



Bill and Sponsors Statement identical to A2043

**COMMITTEE STATEMENT:**

**ASSEMBLY:** No

**SENATE:** Yes

Identical to Assembly Statement for A2043

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

# ASSEMBLY, No. 2043

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED FEBRUARY 10, 2000

**Sponsored by:**

**Assemblyman GEORGE F. GEIST**

**District 4 (Camden and Gloucester)**

**Assemblyman NICHOLAS R. FELICE**

**District 40 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblyman Greenwald and Assemblywoman Gill**

**SYNOPSIS**

Requires Ombudsman for Institutionalized Elderly to disclose results of investigation of abuse or exploitation of elderly person to family member or guardian of elderly person.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/2/2000)**

1 AN ACT concerning the Ombudsman for the Institutionalized Elderly  
2 and amending P.L.1983, c.43.

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

6  
7 1. Section 3 of P.L.1983, c.43 (C.52:27G-7.2) is amended to read  
8 as follows:

9 3. a. Upon receiving a report that an elderly person may be or may  
10 have been abused or exploited, the ombudsman shall conduct a prompt  
11 and thorough investigation pursuant to section 8 of P.L.1977, c. 239  
12 (C. 52:27G-8). Within 24 hours of receipt of the report, the  
13 ombudsman shall notify the Commissioner of Health and Senior  
14 Services, or the Commissioner of Human Services in the case of a  
15 facility regulated or operated by the Department of Human Services,  
16 and any other governmental agency which regulates or operates the  
17 facility that the report has been received.

18 b. The investigation shall include a visit with the elderly person and  
19 consultation with others who have knowledge of the particular case.  
20 When the investigation is completed, findings and recommended action  
21 shall be prepared in a written report and submitted to the  
22 Commissioner of **[Human]** Health and Senior Services or the  
23 Commissioner of Human Services, as appropriate, and any other  
24 governmental agency which regulates or operates the facility.

25 c. The person who reported the suspected abuse or exploitation  
26 shall be promptly notified that action is being taken.

27 d. If a determination is made that an elderly person may have been  
28 criminally abused or exploited, the ombudsman shall refer such  
29 findings, in writing, to the county prosecutor.

30 e. Notwithstanding the provisions of any other statute or regulation  
31 to the contrary, upon completion of an investigation, the ombudsman  
32 shall furnish a copy of the written report prepared pursuant to  
33 subsection b. of this section to one of the following persons, in order  
34 of priority stated, whose name and address is known to the  
35 ombudsman, for which purpose the ombudsman shall make a  
36 reasonable effort to obtain this information, in the absence of actual  
37 notice of contrary indications by the elderly person and any finding  
38 that the person who would receive the report pursuant to this  
39 subsection was a party to any abuse or exploitation of the elderly  
40 person by the facility:

41 (1) The elderly person's spouse;

42 (2) An adult son or daughter of the elderly person;

43 (3) An adult brother or sister of the elderly person; or

**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     (4) A guardian of the elderly person at the time of completion of  
2 the investigation.

3 (cf: P.L.1983, c.43, s.3)

4  
5     2. This act shall take effect immediately.

6  
7  
8                                 STATEMENT

9  
10     This bill requires the Ombudsman for the Institutionalized Elderly  
11 to disclose the results of an investigation of a report of abuse or  
12 exploitation of an institutionalized elderly person to an immediate  
13 family member or guardian of the elderly person.

14     Specifically, the bill directs the ombudsman, upon completion of  
15 such an investigation, to furnish a copy of the written report (prepared  
16 pursuant to subsection b. of section 3 of P.L.1983, c.43;  
17 N.J.S.A.52:27G-7.2) of findings and recommended action submitted  
18 to the Commissioner of Health and Senior Services or the  
19 Commissioner of Human Services, as appropriate, and any other  
20 governmental agency which regulates or operates the facility, to one  
21 of the following persons, in order of priority stated, whose name and  
22 address is known to the ombudsman, for which purpose the  
23 ombudsman shall make a reasonable effort to obtain this information,  
24 in the absence of actual notice of contrary indications by the elderly  
25 person and any finding that the person who would receive the report  
26 was a party to any abuse or exploitation of the elderly person by the  
27 facility:

28     (1) The elderly person's spouse;

29     (2) An adult son or daughter of the elderly person;

30     (3) An adult brother or sister of the elderly person; or

31     (4) A guardian of the elderly person at the time of completion of  
32 the investigation.

ASSEMBLY SENIOR ISSUES AND COMMUNITY SERVICES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2043**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 1, 2000

The Assembly Senior Issues and Community Services Committee reports favorably and with committee amendments Assembly Bill No. 2043.

