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LAW/RWH

**ASSEMBLY, No. 853**

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**STATE OF NEW JERSEY**

**213th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

**Assemblyman NELSON T. ALBANO**  
**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblywoman CONNIE WAGNER**  
**District 38 (Bergen)**

**Assemblywoman SANDRA LOVE**  
**District 4 (Camden and Gloucester)**

**Assemblywoman ELEASE EVANS**  
**District 35 (Bergen and Passaic)**

**Assemblywoman LINDA R. GREENSTEIN**  
**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

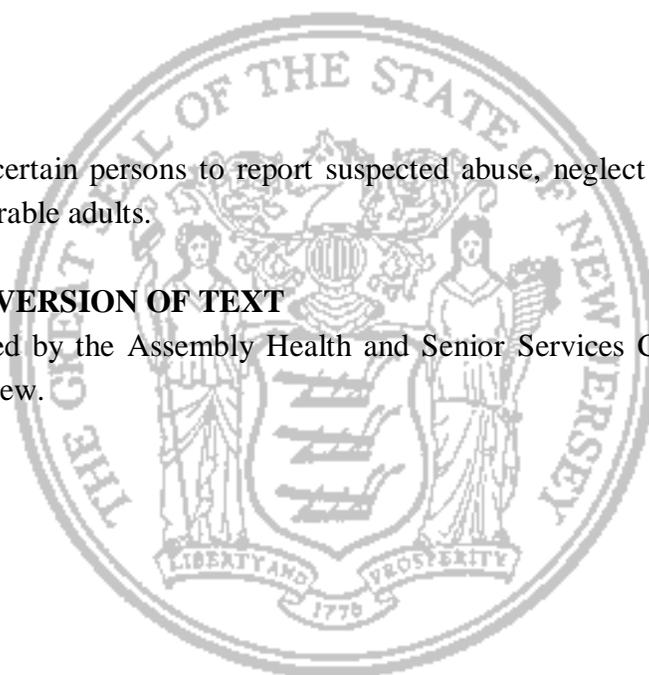
**Assemblywomen Vainieri Huttler, Rodriguez, Assemblymen Ramos, Diegnan, Senators Gordon, Weinberg, Madden, Stack and Baroni**

**SYNOPSIS**

Requires certain persons to report suspected abuse, neglect or exploitation against vulnerable adults.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Health and Senior Services Committee with technical review.



**(Sponsorship Updated As Of: 1/8/2010)**

1 AN ACT concerning the abuse, neglect and exploitation of  
2 vulnerable adults and amending P.L.1993, c.249.

3

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

6

7 1. Section 2 of P.L.1993, c.249 (C.52:27D-407) is amended to  
8 read as follows:

9 2. As used in this act:

10 "Abuse" means the willful infliction of physical pain, injury or  
11 mental anguish, unreasonable confinement, or the willful  
12 deprivation of services which are necessary to maintain a person's  
13 physical and mental health.

14 "Caretaker" means a person who has assumed the responsibility  
15 for the care of a vulnerable adult as a result of family relationship or  
16 who has assumed responsibility for the care of a vulnerable adult  
17 voluntarily, by contract, or by order of a court of competent  
18 jurisdiction, whether or not they reside together.

19 "Commissioner" means the Commissioner of **[Community**  
20 **Affairs]** Health and Senior Services.

21 "Community setting" means a private residence or any  
22 noninstitutional setting in which a person may reside alone or with  
23 others, but shall not include residential health care facilities,  
24 rooming houses or boarding homes or any other facility or living  
25 arrangement subject to licensure by, operated by, or under contract  
26 with, a State department or agency.

27 "County adult protective services provider" means a county  
28 Board of Social Services or other public or nonprofit agency with  
29 experience as a New Jersey provider of protective services for  
30 adults, designated by the county and approved by the commissioner.  
31 The county adult protective services provider receives reports made  
32 pursuant to this act, maintains pertinent records and provides,  
33 arranges, or recommends protective services.

34 "County director" means the director of a county adult protective  
35 services provider.

36 "Department" means the Department of **[Community Affairs]**  
37 Health and Senior Services.

38 "Emergency medical technician" means a person trained in basic  
39 life support services as defined in section 1 of P.L.1985, c.351  
40 (C.26:2K-21) and who is certified by the Department of Health and  
41 Senior Services to provide that level of care.

42 "Exploitation" means the act or process of illegally or improperly  
43 using a person or his resources for another person's profit or  
44 advantage.

