

SENATE, No. 462

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

SYNOPSIS

Requires licensed providers of long-term skilled nursing care to establish permanent morgue for use in non-emergent periods and supplemental morgue space for use in public emergencies.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the establishment and use of permanent
2 morgues and supplemental emergency morgue space by facilities
3 and parts of facilities that are licensed to provide long-term
4 skilled nursing care and supplementing Title 26 of the Revised
5 Statutes

6
7 **BE IT ENACTED** *by the Senate and General Assembly of the State*
8 *of New Jersey:*

9
10 1. As used in this act:

11 “Cold storage” means storage in a permanent morgue or in an
12 emergency morgue space.

13 “Commissioner” means the Commissioner of Health.

14 “Dead body” means the intact corporeal remains of an individual
15 whose death has been declared pursuant to the “New Jersey
16 Declaration of Death Act,” P.L.1991, c.90 (C.26:6A-1 et seq.).

17 “Department” means the Department of Health.

18 “Deployed” means moved onto or otherwise made available for
19 use on the premises of the nursing home.

20 “Emergency morgue space” means a mobile morgue space or
21 other makeshift facility or area, or a combination thereof, which is
22 separate and distinct from a nursing home’s permanent morgue and
23 is deployed and used for the safe and humane temporary storage of
24 the dead bodies of nursing home patients or residents who die
25 during a public emergency.

26 “Final disposition” means the burial, cremation, or other
27 authorized means of disposal of a dead body.

28 “Long-term cold storage plan” or “plan” means the long-term
29 plan for the temporary cold storage of dead bodies that is prepared
30 and implemented by a nursing home pursuant to section 3 of this
31 act.

32 “Mobile morgue space” means a refrigerated vehicle or other
33 mobile cold storage unit, or a combination thereof, which satisfies
34 the conditions of subsection a. of section 4 of this act, and which
35 functions either as emergency morgue space or as a permanent
36 morgue.

37 “Non-emergency mobile morgue space” means a mobile morgue
38 space that functions as a permanent morgue, as provided by
39 subsection c. of section 2 of this act, in accordance with a plan
40 adopted pursuant to section 3 of this act.

41 “Non-emergent period” means any period of time during which a
42 public emergency is not declared to exist in the nursing home’s
43 region of operations.

44 “Nursing home” means a stand-alone facility, or a distinct and
45 separately licensed part of a facility, in which extended medical or
46 skilled nursing treatment or care is provided, on a continuing basis,
47 to two or more nonrelated individuals who are convalescing, who
48 have an injury, a physical disability, or an acute or chronic illness,

1 or who require assistance in bathing or dressing or some other type
2 of supervision, and which is either licensed as a long-term care
3 facility or licensed and authorized to provide skilled nursing care
4 services pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.). “Nursing
5 home” includes the New Jersey Veterans’ Memorial Home—Menlo
6 Park, the New Jersey Veterans’ Memorial Home—Paramus, and the
7 New Jersey Veterans’ Memorial Home—Vineland. “Nursing
8 home” does not include a general, special, or psychiatric hospital;
9 the New Jersey Fireman’s House; any community-based residence;
10 or any stand-alone facility or distinct part of a facility that is
11 licensed as an assisted living residence, an assisted living program,
12 a comprehensive personal care home, a residential health care
13 facility, a dementia care home, an adult day care facility, an adult
14 family care home, an alternate family care program, or a home
15 health agency.

16 “Permanent morgue” means a secure, restricted, and refrigerated
17 room or other area that satisfies the requirements of subsection a. of
18 section 4 of this act and is used by a nursing home for the safe and
19 humane temporary storage of the dead bodies of nursing home
20 patients or residents who die during non-emergent periods.
21 “Permanent morgue” includes non-emergency mobile morgue
22 space, but does not include emergency morgue space.

23 “Public emergency” means an epidemic of disease or another
24 public health emergency, a biological, chemical, nuclear, or toxic
25 attack or event, or any other event, as defined by the rules or
26 regulations adopted pursuant to section 8 of this act, which is
27 occurring in the nursing home’s region of operations and is
28 officially recognized and declared as a public emergency in the
29 region by the Governor of New Jersey or the President of the United
30 States.

31 “Public morgue” means a county public morgue designated
32 pursuant to section 1 of P.L.1971, c.200 (C.40A:9-51 et seq.).
33

34 2. a. A nursing home shall designate, establish, acquire, or
35 contract with a third-party to provide a refrigerated vehicle, mobile
36 cold storage unit, or other makeshift facility or area, or a
37 combination thereof, for use by the nursing home as emergency
38 morgue space in times of public emergency. Emergency morgue
39 space shall:

40 (1) be deployed at the nursing home and placed into service
41 within 72 hours after the declaration of any public emergency or, if
42 a public emergency is ongoing on the effective date of this act,
43 within 72 hours after this act’s effective date;

44 (2) remain in service on the premises of the nursing home until
45 the public emergency is declared to be over, except as otherwise
46 provided by paragraph (1) of subsection a. of section 4 of this act;
47 and

1 (3) be removed from service and, if mobile, moved off of the
2 premises of the nursing home upon the conclusion of the public
3 emergency and following the transfer of all dead bodies contained
4 therein pursuant to section 5 of this act.