Under the current provisions of the law, the Ombudsman for the Institutionalized Elderly is required to conduct an investigation upon receipt of any report of abuse or exploitation of an institutionalized elderly person. Within 24 hours of receipt of the report, the ombudsman is required to notify the Commissioner of Human Services and any other governmental agency which regulates or operates the facility. Upon completion of the investigation, the ombudsman is required to prepare a written report which includes his findings and recommended action and submit that report to the Commissioner of Human Services.

This bill requires the ombudsman to also notify the Commissioner of Health and Senior Services when a report of elderly abuse is made and to submit a written report to the Commissioner of Health and Senior Services and any other governmental agency which regulates or operates the facility.

In its original form the bill required the ombudsman to furnish a written report to one of the following persons: the elderly person's spouse; an adult son or daughter of the elderly person; an adult brother or sister of the elderly person; or a guardian of the elderly person at the time of completion of the investigation. The committee amendments would eliminate this requirement and would require that the following individuals be notified by certified and regular mail: any person authorized to act for the elderly person pursuant to a properly executed power of attorney; a legal guardian; or an emergency contact person.

In addition, the committee amended the bill to require the ombudsman to prepare and distribute to each facility a written consent form which sets forth that in the event of an elderly abuse investigation, the patient, resident or client of the facility consents to

the release of the investigative report to any person authorized to act on the resident's behalf pursuant to a properly executed power of attorney, a legal guardian or an emergency contact person. This written consent form would be given to every patient, resident or client upon admission to the facility.

[First Reprint]

**ASSEMBLY, No. 2043**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

INTRODUCED FEBRUARY 10, 2000

**Sponsored by:**

**Assemblyman GEORGE F. GEIST**

**District 4 (Camden and Gloucester)**

**Assemblyman NICHOLAS R. FELICE**

**District 40 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblyman Greenwald, Assemblywoman Gill, Assemblymen LeFevre,**

**Conaway, Connors, Assemblywoman Cruz-Perez, Assemblyman Gusciora,**

**Assemblywoman Previte, Assemblymen Roberts and R.Smith**

**SYNOPSIS**

Requires Ombudsman for Institutionalized Elderly to disclose results of investigation of abuse or exploitation of elderly person to family member or guardian of elderly person.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Senior Issues and Community Services Committee on June 1, 2000, with amendments.

**(Sponsorship Updated As Of: 6/27/2000)**



1 AN ACT concerning the Ombudsman for the Institutionalized Elderly  
2 and amending P.L.1983, c.43.

3

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

6

7 1. Section 3 of P.L. 1983, c.43 (C.52:27G-7.2) is amended to read  
8 as follows:

9 3. a. Upon receiving a report that an elderly person may be or may  
10 have been abused or exploited, the ombudsman shall conduct a prompt  
11 and thorough investigation pursuant to section 8 of P.L.1977, c.239  
12 (C.52:27G-8). Within 24 hours of receipt of the report, the  
13 ombudsman shall notify the Commissioner of Health and Senior  
14 Services, or the Commissioner of Human Services in the case of a  
15 facility regulated or operated by the Department of Human Services,  
16 and any other governmental agency which regulates or operates the  
17 facility that the report has been received.

18 b. The investigation shall include a visit with the elderly person and  
19 consultation with others who have knowledge of the particular case.  
20 When the investigation is completed, findings and recommended action  
21 shall be prepared in a written report and submitted to the  
22 Commissioner of **[Human]** Health and Senior Services or the  
23 Commissioner of Human Services, as appropriate, and any other  
24 governmental agency which regulates or operates the facility.

25 c. The person who reported the suspected abuse or exploitation  
26 shall be promptly notified that action is being taken.

27 d. If a determination is made that an elderly person may have been  
28 criminally abused or exploited, the ombudsman shall refer such  
29 findings, in writing, to the county prosecutor.

30 e. Notwithstanding the provisions of any other statute or regulation  
31 to the contrary, upon completion of an investigation, the ombudsman  
32 shall furnish a copy of the written report prepared pursuant to  
33 subsection b. of this section to <sup>1</sup>the resident and<sup>1</sup> one of the following  
34 persons <sup>1</sup>by certified and regular mail<sup>1</sup>, in order of priority stated<sup>1</sup> [,  
35 whose name and address is known to the ombudsman, for which  
36 purpose the ombudsman shall make a reasonable effort to obtain this  
37 information, in the absence of actual notice of contrary indications by  
38 the elderly person and any finding that the person who would receive  
39 the report pursuant to this subsection was a party to any abuse or  
40 exploitation of the elderly person by the facility:

**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:

<sup>1</sup> Assembly ASC committee amendments adopted June 1, 2000.

