

26: 2H-14.1 et seq

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26: 2H-14.1 et seq

(Nursing homes--
emergency heat)

LAWS OF: 1984

CHAPTER: 114

Bill No: A1631

Sponsor(s): Deverin and Long

Date Introduced: March 20, 1984

Committee: Assembly: Corrections, Health and Human Services

Senate: Institutions, Health and Welfare

Amended during passage: Yes

Amendments during passage denoted
by asterisks

Date of Passage:

Assembly: May 14, 1984

Senate: June 25, 1984

Date of Approval: August 3, 1984

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

NOT RECORDED IN LIBRARY

8-3-84

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1631**STATE OF NEW JERSEY**

INTRODUCED MARCH 20, 1984

By Assemblymen DEVERIN and LONG

AN ACT concerning heat emergency conditions in certain health care facilities.

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

1 1. As used in this act:

2 a. "Department" means the State Department of Health.

3 b. "Heat emergency" means an indoor air temperature of 85
4 degrees Fahrenheit or higher for a continuous period of four
5 hours or longer.

1 2. a. Every nursing home as defined in section 2 of P. L. 1976,
2 c. 120 (C. 30:13-2) or licensed pursuant to P. L. 1971, c. 136 (C.
3 26:2H-1 et seq.), and every residential health care facility as
4 defined in section 1 of P. L. 1953, c. 212 (C. 30:11A-1) or licensed
5 pursuant to P. L. 1971, c. 136 (C. 26:2H-1 et seq.) shall establish
6 by written policy a heat emergency action plan which shall include
7 those procedures to be followed in the event of a heat emergency
8 in order to protect the health and welfare of its residents, and which
9 shall be approved by the department. The department shall review
10 a heat emergency action plan established pursuant to this act at
11 least once in each year.

12 b. A health care facility included within the provisions of this
13 act shall be required to notify the department immediately in the
14 event of a heat emergency.

1 3. The Commissioner of Health shall, pursuant to the provisions
2 of the "Administrative Procedure Act," P. L. 1968, c. 410 (C.
3 52:14B-1 et seq.) adopt rules and regulations necessary to effectu-

**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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted June 18, 1984.**

4 ate the purposes of this act***[, including those]*** *. *The regulations*
5 *shall include provisions which are: a.** intended to assure that
6 each health care facility included within the provisions of this
7 act and which is not equipped with air conditioning shall provide
8 for adequate ventilation in all areas used by patients, including
9 the use of ceiling fans ***[and]*** *,* wall fans ***[were appropriate]***
10 **or portable fans, where appropriate, but the health care facility*
11 *shall not directly assess patients or residents for the purchase or*
12 *installation of the fans; and b. intended to assure that patients or*
13 *residents are provided the appropriate medical care including the*
14 *provision of liquids, where required, in a heat emergency*.*

1 4. This act shall take effect immediately.

4 ate the purposes of this act, including those intended to assure
 5 that each health care facility included within the provisions of this
 6 act and which is not equipped with air conditioning shall provide
 7 for adequate ventilation in all areas used by patients, including
 8 the use of ceiling fans and wall fans were appropriate.

1 4. This act shall take effect immediately.

STATEMENT

This bill requires nursing homes and residential health care facilities (RHCFs) in New Jersey to establish written plans for dealing with heat emergency conditions during the summer months which shall be approved by the Department of Health. A heat emergency condition is defined as a situation in which a facility's indoor temperature is at least 85 degrees Fahrenheit for a continuous period of at least four hours, a standard that is used in other states.

Currently, the Department of Health requires that certain minimum temperatures be maintained in nursing homes, in addition to mandating that these facilities have written plans of action for medical emergencies, equipment breakdowns, and fires or other disasters. The department has not, however, recognized a sustained high inside air temperature as an emergency in its rules and regulations.

This bill is related to a series of incidents during the summer of 1983 in which the Ombudsman for the Institutionalized Elderly, responding to the complaints from residents, found conditions of excessively high temperatures in several nursing homes, including one facility in which seven patients were hospitalized because of prolonged exposure to excessive heat. This problem was encountered in other states during the past summer; for example, four residents of a Chicago nursing home died as a result of prolonged heat exposure.

This bill would require that a nursing home or RHCF immediately notify the Department of Health in the event of a heat emergency and that the department annually review a heat emergency plan. The bill is also intended to assure that a nursing home or RHCF not equipped with air conditioning provide adequate ventilation in all patient areas within the facility, including the use of ceiling fans and wall fans.

A1631 (1984)

ASSEMBLY CORRECTIONS, HEALTH AND
HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1631

STATE OF NEW JERSEY

DATED: APRIL 26, 1984

This bill would require nursing homes and residential health care facilities (RHCFs) in New Jersey to establish written plans for dealing with heat emergency conditions during the summer months which shall be approved by the Department of Health. The bill defines a heat emergency condition as a situation in which a facility's indoor temperature is at least 85 degrees Fahrenheit for a continuous period of at least four hours, a standard that is used in other states.

The Department of Health currently requires that certain minimum temperatures be maintained in nursing homes, in addition to mandating that these facilities have written plans of action for medical emergencies, equipment breakdowns, and fires or other disasters. The department has not, however, recognized a sustained high inside air temperature as an emergency in its rules and regulations.

This bill further requires that a nursing home or RHCF immediately notify the Department of Health in the event of a heat emergency and that the department annually review a heat emergency plan. The bill is also intended to assure that a nursing home or RHCF not equipped with air conditioning provide adequate ventilation in all patient areas within the facility, including the use of ceiling fans and wall fans.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1631

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 18, 1984

As amended by committee, this bill requires every nursing home and residential health care facility to establish a written "heat emergency action plan" which includes the procedures the facility will take to protect the health and welfare of the facility's residents in the event of a heat emergency. A "heat emergency" is defined as occurring when the indoor air temperature is 85° Fahrenheit or higher for a continuous period of four hours or longer.

The bill requires that the Department of Health review the facility's action plan at least once a year and that the facility notify the department immediately if a heat emergency occurs.

The committee amended the bill at the request of the sponsor and the Department of Health to provide the portable fans in addition to wall and ceiling fans may be used to provide for adequate ventilation in the facility and that patients shall not be directly assessed for the cost of the fans. The amendments also provide that the Department of Health's regulations assure that patients or residents of the facility are provided adequate medical care, including the provision of liquids, during a heat emergency.