

# ASSEMBLY RESOLUTION No. 198

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MAY 11, 2009

**Sponsored by:**

**Assemblywoman CELESTE M. RILEY**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblywoman CONNIE WAGNER**

**District 38 (Bergen)**

**Assemblyman MATTHEW W. MILAM**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman NELSON T. ALBANO**

**District 1 (Cape May, Atlantic and Cumberland)**

**Co-Sponsored by:**

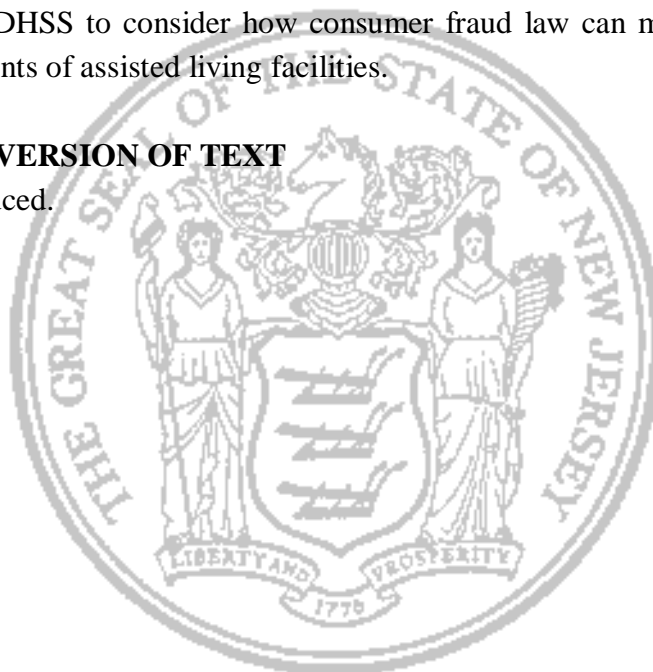
**Assemblywoman Greenstein, Assemblymen Connors and Moriarty**

**SYNOPSIS**

Requests DHSS to consider how consumer fraud law can more effectively protect residents of assisted living facilities.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/26/2009)**

1 **AN ASSEMBLY RESOLUTION** requesting the Commissioner of  
2 Health and Senior Services to consider how the State's consumer  
3 fraud law can be used to more effectively protect residents of  
4 assisted living facilities.

5  
6 **WHEREAS**, The Department of Health and Senior Services licenses  
7 assisted living residences as health care facilities and establishes by  
8 regulation minimum standards which these facilities must meet as a  
9 condition of State licensure; and

10 **WHEREAS**, In a recently issued report by the Department of the Public  
11 Advocate, *Aging in Place-Promises to Keep, An Investigation into*  
12 *Assisted Living Concepts, Inc. and Lessons for Protecting Seniors*  
13 *in assisted Living Facilities*, the Public Advocate recommended that  
14 State officials collaborate to consider ways of utilizing the  
15 consumer fraud law to protect assisted living residents and bolster  
16 efforts by the Department of Health and Senior Services to provide  
17 consumer protections to these residents; and

18 **WHEREAS**, While Department of Health and Senior Services  
19 regulations offer many protections to residents of assisted living  
20 facilities, in those cases in which a facility, through its marketing  
21 practices, causes harm to a resident, the resident should be advised  
22 about all available remedies offered by the State, including those  
23 provided under the consumer fraud law, P.L.1960, c.39 (C.56:8-1 et  
24 seq.); now, therefore,

25  
26 **BE IT RESOLVED** by the General Assembly of the State of New  
27 Jersey:

28  
29 1. The Commissioner of Health and Senior Services, in  
30 consultation with the Director of the Division of Consumer Affairs  
31 in the Department of Law and Public Safety, is respectfully  
32 requested to consider how the State's consumer fraud law can be  
33 used to more effectively protect residents of assisted living  
34 facilities, and to propose regulations or recommend legislation to  
35 the chairmen of the standing reference committees on health and  
36 senior services, as appropriate, to effectuate any necessary changes.

37  
38 2. Duly authenticated copies of this resolution, signed by the  
39 Speaker of the General Assembly and attested by the Clerk thereof,  
40 shall be transmitted to the Commissioner of Health and Senior  
41 Services and the Director of the Division of Consumer Affairs in  
42 the Department of Law and Public Safety.

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45 **STATEMENT**

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47 This Assembly resolution requests the Commissioner of Health  
48 and Senior Services, in consultation with the Director of the

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1 Division of Consumer Affairs in the Department of Law and Public  
2 Safety, to consider how the State's consumer fraud law can be used  
3 to more effectively protect residents of assisted living facilities, and  
4 to propose regulations or recommend legislation to the chairmen of  
5 the standing reference committees on health and senior services, as  
6 appropriate, to effectuate any necessary changes.

7 This resolution is based on a recommendation of the Department  
8 of the Public Advocate in its recently issued report, ***Aging in Place-***  
9 ***Promises to Keep, An Investigation into Assisted Living Concepts,***  
10 *Inc. and Lessons for Protecting Seniors in assisted Living*  
11 *Facilities.*