

27:12B-20

LEGISLATIVE HISTORY CHECKLIST

NJSA 27:12B-20

Laws of 1977 Chapter 129 (G.S. Parkway--allow trucks below Route 18 interchange)

Bill No. S3110

Sponsor(s) Maressa

Date Introduced February 14, 1977

Committee: Assembly

Senate Transportation & Communications

Amended during passage No Substituted for A3109, which was identical

Date of passage: Assembly April 21, 1977

Senate February 17, 1977

Date of approval June 17, 1977

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly No

Senate Yes

Fiscal Note No

Veto message No

Message on signing No

Following were printed:

Reports No

Hearings No

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10/4/76

SENATE, No. 3110

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 20, 1979

By Senators SCARDINO, HAMILTON, A. RUSSO, HAGEDORN,
VREELAND, FELDMAN and HERBERT

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend and supplement "An act concerning the health, safety, welfare, civil and human rights of elderly persons, establishing the Office of the Ombudsman for the Institutionalized Elderly, and making an appropriation," approved September 29, 1977 (P. L. 1977, c. 239, C. 52:27G-1 et seq.).

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

1 1. Section 2 of P. L. 1977, c. 239 (C. 52:27G-2) is amended to read
2 as follows:

3 2. As used in this act, unless the context clearly indicates other-
4 wise:

5 *a. "Abuse" means the willful infliction of physical pain, injury*
6 *or mental anguish; unreasonable confinement; or, the willful*
7 *deprivation of services which are necessary to maintain a person's*
8 *physical and mental health.*

9 **[a.]** *b.* An "act" of any facility or government agency shall be
10 deemed to include any failure or refusal to act by such facility or
11 government agency;

12 **[b.]** *c.* "Administrator" means any person who is charged
13 with the general administration or supervision of a facility whether
14 or not such person has an ownership interest in such facility, and
15 whether or not such person's functions and duties are shared with
16 one or more other persons;

17 *d. "Caretaker" means a person employed by a facility to provide*
18 *care or services to an elderly person, and includes, but is not limited*
19 *to, the administrator of a facility.*

20 *e. "Exploitation" means the act or process of using a person or*
21 *his resources for another person's profit or 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.

22 **[c.] f.** "Facility" means any facility or institution, whether
 23 public or private, offering health or health related services for the
 24 institutionalized elderly, and which is subject to regulation, visita-
 25 tion, inspection, or supervision by any government agency.
 26 Facilities include, but are not limited to, nursing homes, skilled
 27 nursing homes, intermediate care facilities, extended care facilities,
 28 convalescent homes, rehabilitation centers, homes for the aged,
 29 special hospitals, veterans hospitals, chronic disease hospitals,
 30 psychiatric hospitals, mental hospitals, mental retardation centers
 31 or facilities, day care facilities for the elderly, medical day care
 32 centers**[.]** and boarding homes or other homes for the sheltered
 33 care;

34 **[d.] g.** "Government agency" means any department, division,
 35 office, bureau, board, commission, authority, or any other agency or
 36 instrumentality created by the State**[.]** or to which the State is a
 37 party, or by any county or municipality, which is responsible for
 38 the regulation, visitation, inspection or supervision of facilities, or
 39 which provides services to patients, residents or clients of facilities;

40 **[e.] h.** "Guardian" means any person with the legal right to
 41 manage the financial affairs and protect the rights of any patient,
 42 resident or client of a facility who has been declared a mental in-
 43 competent by a court of competent jurisdiction;

44 **[f.] i.** "Institutionalized elderly," **[or]** "elderly" or "*elderly*
 45 *person*" means any **[adult]** person 60 years of age or older who is
 46 a patient, resident or client of any facility;

47 **[g.] j.** "Office" means the Office of the Ombudsman for the In-
 48 stitutionalized Elderly established herein;

49 **[h.] k.** "Ombudsman" means the administrator and chief execu-
 50 tive officer of the Office of the Ombudsman for the Institutionalized
 51 Elderly;

52 **[i.] l.** "Patient, resident or client" means any elderly person
 53 who is receiving treatment or care in any facility in all its aspects
 54 including, but not limited to, admission, retention, confinement,
 55 commitment, period of residence, transfer, discharge**[.]** and any
 56 instances directly related to such status.

1 2. (New section) a. Any care taker, social worker, physician or
 2 registered or licensed practical nurse who has reasonable cause to
 3 suspect or believe that an elderly person is being or has been
 4 abused or exploited, shall report such information in a timely
 5 manner to the ombudsman or to the person designated by him to
 6 receive such reports.

17 b. Such report shall contain the name and address of the elderly
18 person, information regarding the nature of the suspected abuse or
19 exploitation and any other information which might be helpful in
20 an investigation of the case and the protection of such elderly
21 person.

22 c. Any other person having reasonable cause to suspect or
23 believe that an elderly person is being or has been abused or
24 exploited may report such information to the ombudsman or to the
25 person designated by him to receive such report.

