is identical to Senate Bill No. 101 (Weinberg), which is pending in the Senate Health, Human Services and Senior Services Committee.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 370

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 15, 2008

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments Assembly Bill No. 370.

As amended by the committee, this bill provides that, in the case of the death of individuals residing in certain settings (e.g., a licensed long-term care facility, a State or county psychiatric hospital, a facility for persons with developmental disabilities, or a facility for persons with traumatic brain injury), the hospital or facility shall, in addition to notifying the next-of-kin of the resident's death, so notify the county medical examiner and provide the county medical examiner with contact information for the resident's next-of-kin. The county medical examiner, or a deputy or assistant county medical examiner or investigator on his behalf, shall make every practicable effort to contact the resident's next-of-kin to offer that person the opportunity to provide the medical examiner with information that the person deems relevant to: the circumstances of the resident's death; and whether there is a need to perform a dissection or autopsy of the decedent.

The bill takes effect on the 60th day after enactment.

The committee amendments:

- eliminate the requirement that the county medical examiner notify the resident's next-of-kin, and instead, require that the facility in which a resident died notify the county medical examiner of the death and provide the medical examiner with contact information so that the medical examiner or investigator can attempt to contact the resident's next-of-kin and offer an opportunity to provide relevant information; and
- update a federal statutory reference, under the "Traumatic Brain Injury Act of 2008."

As amended, this bill is identical to Senate Bill No. 101 SCA (Weinberg), which the committee also reported favorably on this date.

SENATE, No. 101

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

Senators B.Smith and T.Kean

SYNOPSIS

Requires medical examiner to contact next-of-kin in case of certain deaths.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



S101 WEINBERG

2

1 AN ACT concerning medical examiners and supplementing Title 52
2 of the Revised Statutes.

3

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

6

7 1. In the case of the death of a resident of a long-term care
8 facility licensed by the Department of Health and Senior Services
9 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a State psychiatric
10 hospital operated by the Department of Human Services and listed
11 in R.S.30:1-7, a county psychiatric hospital, a facility for persons
12 with developmental disabilities as defined in section 3 of P.L.1977,
13 c.82 (C.30:6D-3), or a facility for persons with traumatic brain
14 injury as defined in 42 U.S.C. s.280b-1b that is operated by or
15 under contract with the Department of Human Services, the county
16 medical examiner, or a deputy or assistant county medical examiner
17 on his behalf, shall make every practicable effort to contact the
18 resident's next-of-kin to notify that person of the resident's death
19 and offer that person the opportunity to provide the medical
20 examiner with information that the person deems relevant to the
21 circumstances of the resident's death and whether there is a need to
22 perform a dissection or autopsy of the decedent.

23

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

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26

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STATEMENT

28

29 This bill provides that, in the case of the death of individuals
30 residing in certain settings (e.g., a licensed long-term care facility, a
31 State or county psychiatric hospital, a facility for persons with
32 developmental disabilities, or a facility for persons with traumatic
33 brain injury), the county medical examiner, or a deputy or assistant
34 county medical examiner on his behalf, is to make every practicable
35 effort to contact the resident's next-of-kin to notify that person of
36 the resident's death and offer that person the opportunity to provide
37 the medical examiner with information that the person deems
38 relevant to the circumstances of the resident's death and whether
39 there is a need to perform a dissection or autopsy of the decedent.

40

The bill takes effect on the 60th day after enactment.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 101

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 15, 2008

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments Senate Bill No. 101.

As amended by the committee, this bill provides that, in the case of the death of individuals residing in certain settings (e.g., a licensed long-term care facility, a State or county psychiatric hospital, a facility for persons with developmental disabilities, or a facility for persons with traumatic brain injury), the hospital or facility shall, in addition to notifying the next-of-kin of the resident's death, so notify the county medical examiner and provide the county medical examiner with contact information for the resident's next-of-kin. The county medical examiner, or a deputy or assistant county medical examiner or investigator on his behalf, shall make every practicable effort to contact the resident's next-of-kin to offer that person the opportunity to provide the medical examiner with information that the person deems relevant to: the circumstances of the resident's death; and whether there is a need to perform a dissection or autopsy of the decedent.

The bill takes effect on the 60th day after enactment.

The committee amended the bill to:

-- eliminate the requirement that the county medical examiner notify the resident's next-of-kin. Instead, the amendments provide that the facility in which a resident died shall notify the county medical examiner of the death and provide the medical examiner with contact information so that the medical examiner or investigator can attempt to contact the resident's next-of-kin and offer an opportunity to provide relevant information; and

--update a federal statutory reference, under the "Traumatic Brain Injury Act of 2008."

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As amended, this bill is identical to Assembly No. 370 SCA (Diegnan/Voss), which the committee also reported favorably on this date.