

ASSEMBLY, No. 2719
STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Assemblywoman JOANN DOWNEY
District 11 (Monmouth)

SYNOPSIS

Increases fines for failing to report suspected abuse or exploitation of institutionalized elderly person.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning institutionalized elderly persons and amending P.L.1983, c.43.

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

1. Section 2 of P.L.1983, c.43 (C.52:27G-7.1) is amended to read as follows:
2. a. Any caretaker, social worker, physician, registered or licensed practical nurse, or other professional or staff member employed at a facility, and any representative of a managed care entity, who, as a result of information obtained in the course of that individual's employment, has reasonable cause to suspect or believe that an institutionalized elderly person is being or has been abused or exploited, shall report such information to the ombudsman or to the person designated by the ombudsman to receive such report. If an individual reporting suspected abuse or exploitation pursuant to this subsection has reasonable cause to suspect or believe that the institutionalized elderly person is or has been the victim of a crime, the individual shall additionally report such information to the local law enforcement agency and to the health administrator of the facility.

(1) If the events that cause the suspicion or belief result in serious bodily injury, the individual shall report the suspicion or belief immediately, but not later than two hours after forming the suspicion or belief.

(2) If the events that cause the suspicion or belief do not result in serious bodily injury, the individual shall report the suspicion or belief immediately, but not later than 24 hours after forming the suspicion or belief.

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

c. Any other person having reasonable cause to suspect or believe that an elderly person is being or has been abused or exploited may report such information to the local law enforcement agency and to the ombudsman or the person designated by the ombudsman to receive such report.

d. The name of any person who reports suspected abuse or exploitation pursuant to this act shall not be disclosed, unless the person who reported the abuse or exploitation specifically requests such disclosure or a judicial proceeding results from such report.

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 immunity 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]~~ \$1,500, and the facility employing the individual shall be fined not more than ~~[\$2,500]~~ \$5,000. Such penalty shall be collected and enforced by summary proceedings pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Each violation of this act shall constitute a separate offense.

g. No provision of this act shall be deemed to require the disclosure of, or penalize the failure to disclose, any information which would be privileged pursuant to the provisions of sections 18 through 23 inclusive of P.L.1960, c.52 (C.2A:84A-18 through 2A:84A-23).

h. When a person has been penalized under this section, a letter making note of the penalty shall immediately be sent by the court to the licensing authority or the professional board, if any, having jurisdiction over the person who has been penalized.

i. The office may bring suit in a court of competent jurisdiction to enforce any of the powers enumerated in this section.

(cf: P.L.2017, c.186, s.2)

2. This act shall take effect immediately.

STATEMENT

This bill increases the fine for a person required to report suspected abuse or exploitation of an institutionalized elderly person, who fails to make a report, as well as the fine for the facility that employs the person. The bill increases the fine for the person from not more than \$500 to not more than \$1,500, and the fine for the facility from not more than \$2,500 to not more than \$5,000.