

26:2H-12.8

**LEGISLATIVE HISTORY CHECKLIST**  
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(Hospitals--private duty nursing)

**NJSA:** 26:2H-12.8

**LAWS OF:** 1994

**CHAPTER:** 22

**BILL NO:** S459

**SPONSOR(S):** Bassano

**DATE INTRODUCED:** January 18, 1994

**COMMITTEE:** **ASSEMBLY:** Health and Human Services

**SENATE:** Human Services

**AMENDED DURING PASSAGE:** Yes Amendments during passage  
First reprint enacted denoted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** March 15, 1994

**SENATE:** January 31, 1994

**DATE OF APPROVAL:** April 16, 1994

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes

**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBG:pp

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1994

By Senators BASSANO and CARDINALE

1 AN ACT concerning private duty nursing and amending P.L.1989,  
2 c.170.

3

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

6 1. Section 2 of P.L.1989, c.170 (C.26:2H-12.8) is amended to  
7 read as follows:

8 2. Every person admitted to a general hospital as licensed by  
9 the State Department of Health pursuant to P.L.1971, c.136  
10 (C.26:2H-1 et seq.) shall have the right:

11 a. To considerate and respectful care consistent with sound  
12 nursing and medical practices;

13 b. To be informed of the name of the physician responsible for  
14 coordinating his care;

15 c. To obtain from the physician complete, current information  
16 concerning his diagnosis, treatment, and prognosis in terms he  
17 can reasonably be expected to understand. When it is not  
18 medically advisable to give this information to the patient, it  
19 shall be made available to another person designated by the  
20 patient on his behalf;

21 d. To receive from the physician information necessary to give  
22 informed consent prior to the start of any procedure or treatment  
23 and which, except for those emergency situations not requiring an  
24 informed consent, shall include as a minimum the specific  
25 procedure or treatment, the medically significant risks involved,  
26 and the possible duration of incapacitation, if any, as well as an  
27 explanation of the significance of the patient's informed  
28 consent. The patient shall be advised of any medically significant  
29 alternatives for care or treatment, however, this does not include  
30 experimental treatments that are not yet accepted by the  
31 medical establishment;

32 e. To refuse treatment to the extent permitted by law and to  
33 be informed of the medical consequences of this act;

34 f. To privacy to the extent consistent with providing adequate  
35 medical care to the patient. This shall not preclude discussion of  
36 a patient's case or examination of a patient by appropriate  
37 health care personnel;

38 g. To privacy and confidentiality of all records pertaining to  
39 his treatment, except as otherwise provided by law or third party  
40 payment contract, and to access to those records, including  
41 receipt of a copy thereof at reasonable cost, upon request, unless  
42 his physician states in writing that access by the patient is not

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 bold-faced brackets has been adopted as follows:  
Senate bill committee amendments adopted January 11, 1994.

1 medically advisable;

2 h. To expect that within its capacity, the hospital will make  
3 reasonable response to his request for services, including the  
4 services of an interpreter in a language other than English if 10%  
5 or more of the population in the hospital's service area speaks  
6 that language;

7 i. To be informed by his physician of any continuing health  
8 care requirements which may follow discharge and to receive  
9 assistance from the physician and appropriate hospital staff in  
10 arranging for required follow-up care after discharge;

11 j. To be informed by the hospital of the necessity of transfer  
12 to another facility prior to the transfer and of any alternatives to  
13 it which may exist, which transfer shall not be effected unless it  
14 is determined by the physician to be medically necessary;

15 k. To be informed, upon request, of other health care and  
16 educational institutions that the hospital has authorized to  
17 participate in his treatment;

18 l. To be advised if the hospital proposes to engage in or  
19 perform human research or experimentation and to refuse to  
20 participate in these projects. For the purposes of this subsection  
21 "human research" does not include the mere collecting of  
22 statistical data;

23 m. To examine and receive an explanation of his bill,  
24 regardless of source of payment, and to receive information or be  
25 advised on the availability of sources of financial assistance to  
26 help pay for the patient's care, as necessary;

27 n. To expect reasonable continuity of care;

28 o. To be advised of the hospital rules and regulations that  
29 apply to his conduct as a patient; [and,]

30 p. To treatment without discrimination as to race, age,  
31 religion, sex, national origin, or source of payment; and

32 q. To contract directly with a New Jersey licensed registered  
33 professional nurse of the patient's choosing for private  
34 professional nursing care during his hospitalization. A registered  
35 professional nurse so contracted shall adhere to hospital policies  
36 and procedures in regard to treatment protocols<sup>1</sup> and policies and  
37 procedures so long as those policies and procedures are the same  
38 for private duty and regularly employed nurses<sup>1</sup>. The registered  
39 professional nurse shall not be considered an agent or employee  
40 of the hospital for purposes of any financial liabilities, including,  
41 but not limited to, State or federal employee taxes, worker's  
42 compensation payments or coverage for professional liability.