**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       "Firefighter" means a paid or volunteer firefighter.  
2       "Health care professional" means a health care professional who  
3 is licensed or otherwise authorized, pursuant to Title 45 or Title 52  
4 of the Revised Statutes, to practice a health care profession that is  
5 regulated by one of the following boards or by the Director of the  
6 Division of Consumer Affairs: the State Board of Medical  
7 Examiners, the New Jersey Board of Nursing, the New Jersey State  
8 Board of Dentistry, the New Jersey State Board of Optometrists, the  
9 New Jersey State Board of Pharmacy, the State Board of  
10 Chiropractic Examiners, the Acupuncture Examining Board, the  
11 State Board of Physical Therapy, the State Board of Respiratory  
12 Care, the Orthotics and Prosthetics Board of Examiners, the State  
13 Board of Psychological Examiners, the State Board of Social Work  
14 Examiners, the State Board of Examiners of Ophthalmic Dispensers  
15 and Ophthalmic Technicians, the Audiology and Speech-Language  
16 Pathology Advisory Committee, the State Board of Marriage and  
17 Family Therapy Examiners, the Occupational Therapy Advisory  
18 Council, the Certified Psychoanalysts Advisory Committee, and the  
19 State Board of Polysomnography. "Health care professional" also  
20 means a nurse aide or personal care assistant who is certified by the  
21 Department of Health and Senior Services.

22       "Neglect" means an act or failure to act by a vulnerable adult or  
23 his caretaker which results in the inadequate provision of care or  
24 services necessary to maintain the physical and mental health of the  
25 vulnerable adult, and which places the vulnerable adult in a  
26 situation which can result in serious injury or which is life-  
27 threatening.

28       "Protective services" means voluntary or court-ordered social,  
29 legal, financial, medical or psychiatric services necessary to  
30 safeguard a vulnerable adult's rights and resources, and to protect a  
31 vulnerable adult from abuse, neglect or exploitation. Protective  
32 services include, but are not limited to: evaluating the need for  
33 services, providing or arranging for appropriate services, obtaining  
34 financial benefits to which a person is entitled, and arranging for  
35 guardianship and other legal actions.

36       "Vulnerable adult" means a person 18 years of age or older who  
37 resides in a community setting and who, because of a physical or  
38 mental illness, disability or deficiency, lacks sufficient  
39 understanding or capacity to make, communicate, or carry out  
40 decisions concerning his well-being and is the subject of abuse,  
41 neglect or exploitation. A person shall not be deemed to be the  
42 subject of abuse, neglect or exploitation or in need of protective  
43 services for the sole reason that the person is being furnished  
44 nonmedical remedial treatment by spiritual means through prayer  
45 alone or in accordance with a recognized religious method of  
46 healing in lieu of medical treatment, and in accordance with the  
47 tenets and practices of the person's established religious tradition.  
48 (cf: P.L.1993, c.249, s.2)

1       2. Section 4 of P.L.1993, c.249 (C.52:27D-409) is amended to  
2 read as follows:

3       4. a. (1) A health care professional, law enforcement officer,  
4 firefighter, paramedic or emergency medical technician who has  
5 reasonable cause to believe that a vulnerable adult is the subject of  
6 abuse, neglect or exploitation shall report the information to the  
7 county adult protective services provider.

8       (2) Any other person who has reasonable cause to believe that a  
9 vulnerable adult is the subject of abuse, neglect or exploitation may  
10 report the information to the county adult protective services  
11 provider.

12       b. The report, if possible, shall contain the name and address of  
13 the vulnerable adult; the name and address of the caretaker, if any;  
14 the nature and possible extent of the vulnerable adult's injury or  
15 condition as a result of abuse, neglect or exploitation; and any other  
16 information that the person reporting believes may be helpful.

17       c. A person who reports information pursuant to this act, or  
18 provides information concerning the abuse of a vulnerable adult to  
19 the county adult protective services provider, or testifies at a grand  
20 jury, judicial or administrative proceeding resulting from the report,  
21 is immune from civil and criminal liability arising from the report,  
22 information, or testimony, unless the person acts in bad faith or  
23 with malicious purpose.

24       d. An employer or any other person shall not take any  
25 discriminatory or retaliatory action against an individual who  
26 reports abuse, neglect or exploitation pursuant to this act. An  
27 employer or any other person shall not discharge, demote or reduce  
28 the salary of an employee because the employee reported  
29 information in good faith pursuant to this act. A person who  
30 violates this subsection is liable for a fine of up to \$1,000.