1     (1) The elderly person's spouse;  
2     (2) An adult son or daughter of the elderly person;  
3     (3) An adult brother or sister of the elderly person; or  
4     (4) A guardian of the elderly person at the time of completion of  
5 the investigation.]:

6     (1) Any person authorized to act for the elderly person pursuant  
7 to a properly executed power of attorney;

8     (2) A legal guardian; or

9     (3) An emergency contact person.<sup>1</sup>

10    <sup>1</sup>f. The ombudsman shall make all reasonable effort to obtain the  
11 name and address of the persons indicated above, either from their  
12 own records or information or those of the facility.

13    g. The ombudsman shall have the discretion to withhold notification  
14 to any one or more of the above indicated persons upon evidence that  
15 said person was a party to the abuse or exploitation of the elderly.<sup>1</sup>

16 (cf: P.L.1983, c.43, s.3)

17

18    2. (New section) The ombudsman shall prepare and distribute to  
19 each facility a written consent form which sets forth that in the event  
20 of an elderly abuse investigation, the patient, resident or client of the  
21 facility consents to the release of the investigative report to any person  
22 authorized to act on the resident's behalf in accordance with the  
23 provisions of subsection e. of Section 3 of P.L.1983, c.43 (C.52:27G-  
24 7.2).

25    This written consent form shall be given to every patient, resident  
26 or client upon admission to the facility.

27

28    <sup>1</sup>[2.] 3.<sup>1</sup> This act shall take effect immediately.

SENATE SENIOR CITIZENS, VETERANS' AFFAIRS AND  
HUMAN SERVICES COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 2043**

with committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 14, 2000

The Senate Senior Citizens, Veterans' Affairs and Human Services Committee reports favorably and with committee amendments Assembly Bill No. 2043 (1R).

As amended by the committee, this bill requires the Ombudsman for the Institutionalized Elderly to conduct an investigation upon receipt of any report of abuse or exploitation of an institutionalized elderly person. Within 24 hours of receipt of the report, the ombudsman is required to notify the Commissioner of Health and Senior Services, or the Commissioner of Human Services in the case of a facility regulated or operated by the Department of Human Services, and any other governmental agency which regulates or operates the facility that the report has been received. Upon completion of the investigation, the ombudsman is required to prepare a written report which includes his findings and recommended action and submit that report to the Commissioner of Health and Senior Services or the Commissioner of Human Services, as appropriate, and any other governmental agency which regulates or operates the facility.

The bill also requires the ombudsman to furnish a copy of the written report to the resident and to send a copy, by certified and regular mail, to the legal guardian or other person named on a consent form. The ombudsman is required to make all reasonable effort to obtain the name and address of the person named on the consent form, either from their own records or information or those of the facility and has the discretion to withhold notification upon evidence that a person was a party to the abuse or exploitation of the elderly.

Lastly, the ombudsman is required to prepare and distribute to each facility a written consent form which sets forth that in the event of an elderly abuse investigation, the patient, resident or client of the facility consents to the release of the investigative report to the legal guardian or other person named on the consent form. The ombudsman

shall not be required to disclose the results of any investigation or furnish a copy of the written report to any person other than the resident, legal guardian or named person on the consent form.

This written consent form shall be given to every patient, resident or client upon admission to the facility.

The committee amendments provide that:

- the written report shall be sent to the legal guardian or other person named on the consent form, rather than to an emergency contact person or a person authorized to act pursuant to a power of attorney; and

- the ombudsman shall not be required to disclose the results of any investigation or furnish a copy of the written report to any person other than the resident, legal guardian or named person on the consent form.

[Second Reprint]

**ASSEMBLY, No. 2043**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

INTRODUCED FEBRUARY 10, 2000

**Sponsored by:**

**Assemblyman GEORGE F. GEIST**

**District 4 (Camden and Gloucester)**

**Assemblyman NICHOLAS R. FELICE**

**District 40 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblyman Greenwald, Assemblywoman Gill, Assemblymen LeFevre, Conaway, Conners, Assemblywoman Cruz-Perez, Assemblyman Gusciora, Assemblywoman Previte, Assemblymen Roberts, R.Smith, Senators James, Bryant and Rice**

**SYNOPSIS**

Requires Ombudsman for Institutionalized Elderly to disclose results of investigation of abuse or exploitation of elderly person to family member or guardian of elderly person.

**CURRENT VERSION OF TEXT**

As reported by the Senate Senior Citizens, Veterans' Affairs and Human Services Committee on September 14, 2000, with amendments.

(Sponsorship Updated As Of: 10/24/2000)

1 AN ACT concerning the Ombudsman for the Institutionalized Elderly  
2 and amending P.L.1983, c.43.

3

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

6

7 1. Section 3 of P.L.1983, c.43 (C.52:27G-7.2) is amended to read  
8 as follows:

9 3. a. Upon receiving a report that an elderly person may be or may  
10 have been abused or exploited, the ombudsman shall conduct a prompt  
11 and thorough investigation pursuant to section 8 of P.L.1977, c.239  
12 (C.52:27G-8). Within 24 hours of receipt of the report, the  
13 ombudsman shall notify the Commissioner of Health and Senior  
14 Services, or the Commissioner of Human Services in the case of a  
15 facility regulated or operated by the Department of Human Services,  
16 and any other governmental agency which regulates or operates the  
17 facility that the report has been received.