43 The hospital, upon a patient's or his designee's request for  
44 private professional nursing care, shall provide the patient or his  
45 designee with a list of local nonprofit professional nurses  
46 association registries that refer nurses for private professional  
47 nursing care.

48 (cf: P.L.1989, c.170, s.2)

49 2. This act shall take effect immediately.

50

51

52

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54 Clarifies hospital patient's right to choose private duty nursing.

SENATE, No. 459

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1994

By Senators BASSANO and CARDINALE

1 AN ACT concerning private duty nursing and amending P.L.1989,  
2 c.170.

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13 b. To be informed of the name of the physician responsible for  
14 coordinating his care;

15 c. To obtain from the physician complete, current information  
16 concerning his diagnosis, treatment, and prognosis in terms he  
17 can reasonably be expected to understand. When it is not  
18 medically advisable to give this information to the patient, it  
19 shall be made available to another person designated by the  
20 patient on his behalf;

21 d. To receive from the physician information necessary to give  
22 informed consent prior to the start of any procedure or treatment  
23 and which, except for those emergency situations not requiring an  
24 informed consent, shall include as a minimum the specific  
25 procedure or treatment, the medically significant risks involved,  
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29 alternatives for care or treatment, however, this does not include  
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31 medical establishment;

32 e. To refuse treatment to the extent permitted by law and to  
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30 q. To contract directly with a New Jersey licensed registered  
31 professional nurse of the patient's choosing for private  
32 professional nursing care during his hospitalization. A registered  
33 professional nurse so contracted shall adhere to hospital policies  
34 and procedures in regard to treatment protocols. The registered  
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40 private professional nursing care, shall provide the patient or his  
41 designee with a list of local nonprofit professional nurses  
42 association registries that refer nurses for private professional  
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44 (cf: P.L.1989, c.170, s.2)

45 2. This act shall take effect immediately.

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48 *SPONSORS'* STATEMENT

49

50 This bill amends the hospital patient's bill of rights established  
51 pursuant to P.L.1989, c.170 (C.26:2H 12.7 et seq.) to clarify that  
52 a patient has a right to contract with a registered professional  
53 nurse of his choosing for private professional nursing care during  
54 his hospitalization.

1     The nurse shall adhere to hospital policies and procedures in  
2 regard to treatment protocols. The hospital is also required, upon  
3 a patient's or his designee's request for private professional  
4 nursing care, to provide the patient or his designee with a list of  
5 local nonprofit professional nurses association registries that  
6 refer nurses for private nursing care.

7     The bill specifies that the registered professional nurse shall  
8 not be considered an agent or employee of the hospital for  
9 purposes of any financial liabilities, including, but not limited to,  
10 State or federal employee taxes, worker's compensation  
11 payments or coverage for professional liability.

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16     Clarifies hospital patient's right to choose private duty nursing.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 459

STATE OF NEW JERSEY

DATED: MARCH 7, 1994

The Assembly Health and Human Services Committee favorably reports Senate Bill No. 459 (1R).

This bill amends the hospital patient's bill of rights established pursuant to P.L.1989, c.170 (C.26:2H-12.7 et seq.) to clarify that a patient has a right to contract with a registered professional nurse of his choosing for private professional nursing care during his hospitalization.

The bill provides that the nurse shall adhere to hospital policies and procedures in regard to treatment protocols and other policies and procedures, if those policies and procedures are the same for private duty and regularly employed nurses. The hospital is also required, upon a patient's or his designee's request for private professional nursing care, to provide the patient or his designee with a list of local nonprofit professional nurses association registries that refer nurses for private nursing care.

The bill specifies that the registered professional nurse shall not be considered an agent or employee of the hospital for purposes of any financial liabilities, including, but not limited to, State or federal employee taxes, worker's compensation payments or coverage for professional liability.

As reported by the committee, the bill is identical to Assembly Bill No. 270 Aca (Vandervalk/Russo), which the committee also reported on this date.

SENATE HUMAN SERVICES COMMITTEE

STATEMENT TO

**SENATE, No. 459**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 24, 1994

The Senate Human Services Committee favorably reports Senate Bill No. 459 with committee amendments.

As amended, this bill amends the hospital patient's bill of rights established pursuant to P.L.1989, c.170 (C.26:2H-12.7 et seq.) to clarify that a patient has a right to contract with a registered professional nurse of his choosing for private professional nursing care during his hospitalization.

The nurse shall adhere to hospital policies and procedures in regard to treatment protocols and other policies and procedures, if those policies and procedures are the same for private duty and regularly employed nurses. The hospital is also required, upon a patient's or his designee's request for private professional nursing care, to provide the patient or his designee with a list of local nonprofit professional nurses association registries that refer nurses for private nursing care.

The bill specifies that the registered professional nurse shall not be considered an agent or employee of the hospital for purposes of any financial liabilities, including, but not limited to, State or federal employee taxes, worker's compensation payments or coverage for professional liability.

The committee amended the bill to provide that a nurse contracted to provide private professional nursing care shall also adhere to hospital policies and procedures that are the same as those for regularly employed nurses.