26 d. The name of any person who reports suspected abuse or
27 exploitation pursuant to this act and the name of any person
28 mentioned in such report shall not be disclosed unless the person
29 who reported the abuse or exploitation specifically requests such
30 disclosure or a judicial proceeding results from such report.

31 e. Any person who reports suspected abuse or exploitation
pursuant to this act or who testifies in any administrative or judicial
proceeding arising from such report or testimony shall have im-
munity from any civil or criminal liability on account of such
report or testimony, unless such person has acted in bad faith or
with malicious purpose.

f. Any person required to report suspected abuse or exploitation
pursuant to this act who fails to make such report shall be fined not
more than \$500.00. Such penalty shall be collected and enforced
by summary proceedings pursuant to the Penalty Enforcement
Law (N. J. S. 2A:58-1 et seq.).

1 3. (New section) a. Upon receiving a report that an elderly
2 person may be or may have been abused or exploited, the ombuds-
3 man shall cause a prompt and thorough evaluation to be made. The
4 evaluation may be made by either the Office of the Ombudsman or
5 an appropriate government agency, at the discretion of the ombuds-
6 man.

7 b. The evaluation shall include a visit with the elderly person and
8 consultation with others who have knowledge of the particular case.
9 When the evaluation is completed, findings and recommended action
10 shall be prepared in a written report and submitted to the ombuds-
11 man.

12 c. The person who reported the suspected abuse or exploitation
13 shall be promptly notified of such findings and recommended action.

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

1 4. (New section) The ombudsman shall maintain a central
2 registry of all reports of suspected abuse or exploitation and all
3 evaluations, findings and recommended action. No information
4 received and compiled in such registries shall be construed as a
5 public record.

1 5. This act shall take effect immediately.

STATEMENT

This bill provides for a reporting system for the protection of elderly persons who are patients or residents of facilities. Professionals and nonprofessionals in the fields of health and social services are required to inform the Office of the Ombudsman for the Institutionalized Elderly when they have reasonable cause to believe that any elderly person has been abused or exploited. The ombudsman, in turn, shall cause a prompt and thorough evaluation to be made. Upon completion of the evaluation of each case, findings and recommended action shall be prepared in a written report and findings of abuse or exploitation shall be referred to the county prosecutor.

67 said fund shall be applied to any purpose except (1) payments to
68 the commissioner as aforesaid, (2) temporary investment pending
69 other authorized use in accordance herewith, or (3) use by the
70 authority for any of its corporate purposes of any balance thereof
71 remaining after payments therefrom to the commissioner aggregating the lesser of (a) \$13,000,000.00 or (b) such sum as the
72 commissioner may certify to the authority as the total amount of
73 the aforesaid excess cost of construction, provided, however, that
74 at any time when the amount in said fund, valuing any temporary
75 investments therein at cost or market value whichever is lower,
76 together with the amount of all payments theretofore made therefrom to the commissioner shall exceed \$13,000,000.00, the amount
77 of such excess may be withdrawn from said fund by the authority
78 and deposited in the series one construction fund created under
79 section 502 of the resolution of the authority entitled: "First
80 Supplemental Junior Bond Resolution Authorizing \$40,000,000.00
81 Junior Bonds," adopted by the authority on July 7, 1962, and held
82 or applied as other moneys in said construction fund. In the design,
83 construction and operation of such parkway project, it shall be the
84 duty of the authority, so far as may be deemed practicable by it
85 and may be permitted by the terms of any agreement by it with
86 the holders of its bonds or notes, to permit the largest possible
87 toll-free use of the project by intracounty or short-haul traffic and
88 provide the largest possible number of points of connection between
89 public highways and the project consistent with safe and efficient
90 use of such project and public highways and safe and economical
91 construction and operation of the project on a self-supporting basis.

1 2. This act shall take effect upon the opening to traffic of a connection and interchange between State Highway Route No. 18 and the
2 Garden State Parkway.
3

STATEMENT

This bill would authorize trucks to travel on the Garden State Parkway up to its proposed interchange with State Highway Route No. 18. The New Jersey Highway Authority has agreed to construct an access road and interchange linking route 18 with the parkway. This project will aid commercial and private traffic in a broad area of the State.

The bill is supported by the New Jersey Highway Authority and the Department of Transportation.

SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

SENATE, No. 3110

—◆—
STATE OF NEW JERSEY
—◆—

DATED: FEBRUARY 17, 1977

This bill amends the New Jersey Highway Authority Act to exclude all traffic except passenger motor vehicles, hearses, funeral flower and certain service vehicles, campers, omnibuses, and taxicabs from the Garden State Parkway north of its interchange with State Highway Route No. 18 instead of the present location of more than 5 miles north of its intersection with northern line of Ocean county.

According to the sponsor's statement, "this bill would authorize trucks to travel on the Garden State Parkway up to its proposed interchange with State Highway Route No. 18. The New Jersey Highway Authority has agreed to construct an access road and interchange linking Route No. 18 with the Parkway." The sponsor's statement also indicates that both the New Jersey Highway Authority and the Department of Transportation support this legislation.

This act shall take effect upon the opening to traffic of a connection and interchange between State Highway No. 18 and the Garden State Parkway.