18 b. The investigation shall include a visit with the elderly person and  
19 consultation with others who have knowledge of the particular case.  
20 When the investigation is completed, findings and recommended action  
21 shall be prepared in a written report and submitted to the  
22 Commissioner of **[Human]** Health and Senior Services or the  
23 Commissioner of Human Services, as appropriate, and any other  
24 governmental agency which regulates or operates the facility.

25 c. The person who reported the suspected abuse or exploitation  
26 shall be promptly notified that action is being taken.

27 d. If a determination is made that an elderly person may have been  
28 criminally abused or exploited, the ombudsman shall refer such  
29 findings, in writing, to the county prosecutor.

30 e. Notwithstanding the provisions of any other statute or regulation  
31 to the contrary, upon completion of an investigation, the ombudsman  
32 shall furnish a copy of the written report prepared pursuant to  
33 subsection b. of this section to <sup>1</sup>the resident and<sup>1</sup> <sup>2</sup>[one of the  
34 following persons <sup>1</sup>by certified and regular mail<sup>1</sup>, in order of priority  
35 stated<sup>1</sup> [, whose name and address is known to the ombudsman, for  
36 which purpose the ombudsman shall make a reasonable effort to obtain  
37 this information, in the absence of actual notice of contrary indications  
38 by the elderly person and any finding that the person who would  
39 receive the report pursuant to this subsection was a party to any abuse  
40 or exploitation of the elderly person by the facility:

41 (1) The elderly person's spouse;

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:

<sup>1</sup> Assembly ASC committee amendments adopted June 1, 2000.

<sup>2</sup> Senate SSV committee amendments adopted September 14, 2000.

1     (2) An adult son or daughter of the elderly person;  
2     (3) An adult brother or sister of the elderly person; or  
3     (4) A guardian of the elderly person at the time of completion of  
4 the investigation.]:

5     (1) Any person authorized to act for the elderly person pursuant  
6 to a properly executed power of attorney;

7     (2) A legal guardian; or

8     (3) An emergency contact person.<sup>1</sup> ] shall send a copy by certified  
9 and regular mail to the legal guardian or other person named on the  
10 consent form pursuant to section 2 of P.L. , c. (C. )(pending  
11 before the Legislature as this bill), as applicable.<sup>2</sup>

12     <sup>1</sup>f. The ombudsman shall make all reasonable effort to obtain the  
13 name and address of the <sup>2</sup>[persons indicated above]person named on  
14 the consent form<sup>2</sup>, either from their own records or information or  
15 those of the facility.

16     g. The ombudsman shall have the discretion to withhold  
17 notification <sup>2</sup>[to any one or more of the above indicated persons]<sup>2</sup>  
18 upon evidence that said person was a party to the abuse or exploitation  
19 of the elderly.<sup>1</sup>

20 (cf: P.L.1983, c.43, s.3)

21

22     <sup>1</sup>2. (New section) The ombudsman shall prepare and distribute to  
23 each facility a written consent form which sets forth that in the event  
24 of an elderly abuse investigation, the patient, resident or client of the  
25 facility consents to the release of the investigative report to <sup>2</sup>[any  
26 person authorized to act on the resident's behalf in accordance with the  
27 provisions of subsection e. of Section 3 of P.L.1983, c.43 (C.52:27G-  
28 7.2)] the legal guardian or other person named on the consent form.  
29 The ombudsman shall not be required to disclose the results of any  
30 investigation or furnish a copy of the written report prepared pursuant  
31 to subsection b. of section 3 of P.L.1983, c.43 (C.52:27G-7.2) to any  
32 person other than the resident, legal guardian or named person on the  
33 consent form<sup>2</sup>.

34     This written consent form shall be given to every patient, resident  
35 or client upon admission to the facility.<sup>1</sup>

36

37     <sup>1</sup>[2.] <sup>3</sup>.<sup>1</sup> This act shall take effect immediately.

