

P.L. 2019, CHAPTER 420, *approved January 21, 2020*
Senate, No. 3116 (*Third Reprint*)

1 AN ACT concerning end-of-life care and supplementing Title 26 of
2 the Revised Statutes.

3

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

6

7 1. a. Assisted living facilities, dementia care ¹**[facilities]**
8 homes, nursing homes, assisted living residences, comprehensive
9 personal care homes, residential health care facilities¹, hospitals,
10 and long-term care facilities ¹licensed pursuant to P.L.1971, c.136
11 (C.26:2H-1 et seq.)¹ shall:

12 (1) require ¹all administrative personnel and professional staff
13 to complete an¹ annual ¹**[education]** training¹ on advance care
14 planning, end-of-life care ^{1,1} and ¹**[POLST]** the use of advance
15 directives and Physician Orders for Life-Sustaining Treatment
16 (POLST)¹ forms ¹**[** for administrative and professional medical
17 staff¹];

18 (2) provide patients ¹and residents,¹ and their families, as
19 appropriate, ¹with¹ educational materials on POLST forms, advance
20 directives, and hospice and palliative care; and

21 (3) ¹develop and¹ implement policies to identify and address
22 end-of-life ¹care¹ issues ¹for patients and residents¹ upon
23 ¹**[patients']**¹ admission to ¹the¹ facility.

24 b. The ¹**[department]** Department of Health ^{1 2}[may suspend
25 the license of] shall ³:

26 (1) issue a training manual via regulation to establish uniform
27 policies and procedures that a facility, at a minimum, shall follow in
28 order to comply with the requirements outlined in subsection a. of
29 this section. A facility may implement policies and procedures
30 beyond those issued in the department's manual, provided that such
31 policies and procedures do not conflict with the department's
32 regulations; and

33 (1)³ require² a facility that fails to comply with the provisions of
34 this section ²to submit a plan of corrective action to the department
35 for approval, and may impose additional penalties or administrative
36 disciplinary action as shall be prescribed by the Commissioner of
37 Health by regulation².

38 ¹**[**c. As used in this section:

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:

¹Senate SHH committee amendments adopted May 13, 2019.

²Senate floor amendments adopted June 10, 2019.

³Assembly AHE committee amendments adopted December 5, 2019.

1 “ Advance directive, department, and POLST form shall have the
2 same meaning as prescribed for those terms in section 3 of
3 P.L.2011, c.145 (C.26:2H-131).

4 "Assisted living facility" means an assisted living residence or
5 comprehensive personal care home licensed pursuant to P.L.1971,
6 c.136 (C.26:2H-1 et seq.).

7 "Dementia care home" means a community residential facility
8 which: (1) provides services to residents with special needs,
9 including, but not limited to, persons with Alzheimer's disease and
10 related disorders or other forms of dementia; (2) is subject to the
11 licensure authority of the Department of Health as a health care
12 facility pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.); (3) and
13 meets the requirements of section 19 of P.L.2015, c.125 (C.26:2H-
14 150).

15 "Hospital" means an acute care hospital licensed by the
16 Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et
17 al.).

18 "Long-term care facility" means a nursing home, assisted living
19 residence, comprehensive personal care home, residential health
20 care facility, or dementia care home licensed pursuant to P.L.1971,
21 c.136 (C.26:2H-1 et seq.).¹

22

23 2. The Department of Health, pursuant to the "Administrative
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
25 rules and regulations as are necessary to effectuate the provisions of
26 section 1 of this act.

27

28 3. This act shall take effect 180 days after the date of
29 enactment ³, except that the Commissioner of Health may take such
30 anticipatory administrative action in advance thereof as shall be
31 necessary for the implementation of this act³.

32

33

34

35

36 Requires certain medical facilities to undertake end-of-life
37 planning and training.