

Testimony before the Senate Budget and Appropriations Committee
Bill S2759
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Thank you Chairman Sarlo and members of the committee for the opportunity to comment on S2759, which is designed to address concerns that arose from the response to COVID-19 in long-term care facilities. I speak today on behalf of individuals with disabilities and am appreciative that the Committee included their voices in this conversation.

Disability Rights NJ is the federally funded, designated protection and advocacy system for people with disabilities in the State of New Jersey. Under our federal enabling statutes, we provide legal representation, advocacy, education and training, and information and referral to people with disabilities, their families, and the professionals who serve them. Created in 1975 by Congress in response to a series of investigative reports that exposed abuse and neglect at a New York state institution for individuals with developmental disabilities, a core function of protection and advocacy agencies including Disability Rights NJ is to have a regular, ongoing presence in facilities where individuals with disabilities receive services, and to investigate incidents of abuse and neglect. Our jurisdiction includes nursing homes as many residents of long-term care facilities have disabilities such as intellectual and developmental disabilities, serious mental illness and traumatic brain injury as examples.

Disability Rights NJ has been supportive of the long-term care facility bills that resulted from the concerns set forth in the Manatt Report following the Covid-19 crisis in these facilities. As such,

Advocating and advancing the human, civil and legal rights of persons with disabilities

Disability Rights NJ is supportive of S2759, but we have a few comments regarding this bill. Specifically, Disability Rights NJ strongly supports an increase of efforts to effectively collect data and use the data to identify compliance issues. We also strongly support the requirement that facilities post information on their websites regarding financial statements, policies and plans, and we support the requirement that the Department of Health make its data publicly available. Finally, Disability Rights NJ supports the enhanced sanctions for repeat noncompliance.

While supportive of the creation of a Long Term Care Facility Advisory Council, we respectfully request that the Legislature consider naming Disability Rights NJ to this advisory council because of our unique role as the entity charged under federal law investigating allegations of abuse and neglect of residents of nursing homes who have disabilities. As such, Disability Rights NJ has a similar federal mandate as that of the Long-term Care Ombudsman. We would note that our constituency is not limited to a specific age group, we provide protection and advocacy for all individuals with disabilities who reside in long-term care facilities.

Disability Rights NJ is also concerned with the language in this bill that states the Department shall conduct a licensure survey at least once every two years for repeated noncompliance. Respectfully, this language may be confusing because it may be interpreted to mean that no annual licensure survey is required. If the annual survey is no longer required, then there would be less oversight than is currently required. Disability Rights NJ would oppose any loosening of such oversight. This concern was addressed in the changes to A4478, and we support those changes, and would recommend S2759 be modified to include similar language.

Thank you again for allowing me to testify here today, and I would be happy to answer any questions you may have.