# SENATE, No. 959

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED FEBRUARY 10, 2000

**Sponsored by:**

**Senator SHARPE JAMES**

**District 29 (Essex and Union)**

**Senator WAYNE R. BRYANT**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

**Senator Rice**

**SYNOPSIS**

Requires Ombudsman for Institutionalized Elderly to disclose results of investigation of abuse or exploitation of elderly person to family member or guardian of elderly person.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/15/2000)**



1 AN ACT concerning the Ombudsman for the Institutionalized Elderly  
2 and amending P.L.1983, c.43.

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

6  
7 1. Section 3 of P.L.1983, c.43 (C.52:27G-7.2) is amended to read  
8 as follows:

9 3. a. Upon receiving a report that an elderly person may be or may  
10 have been abused or exploited, the ombudsman shall conduct a prompt  
11 and thorough investigation pursuant to section 8 of P.L.1977, c.239  
12 (C.52:27G-8). Within 24 hours of receipt of the report, the  
13 ombudsman shall notify the Commissioner of Health and Senior  
14 Services, or the Commissioner of Human Services in the case of a  
15 facility regulated or operated by the Department of Human Services,  
16 and any other governmental agency which regulates or operates the  
17 facility that the report has been received.

18 b. The investigation shall include a visit with the elderly person and  
19 consultation with others who have knowledge of the particular case.  
20 When the investigation is completed, findings and recommended action  
21 shall be prepared in a written report and submitted to the  
22 Commissioner of **[Human]** Health and Senior Services or the  
23 Commissioner of Human Services, as appropriate, and any other  
24 governmental agency which regulates or operates the facility.

25 c. The person who reported the suspected abuse or exploitation  
26 shall be promptly notified that action is being taken.

27 d. If a determination is made that an elderly person may have been  
28 criminally abused or exploited, the ombudsman shall refer such  
29 findings, in writing, to the county prosecutor.

30 e. Notwithstanding the provisions of any other statute or regulation  
31 to the contrary, upon completion of an investigation, the ombudsman  
32 shall furnish a copy of the written report prepared pursuant to  
33 subsection b. of this section to one of the following persons, in order  
34 of priority stated, whose name and address is known to the  
35 ombudsman, for which purpose the ombudsman shall make a  
36 reasonable effort to obtain this information, in the absence of actual  
37 notice of contrary indications by the elderly person and any finding  
38 that the person who would receive the report pursuant to this  
39 subsection was a party to any abuse or exploitation of the elderly  
40 person by the facility:

41 (1) The elderly person's spouse;

42 (2) An adult son or daughter of the elderly person;

43 (3) An adult brother or sister of the elderly person; or

**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.**



SENATE SENIOR CITIZENS, VETERANS' AFFAIRS AND  
HUMAN SERVICES COMMITTEE

STATEMENT TO

**SENATE, No. 959**

with committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 14, 2000

The Senate Senior Citizens, Veterans' Affairs and Human Services Committee reports favorably and with committee amendments Senate Bill No. 959.

As amended by the committee, this bill requires the Ombudsman for the Institutionalized Elderly to conduct an investigation upon receipt of any report of abuse or exploitation of an institutionalized elderly person. Within 24 hours of receipt of the report, the ombudsman is required to notify the Commissioner of Health and Senior Services, or the Commissioner of Human Services in the case of a facility regulated or operated by the Department of Human Services, and any other governmental agency which regulates or operates the facility that the report has been received. Upon completion of the investigation, the ombudsman is required to prepare a written report which includes his findings and recommended action and submit that report to the Commissioner of Health and Senior Services or the Commissioner of Human Services, as appropriate, and any other governmental agency which regulates or operates the facility.

The bill also requires the ombudsman to furnish a copy of the written report to the resident and to send a copy, by certified and regular mail, to the legal guardian or other person named on a consent form. The ombudsman is required to make all reasonable effort to obtain the name and address of the person named on the consent form, either from their own records or information or those of the facility and has the discretion to withhold notification upon evidence that a person was a party to the abuse or exploitation of the elderly.

Lastly, the ombudsman is required to prepare and distribute to each facility a written consent form which sets forth that in the event of an elderly abuse investigation, the patient, resident or client of the facility consents to the release of the investigative report to the legal guardian or other person named on the consent form. The ombudsman shall not be required to disclose the results of any investigation or furnish a copy of the written report to any person

other than the resident, legal guardian or named person on the consent form.

This written consent form shall be given to every patient, resident or client upon admission to the facility.

The committee amendments provide that the ombudsman shall:

- Ⓒ furnish a copy of the written report to the resident and shall send a copy by certified and regular mail to the legal guardian or other person named on the consent form, rather than to the elderly person's spouse, adult child, sibling or guardian.
- Ⓒ make all reasonable effort to obtain the name and address of the person to be furnished a copy of the report and has the discretion to withhold notification;
- Ⓒ prepare and distribute a written consent form which shall be given to every patient, resident or client upon admission; and
- Ⓒ not be required to disclose the results of any investigation or furnish a copy of the written report to any person other than the resident, legal guardian or named person on the consent form.

As amended, this bill is identical to Assembly Bill No. 2043 (1R)Sca (Geist/Felice) which the committee also reported favorably on this date.