5 b. A nursing home shall ensure that emergency morgue space is
6 deployed and placed into service during a public emergency, as
7 provided by subsection a. of this section, regardless of whether the
8 nursing home's long-term cold storage plan has been submitted,
9 approved, or conditionally approved pursuant to section 3 of this
10 act. Within 72 hours after a nursing home's initial plan is approved
11 or conditionally approved pursuant to subsection d. of section 3 of
12 this act, the nursing home shall reevaluate any previously deployed
13 emergency morgue space and modify the space as necessary to
14 ensure that it complies with the provisions of the approved or
15 conditionally approved plan. Any contract executed with a third-
16 party provider, pursuant to this subsection, shall be subject to
17 modification or rescission by the nursing home, upon reasonable
18 notice to the third-party provider in accordance with the terms of
19 the contract, as may be necessary to ensure the nursing home's
20 compliance with its approved or conditionally approved plan and
21 the provisions of this subsection.

22 c. A nursing home may designate, establish, acquire, or
23 contract with a third-party to provide a refrigerated vehicle or other
24 mobile cold storage unit, or a combination thereof, to function as a
25 permanent morgue for the purposes of paragraph (1) of subsection
26 a. of section 3 of this act; however, any vehicle or mobile storage
27 unit used for these purposes shall not be deemed to be emergency
28 morgue space for the purposes of complying with subsection a. of
29 this section and shall be supplemented by emergency morgue space
30 during any public emergency, as provided by subsection a. of this
31 section.

32
33 3. a. A nursing home shall develop a long-term plan to
34 provide for the ongoing temporary on-site storage of the dead
35 bodies of patients or residents who die at the nursing home during
36 non-emergent periods and during times of public emergency, until
37 such time as those bodies can be transferred to appropriate parties
38 for the purposes of autopsy or final disposition as provided by
39 section 5 of this act. A plan developed pursuant to this section
40 shall, at a minimum:

41 (1) provide for the establishment of, or designate an existing
42 area of the nursing home as, a permanent morgue. If the nursing
43 home does not currently have a room or other area that can be
44 designated and used as a permanent morgue, the plan shall describe
45 how the nursing home will satisfy the requirements of this
46 paragraph, whether through the construction of a new building, the
47 construction of an addition to an existing building, the modification
48 of an existing room or building, or the ongoing and uninterrupted

1 use of a non-emergency mobile morgue space pursuant to
2 subsection c. of section 2 of this act;

3 (2) describe, and identify the current location of, emergency
4 morgue space that has been designated, established, acquired, or
5 contracted for use during public emergencies pursuant to subsection
6 a. of section 2 of this act; identify the third-party provider, if any,
7 who will provide or who is currently providing the emergency
8 morgue space; and describe the means, methods, and procedures
9 that will be used by the nursing home and any contracted third-party
10 provider to ensure that the emergency morgue space is deployed,
11 remains in service, and is removed from service in accordance with
12 the timeframes specified by subsection a. of section 2 of this act;

13 (3) identify the maximum number of dead bodies and the
14 percentage of the nursing home's total patient or resident capacity
15 that can be safely, humanely, and simultaneously stored within the
16 confines of the nursing home's permanent morgue and within the
17 confines of the nursing home's designated emergency morgue
18 space, and describe the means, methods, and procedures that will be
19 used by the nursing home to ensure that its emergency morgue
20 space remains sufficient for the nursing home's needs, as provided
21 by paragraph (2) of subsection b. of section 4 of this act; and

22 (4) identify the means, methods, and procedures that will be
23 used by nursing home administrators and staff to ensure: (a) that
24 dead bodies are handled, stored, and transferred in a safe, sanitary,
25 respectful, and humane way, in accordance with all applicable laws
26 and regulations; (b) that each dead body is properly identified at the
27 time of placement into cold storage, throughout the duration of the
28 time kept in cold storage, and at the time of the body's transport out
29 of cold storage; and (c) that each dead body is kept in cold storage
30 for as short a time as is necessary before being safely and humanely
31 transferred to other appropriate parties for the purposes of autopsy
32 or final disposition, as appropriate.

33 b. (1) A nursing home operating in the State on the effective
34 date of this act shall prepare and submit the plan required by this
35 section to the department, as soon as is practicable, but not more
36 than 30 days, after the effective date of this act, regardless of
37 whether emergency rules and regulations have been adopted
38 pursuant to section 8 of this act.

39 (2) A nursing home commencing operations in the State after
40 the effective date of this act shall prepare and submit the plan
41 required by this section to the department as part of its application
42 for licensure as a long-term care facility or as a skilled nursing care
43 provider under P.L.1971, c.136 (C.26:2H-1 et seq.).