31       e. A county adult protective services provider and its employees  
32 are immune from criminal and civil liability when acting in the  
33 performance of their official duties, unless their conduct is outside  
34 the scope of their employment, or constitutes a crime, actual fraud,  
35 actual malice, or willful misconduct.

36 (cf: P.L.1993, c.249, s.4)

37

38       3. This act shall take effect on the 90th day following  
39 enactment.

**ASSEMBLY, No. 853**

---

**STATE OF NEW JERSEY**

**213th LEGISLATURE**

---

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

**Assemblyman NELSON T. ALBANO**  
**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblywoman CONNIE WAGNER**  
**District 38 (Bergen)**

**Assemblywoman SANDRA LOVE**  
**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

**Assemblywoman Vainieri Huttie**

**SYNOPSIS**

Requires certain persons to report suspected abuse, neglect or exploitation against vulnerable adults.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 12/9/2008)**

1 AN ACT concerning the abuse, neglect and exploitation of  
2 vulnerable adults and amending P.L.1993, c.249.

3

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

6

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8 read as follows:

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11 mental anguish, unreasonable confinement, or the willful  
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13 physical and mental health.

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15 for the care of a vulnerable adult as a result of family relationship or  
16 who has assumed responsibility for the care of a vulnerable adult  
17 voluntarily, by contract, or by order of a court of competent  
18 jurisdiction, whether or not they reside together.

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20 **Affairs]** Health and Senior Services.

21 "Community setting" means a private residence or any  
22 noninstitutional setting in which a person may reside alone or with  
23 others, but shall not include residential health care facilities,  
24 rooming houses or boarding homes or any other facility or living  
25 arrangement subject to licensure by, operated by, or under contract  
26 with, a State department or agency.

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28 Board of Social Services or other public or nonprofit agency with  
29 experience as a New Jersey provider of protective services for  
30 adults, designated by the county and approved by the commissioner.  
31 The county adult protective services provider receives reports made  
32 pursuant to this act, maintains pertinent records and provides,  
33 arranges, or recommends protective services.

34 "County director" means the director of a county adult protective  
35 services provider.

36 "Department" means the Department of **[Community Affairs]**  
37 Health and Senior Services.

38 "Emergency medical technician" means a person trained in basic  
39 life support services as defined in section 1 of P.L.1985, c.351  
40 (C.26:2K-21) and who is certified by the Department of Health and  
41 Senior Services to provide that level of care.

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43 using a person or his resources for another person's profit or  
44 advantage.

**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       "Firefighter" means a paid or volunteer firefighter.  
2       "Health care professional" means a health care professional who  
3 is licensed or otherwise authorized, pursuant to Title 45 or Title 52  
4 of the Revised Statutes, to practice a health care profession that is  
5 regulated by one of the following boards or by the Director of the  
6 Division of Consumer Affairs: the State Board of Medical  
7 Examiners, the New Jersey Board of Nursing, the New Jersey State  
8 Board of Dentistry, the New Jersey State Board of Optometrists, the  
9 New Jersey State Board of Pharmacy, the State Board of  
10 Chiropractic Examiners, the Acupuncture Examining Board, the  
11 State Board of Physical Therapy, the State Board of Respiratory  
12 Care, the Orthotics and Prosthetics Board of Examiners, the State  
13 Board of Psychological Examiners, the State Board of Social Work  
14 Examiners, the State Board of Examiners of Ophthalmic Dispensers  
15 and Ophthalmic Technicians, the Audiology and Speech-Language  
16 Pathology Advisory Committee, the State Board of Marriage and  
17 Family Therapy Examiners, the Occupational Therapy Advisory  
18 Council and the Certified Psychoanalysts Advisory Committee.  
19 "Health care professional" also means a nurse aide or personal care  
20 assistant who is certified by the Department of Health and Senior  
21 Services.  
22       "Neglect" means an act or failure to act by a vulnerable adult or  
23 his caretaker which results in the inadequate provision of care or  
24 services necessary to maintain the physical and mental health of the  
25 vulnerable adult, and which places the vulnerable adult in a  
26 situation which can result in serious injury or which is life-  
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29 legal, financial, medical or psychiatric services necessary to  
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31 vulnerable adult from abuse, neglect or exploitation. Protective  
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34 financial benefits to which a person is entitled, and arranging for  
35 guardianship and other legal actions.  
36       "Vulnerable adult" means a person 18 years of age or older who  
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38 mental illness, disability or deficiency, lacks sufficient  
39 understanding or capacity to make, communicate, or carry out  
40 decisions concerning his well-being and is the subject of abuse,  
41 neglect or exploitation. A person shall not be deemed to be the  
42 subject of abuse, neglect or exploitation or in need of protective  
43 services for the sole reason that the person is being furnished  
44 nonmedical remedial treatment by spiritual means through prayer  
45 alone or in accordance with a recognized religious method of  
46 healing in lieu of medical treatment, and in accordance with the  
47 tenets and practices of the person's established religious tradition.  
48 (cf: P.L.1993, c.249, s.2)

