

CHAPTER 16

AN ACT concerning assisted living residences and comprehensive personal care homes and supplementing Title 26 of the Revised Statutes.

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

C.26:2H-12.61 Discharge of patients from certain residences; provision for care in alternate facility.

1. a. If a facility licensed to operate as an assisted living residence or comprehensive personal care home pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) opts to surrender its license and has promised a resident of the facility or the resident's responsible party, in writing through a resident agreement or other instrument, or through a condition of licensure or certificate of need with the Department of Health and Senior Services, that it will not discharge a resident who becomes Medicaid-eligible, as that term is defined in section 1 of P.L.2001, c.234 (C.26:2H-12.16), the facility shall escrow sufficient funds, as determined by the Commissioner of Health and Senior Services, to cover the cost of providing such a resident with care in an alternate State-licensed assisted living residence or comprehensive personal care home for as long as the resident shall require such care.

b. The facility shall cover any costs necessary to utilize such actuarial services as the Department of Health and Senior Services may require to determine the amount to be escrowed pursuant to subsection a. of this section.

c. In the event of a facility bankruptcy, any monies left over after all creditors have been paid shall be used, to the maximum extent practicable, to cover the cost of care provided to a resident in an alternate State-licensed assisted living residence or comprehensive personal care home pursuant to subsection a. of this section.

2. This act shall take effect immediately.

Approved January 28, 2011.