[First Reprint]

**SENATE, No. 959**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED FEBRUARY 10, 2000

**Sponsored by:**

**Senator SHARPE JAMES**

**District 29 (Essex and Union)**

**Senator WAYNE R. BRYANT**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

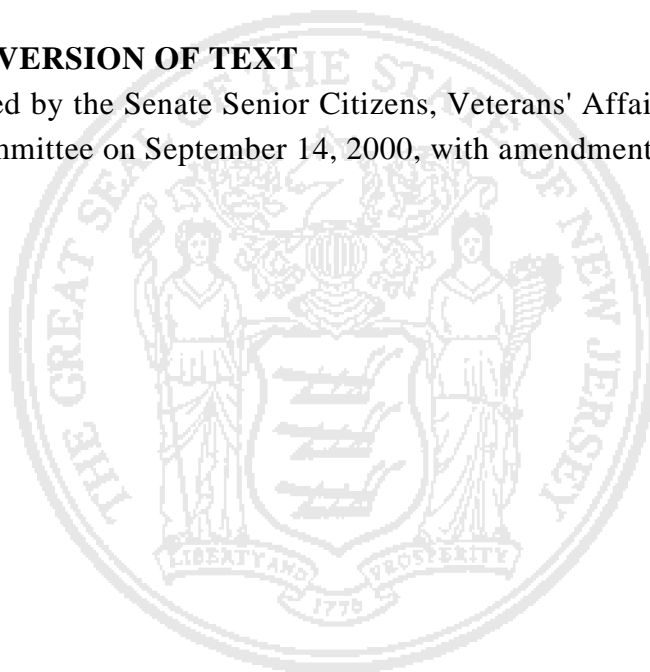
**Senator Rice**

**SYNOPSIS**

Requires Ombudsman for Institutionalized Elderly to disclose results of investigation of abuse or exploitation of elderly person to family member or guardian of elderly person.

**CURRENT VERSION OF TEXT**

As reported by the Senate Senior Citizens, Veterans' Affairs and Human Services Committee on September 14, 2000, with amendments.



**(Sponsorship Updated As Of: 9/15/2000)**

1 AN ACT concerning the Ombudsman for the Institutionalized Elderly  
2 and amending P.L.1983, c.43.

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

6  
7 1. Section 3 of P.L. 1983, c.43 (C.52:27G-7.2) is amended to read  
8 as follows:

9 3. a. Upon receiving a report that an elderly person may be or may  
10 have been abused or exploited, the ombudsman shall conduct a prompt  
11 and thorough investigation pursuant to section 8 of P.L.1977, c.239  
12 (C.52:27G-8). Within 24 hours of receipt of the report, the  
13 ombudsman shall notify the Commissioner of Health and Senior  
14 Services, or the Commissioner of Human Services in the case of a  
15 facility regulated or operated by the Department of Human Services,  
16 and any other governmental agency which regulates or operates the  
17 facility that the report has been received.

18 b. The investigation shall include a visit with the elderly person and  
19 consultation with others who have knowledge of the particular case.  
20 When the investigation is completed, findings and recommended action  
21 shall be prepared in a written report and submitted to the  
22 Commissioner of **[Human]** Health and Senior Services or the  
23 Commissioner of Human Services, as appropriate, and any other  
24 governmental agency which regulates or operates the facility.

25 c. The person who reported the suspected abuse or exploitation  
26 shall be promptly notified that action is being taken.

27 d. If a determination is made that an elderly person may have been  
28 criminally abused or exploited, the ombudsman shall refer such  
29 findings, in writing, to the county prosecutor.

30 e. Notwithstanding the provisions of any other statute or regulation  
31 to the contrary, upon completion of an investigation, the ombudsman  
32 shall furnish a copy of the written report prepared pursuant to  
33 subsection b. of this section to <sup>1</sup>[one of the following persons, in  
34 order of priority stated, whose name and address is known to the  
35 ombudsman, for which purpose the ombudsman shall make a  
36 reasonable effort to obtain this information, in the absence of actual  
37 notice of contrary indications by the elderly person and any finding  
38 that the person who would receive the report pursuant to this  
39 subsection was a party to any abuse or exploitation of the elderly  
40 person by the facility:

41 (1) The elderly person's spouse;

**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:

<sup>1</sup> Senate SSV committee amendments adopted September 14, 2000.

1     (2) An adult son or daughter of the elderly person;  
2     (3) An adult brother or sister of the elderly person; or  
3     (4) A guardian of the elderly person at the time of completion of  
4 the investigation] the resident and shall send a copy by certified and  
5 regular mail to the legal guardian or other person named on the  
6 consent form pursuant to section 2 of P.L. , c. (C. )(pending  
7 before the Legislature as this bill), as applicable<sup>1</sup> .

8     <sup>1</sup>f. The ombudsman shall make all reasonable effort to obtain the  
9 name and address of the person named on the consent form, either  
10 from their own records or information or those of the facility.