1       2. Section 4 of P.L.1993, c.249 (C.52:27D-409) is amended to  
2 read as follows:

3       4. a. (1) A health care professional, law enforcement officer,  
4 firefighter, paramedic or emergency medical technician who has  
5 reasonable cause to believe that a vulnerable adult is the subject of  
6 abuse, neglect or exploitation shall report the information to the  
7 county adult protective services provider.

8       (2) Any other person who has reasonable cause to believe that a  
9 vulnerable adult is the subject of abuse, neglect or exploitation may  
10 report the information to the county adult protective services  
11 provider.

12       b. The report, if possible, shall contain the name and address of  
13 the vulnerable adult; the name and address of the caretaker, if any;  
14 the nature and possible extent of the vulnerable adult's injury or  
15 condition as a result of abuse, neglect or exploitation; and any other  
16 information that the person reporting believes may be helpful.

17       c. A person who reports information pursuant to this act, or  
18 provides information concerning the abuse of a vulnerable adult to  
19 the county adult protective services provider, or testifies at a grand  
20 jury, judicial or administrative proceeding resulting from the report,  
21 is immune from civil and criminal liability arising from the report,  
22 information, or testimony, unless the person acts in bad faith or  
23 with malicious purpose.

24       d. An employer or any other person shall not take any  
25 discriminatory or retaliatory action against an individual who  
26 reports abuse, neglect or exploitation pursuant to this act. An  
27 employer or any other person shall not discharge, demote or reduce  
28 the salary of an employee because the employee reported  
29 information in good faith pursuant to this act. A person who  
30 violates this subsection is liable for a fine of up to \$1,000.

31       e. A county adult protective services provider and its employees  
32 are immune from criminal and civil liability when acting in the  
33 performance of their official duties, unless their conduct is outside  
34 the scope of their employment, or constitutes a crime, actual fraud,  
35 actual malice, or willful misconduct.

36 (cf: P.L.1993, c.249, s.4)

37

38       3. This act shall take effect on the 90th day following  
39 enactment.

40

41

42

STATEMENT

43

44       This bill amends N.J.S.A.52:27D-409 to require the reporting of  
45 suspected abuse, neglect or exploitation of a vulnerable adult by a  
46 health care professional, law enforcement officer, firefighter,  
47 paramedic or emergency medical technician who has reasonable  
48 cause to believe that a vulnerable adult is the subject of abuse,

**A853 ALBANO, WAGNER**

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1 neglect or exploitation. The report would be made to the county  
2 adult protective services provider.

3 Under current law, there is no mandate for certain persons to  
4 report suspected abuse, neglect or exploitation of a vulnerable adult;  
5 reporting by any person is permissive.

# ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 853

# STATE OF NEW JERSEY

DATED: JUNE 4, 2009

The Assembly Health and Senior Services Committee reports favorably Assembly Bill No. 853.

This bill amends section 4 of P.L.1993, c.249 (C.52:27D-409) to require the reporting of suspected abuse, neglect or exploitation of a vulnerable adult by a health care professional, law enforcement officer, firefighter, paramedic or emergency medical technician who has reasonable cause to believe that a vulnerable adult is the subject of abuse, neglect or exploitation. Health care professionals subject to this requirement would include those employed at health care facilities, correctional facilities, developmental centers, and congregate living facilities. The report would be made to the county adult protective services provider.

Under current law, there is no mandate for certain persons to report suspected abuse, neglect or exploitation of a vulnerable adult; reporting by any person is permissive.

This bill is identical to Senate Bill No. 1799 (Gordon/Weinberg), which is currently pending in the Senate Health, Human Services and Senior Citizens Committee.

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.

# SENATE, No. 1799

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MAY 8, 2008

**Sponsored by:**

**Senator ROBERT M. GORDON**

**District 38 (Bergen)**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Co-Sponsored by:**

**Senators Madden, Stack and Baroni**

**SYNOPSIS**

Requires certain persons to report suspected abuse, neglect or exploitation against vulnerable adults.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/24/2009)**

1 AN ACT concerning the abuse, neglect and exploitation of  
2 vulnerable adults and amending P.L.1993, c.249.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
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16 who has assumed responsibility for the care of a vulnerable adult  
17 voluntarily, by contract, or by order of a court of competent  
18 jurisdiction, whether or not they reside together.

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20 **Affairs]** Health and Senior Services.

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28 Board of Social Services or other public or nonprofit agency with  
29 experience as a New Jersey provider of protective services for  
30 adults, designated by the county and approved by the commissioner.  
31 The county adult protective services provider receives reports made  
32 pursuant to this act, maintains pertinent records and provides,  
33 arranges, or recommends protective services.

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45 "Firefighter" means a paid or volunteer firefighter.

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9 Chiropractic Examiners, the Acupuncture Examining Board, the  
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11 Care, the Orthotics and Prosthetics Board of Examiners, the State  
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20 Services.

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37 mental illness, disability or deficiency, lacks sufficient  
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43 nonmedical remedial treatment by spiritual means through prayer  
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46 tenets and practices of the person's established religious tradition.  
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1       2. Section 4 of P.L.1993, c.249 (C.52:27D-409) is amended to  
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5 reasonable cause to believe that a vulnerable adult is the subject of  
6 abuse, neglect or exploitation shall report the information to the  
7 county adult protective services provider.

8       (2) Any other person who has reasonable cause to believe that a  
9 vulnerable adult is the subject of abuse, neglect or exploitation may  
10 report the information to the county adult protective services  
11 provider.

12       b. The report, if possible, shall contain the name and address of  
13 the vulnerable adult; the name and address of the caretaker, if any;  
14 the nature and possible extent of the vulnerable adult's injury or  
15 condition as a result of abuse, neglect or exploitation; and any other  
16 information that the person reporting believes may be helpful.

17       c. A person who reports information pursuant to this act, or  
18 provides information concerning the abuse of a vulnerable adult to  
19 the county adult protective services provider, or testifies at a grand  
20 jury, judicial or administrative proceeding resulting from the report,  
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25 discriminatory or retaliatory action against an individual who  
26 reports abuse, neglect or exploitation pursuant to this act. An  
27 employer or any other person shall not discharge, demote or reduce  
28 the salary of an employee because the employee reported  
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30 violates this subsection is liable for a fine of up to \$1,000.

31       e. A county adult protective services provider and its employees  
32 are immune from criminal and civil liability when acting in the  
33 performance of their official duties, unless their conduct is outside  
34 the scope of their employment, or constitutes a crime, actual fraud,  
35 actual malice, or willful misconduct.

36 (cf: P.L.1993, c.249, s.4)

37

38       3. This act shall take effect on the 90th day following  
39 enactment.

40

41

42

STATEMENT

43

44       This bill amends the “Adult Protective Services Act, “P.L.1993,  
45 c.249 (C.52:27D-406 et seq.) to require the reporting of suspected  
46 abuse, neglect or exploitation of a vulnerable adult by a health care  
47 professional, law enforcement officer, firefighter, paramedic or  
48 emergency medical technician who has reasonable cause to believe

**S1799 GORDON, WEINBERG**

5

1 that a vulnerable adult is the subject of abuse, neglect or  
2 exploitation. The report would be made to the county adult  
3 protective services provider.

4 Under current law, there is no mandate for health and public  
5 safety professionals to report suspected abuse, neglect or  
6 exploitation of a vulnerable adult; reporting by any person is  
7 permissive.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 1799**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 23, 2009

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 1799.

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 1799.

This bill amends the “Adult Protective Services Act,” P.L.1993, c.249 (C.52:27D-406 et seq.) to require the reporting of suspected abuse, neglect or exploitation of a vulnerable adult by a health care professional, law enforcement officer, firefighter, paramedic or emergency medical technician who has reasonable cause to believe that a vulnerable adult is the subject of abuse, neglect or exploitation. The report would be made to the county adult protective services provider.

Under current law, there is no mandate for health and public safety professionals to report suspected abuse, neglect or exploitation of a vulnerable adult; reporting by any person is permissive.

This bill is identical to Assembly Bill No. 853 (Albano/Wagner/Love), which is pending in the Assembly.