11     g. The ombudsman shall have the discretion to withhold notification  
12 upon evidence that said person was a party to the abuse or exploitation  
13 of the elderly.<sup>1</sup>

14 (cf: P.L.1983, c.43, s.3)

15  
16     <sup>1</sup>2. (New section) The ombudsman shall prepare and distribute to  
17 each facility a written consent form which sets forth that in the event  
18 of an elderly abuse investigation, the patient, resident or client of the  
19 facility consents to the release of the investigative report to the legal  
20 guardian or other person named on the consent form. The ombudsman  
21 shall not be required to disclose the results of any investigation or  
22 furnish a copy of the written report prepared pursuant to subsection  
23 b. of section 3 of P.L. 1983, c.43 (C.52:27G-7.2) to any person other  
24 than the resident, legal guardian or named person on the consent form.

25     This written consent form shall be given to every patient, resident  
26 or client upon admission to the facility.<sup>1</sup>

27

28     <sup>1</sup>[2.] 3.<sup>1</sup> This act shall take effect immediately.

P.L. 2001, CHAPTER 7, *approved January 24, 2001*  
Assembly, No. 2043 (*Second Reprint*)

1 **AN ACT** concerning the Ombudsman for the Institutionalized Elderly  
2 and amending P.L.1983, c.43.

3

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

6

7 1. Section 3 of P.L.1983, c.43 (C.52:27G-7.2) is amended to read  
8 as follows:

9 3. a. Upon receiving a report that an elderly person may be or may  
10 have been abused or exploited, the ombudsman shall conduct a prompt  
11 and thorough investigation pursuant to section 8 of P.L.1977, c.239  
12 (C.52:27G-8). Within 24 hours of receipt of the report, the  
13 ombudsman shall notify the Commissioner of Health and Senior  
14 Services, or the Commissioner of Human Services in the case of a  
15 facility regulated or operated by the Department of Human Services,  
16 and any other governmental agency which regulates or operates the  
17 facility that the report has been received.

18 b. The investigation shall include a visit with the elderly person and  
19 consultation with others who have knowledge of the particular case.  
20 When the investigation is completed, findings and recommended action  
21 shall be prepared in a written report and submitted to the  
22 Commissioner of **[Human]** Health and Senior Services or the  
23 Commissioner of Human Services, as appropriate, and any other  
24 governmental agency which regulates or operates the facility.

25 c. The person who reported the suspected abuse or exploitation  
26 shall be promptly notified that action is being taken.

27 d. If a determination is made that an elderly person may have been  
28 criminally abused or exploited, the ombudsman shall refer such  
29 findings, in writing, to the county prosecutor.

30 e. Notwithstanding the provisions of any other statute or regulation  
31 to the contrary, upon completion of an investigation, the ombudsman  
32 shall furnish a copy of the written report prepared pursuant to  
33 subsection b. of this section to <sup>1</sup>the resident and<sup>1 2</sup>[one of the  
34 following persons <sup>1</sup>by certified and regular mail<sup>1</sup>, in order of priority  
35 stated<sup>1</sup> [, whose name and address is known to the ombudsman, for  
36 which purpose the ombudsman shall make a reasonable effort to obtain  
37 this information, in the absence of actual notice of contrary indications  
38 by the elderly person and any finding that the person who would  
39 receive the report pursuant to this subsection was a party to any abuse

**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:**

<sup>1</sup> Assembly ASC committee amendments adopted June 1, 2000.

<sup>2</sup> Senate SSV committee amendments adopted September 14, 2000.



1 or exploitation of the elderly person by the facility:

2 (1) The elderly person's spouse;

3 (2) An adult son or daughter of the elderly person;

4 (3) An adult brother or sister of the elderly person; or

5 (4) A guardian of the elderly person at the time of completion of  
6 the investigation.]:

7 (1) Any person authorized to act for the elderly person pursuant  
8 to a properly executed power of attorney;

9 (2) A legal guardian; or

10 (3) An emergency contact person.<sup>1</sup> ] shall send a copy by certified  
11 and regular mail to the legal guardian or other person named on the  
12 consent form pursuant to section 2 of P.L. , c. (C. )(pending  
13 before the Legislature as this bill), as applicable.<sup>2</sup>

14 <sup>1</sup>f. The ombudsman shall make all reasonable effort to obtain the  
15 name and address of the <sup>2</sup>[persons indicated above]person named on  
16 the consent form<sup>2</sup>, either from their own records or information or  
17 those of the facility.

18 g. The ombudsman shall have the discretion to withhold  
19 notification <sup>2</sup>[to any one or more of the above indicated persons]<sup>2</sup>  
20 upon evidence that said person was a party to the abuse or exploitation  
21 of the elderly.<sup>1</sup>

22 (cf: P.L.1983, c.43, s.3)

23  
24 <sup>1</sup>2. (New section) The ombudsman shall prepare and distribute to  
25 each facility a written consent form which sets forth that in the event  
26 of an elderly abuse investigation, the patient, resident or client of the  
27 facility consents to the release of the investigative report to <sup>2</sup>[any  
28 person authorized to act on the resident's behalf in accordance with the  
29 provisions of subsection e. of Section 3 of P.L.1983, c.43 (C.52:27G-  
30 7.2)] the legal guardian or other person named on the consent form.  
31 The ombudsman shall not be required to disclose the results of any  
32 investigation or furnish a copy of the written report prepared pursuant  
33 to subsection b. of section 3 of P.L.1983, c.43 (C.52:27G-7.2) to any  
34 person other than the resident, legal guardian or named person on the  
35 consent form<sup>2</sup>.

36 This written consent form shall be given to every patient, resident  
37 or client upon admission to the facility.<sup>1</sup>

38  
39 <sup>1</sup>[2.] <sup>3</sup>.<sup>1</sup> This act shall take effect immediately.

40  
41  
42  
43  
44 Requires Ombudsman for Institutionalized Elderly to disclose results  
45 of investigation of abuse or exploitation of elderly person to family  
46 member or guardian of elderly person.

## CHAPTER 7

AN ACT concerning the Ombudsman for the Institutionalized Elderly and amending P.L.1983, c.43.

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

1. Section 3 of P.L.1983, c.43 (C.52:27G-7.2) is amended to read as follows:

C.52:27G-7.2 Investigation by ombudsman.

3. a. Upon receiving a report that an elderly person may be or may have been abused or exploited, the ombudsman shall conduct a prompt and thorough investigation pursuant to section 8 of P.L.1977, c.239 (C.52:27G-8). Within 24 hours of receipt of the report, the ombudsman shall notify the Commissioner of Health and Senior Services, or the Commissioner of Human Services in the case of a facility regulated or operated by the Department of Human Services, and any other governmental agency which regulates or operates the facility that the report has been received.

b. The investigation shall include a visit with the elderly person and consultation with others who have knowledge of the particular case. When the investigation is completed, findings and recommended action shall be prepared in a written report and submitted to the Commissioner of Health and Senior Services or the Commissioner of Human Services, as appropriate, and any other governmental agency which regulates or operates the facility.

c. The person who reported the suspected abuse or exploitation shall be promptly notified that action is being taken.

d. If a determination is made that an elderly person may have been criminally abused or exploited, the ombudsman shall refer such findings, in writing, to the county prosecutor.

e. Notwithstanding the provisions of any other statute or regulation to the contrary, upon completion of an investigation, the ombudsman shall furnish a copy of the written report prepared pursuant to subsection b. of this section to the resident and shall send a copy by certified and regular mail to the legal guardian or other person named on the consent form pursuant to section 2 of P.L.2001, c.7 (C.52:27G-7.3), as applicable.

f. The ombudsman shall make all reasonable effort to obtain the name and address of the person named on the consent form, either from their own records or information or those of the facility.

g. The ombudsman shall have the discretion to withhold notification upon evidence that said person was a party to the abuse or exploitation of the elderly.

C.52:27G-7.3 Preparation, distribution of consent form for release of reports.

2. The ombudsman shall prepare and distribute to each facility a written consent form which sets forth that in the event of an elderly abuse investigation, the patient, resident or client of the facility consents to the release of the investigative report to the legal guardian or other person named on the consent form. The ombudsman shall not be required to disclose the results of any investigation or furnish a copy of the written report prepared pursuant to subsection b. of section 3 of P.L.1983, c.43 (C.52:27G-7.2) to any person other than the resident, legal guardian or named person on the consent form.

This written consent form shall be given to every patient, resident or client upon admission to the facility.

3. This act shall take effect immediately.

Approved January 24, 2001.

PO BOX 004  
TRENTON, NJ 08625

*Office of the Governor*  
**NEWS RELEASE**

CONTACT: Jayne O'Connor  
Laura Otterbourg  
609-777-2600

RELEASE: January 24, 2001

**Governor Whitman today signed the following legislation:**

**A-2043**, sponsored by Assembly Members Geist (R-Camden/Gloucester) and Felice (R-Bergen/Passaic) and Senators James (D-Essex/Union) and Bryant (D-Camden/Gloucester), requires the Ombudsman for Institutionalized Elderly to disclose results of investigation of abuse or exploitation of an elderly person to a family member or his or her guardian.

**A-2524**, sponsored by Assembly Members Bodine (R-Atlantic/Burlington/Camden) and Chatzidakis (R-Atlantic/Burlington/Camden) and Senator Bark (R-Atlantic/Burlington/Camden), appropriates \$95,000 for Oak Tree Disease Survey.