44 c. (1) A nursing home shall review the plan developed under
45 this section and revise it, as appropriate: (a) immediately following
46 the adoption of emergency rules and regulations pursuant to section
47 8 of this act if such rules and regulations were not in effect at the
48 time of the initial submission pursuant to subsection b. of this

1 section; and (b) on at least a biennial basis after the plan's initial
2 approval or conditional approval pursuant to subsection d. of this
3 section; and

4 (2) submit a revised plan to the department within 10 days after
5 making any material change thereto.

6 d. The department shall review an initial or revised plan
7 submitted pursuant to this section and shall approve or
8 conditionally approve the plan either within 30 days after receipt
9 thereof or, if the plan is submitted pursuant to paragraph (2) of
10 subsection b. of this section, upon the department's issuance of a
11 license to the applicant. The department shall approve the plan if it
12 complies with the provisions of this act and the rules and
13 regulations adopted pursuant thereto, to the extent that those rules
14 and regulations have been adopted. If the department conditionally
15 approves the plan, it shall state, in writing, the reasons for the
16 conditional approval and the revisions that are to be made to the
17 plan in order to ensure that it complies with the act and the rules
18 and regulations adopted pursuant thereto. The nursing home shall
19 adopt and implement the plan in accordance with any mandatory
20 revisions that are identified by the department pursuant to this
21 paragraph. If the department does not respond to the submission as
22 provided by this subsection, the initial or revised plan shall be
23 deemed to be approved on a non-conditional basis, and the nursing
24 home shall proceed to implement the plan without change.

25 e. (1) A nursing home shall ensure that the permanent
26 morgue required by paragraph (1) of subsection a. of this section is
27 fully constructed or is otherwise made functional, and is placed into
28 service in accordance with the plan adopted pursuant to this section,
29 within one year after the plan is approved or conditionally approved
30 pursuant to subsection d. of this section or within any extended
31 period of time, as may be authorized pursuant to paragraph (2) of
32 this subsection, which is deemed to be necessary to ensure the
33 proper construction of the permanent morgue.

34 (2) If a nursing home determines, during planning, that it will
35 not be able to construct its permanent morgue within the timeframe
36 specified by paragraph (1) of this subsection, the nursing home
37 shall include, as an addendum to the initial plan submitted pursuant
38 to subsection b. of this section, a formal request seeking an
39 extension of the timeframe provided for construction under this
40 subsection and specifying the amount of extended time needed to
41 complete construction. The department, in its response pursuant to
42 subsection d. of this section, shall approve, approve with
43 modifications, or reject the nursing home's request for an extension
44 of time under this paragraph and specify the extended deadline, if
45 any, by which the permanent morgue is to be placed into service. If
46 the department does not respond to the nursing home's initial plan
47 submission under this section, any request for an extension of time
48 that was submitted as an addendum to the plan shall be deemed to

1 be approved without modification, and the nursing home shall
2 proceed to construct its permanent morgue in accordance with the
3 extended timeframe specified in the addendum.

4 (3) A nursing home shall not be eligible for an extension of time
5 under this subsection if it is planning to use a mobile morgue space
6 as a permanent morgue, as provided by subsection c. of section 2 of
7 this act.

8
9 4. a. Any area used as a permanent morgue and any vehicle,
10 mobile cold storage unit, or other makeshift facility or area used as
11 emergency morgue space for the purposes of this act shall:

12 (1) be located on, or immediately adjacent to, the premises of
13 the nursing home at all times during use under this act, except that a
14 mobile morgue space may be temporarily removed from the
15 premises of the nursing home for the purposes of directly
16 transporting a dead body for autopsy or final disposition;

17 (2) be closed-off and isolated from public view and removed, to
18 the greatest extent practicable, from patient or resident living
19 quarters and common areas;

20 (3) be fully refrigerated or contain refrigeration or freezer
21 drawers or other cold storage areas where dead bodies will be
22 stored;

23 (4) be of suitable construction, contain appropriate equipment,
24 and be of sufficient size, as provided by subsection b. of this
25 section, to ensure the lawful, safe, respectful, and humane handling
26 and storage of the dead bodies of nursing home patients or
27 residents;

28 (5) have lockable doors to ensure that access is limited to only
29 those individuals who are directly involved in the transport of dead
30 bodies to or from, or the sanitation of, the permanent morgue or
31 emergency morgue space;

32 (6) be equipped with alarms to signal intrusion and unacceptable
33 temperature variations;

34 (7) have surfaces and flooring constructed of nonporous
35 materials that may be easily cleaned and disinfected; and

36 (8) be equipped with a working sink or other hand sanitizing
37 station.

38 b. (1) A permanent morgue established and used pursuant to
39 this act shall be capable of safely, humanely, and simultaneously
40 storing the dead bodies of at least two of the nursing home's
41 patients or residents.

42 (2) The size of any emergency morgue space used under this act
43 shall be determined based on the individual needs of the nursing
44 home, but shall be sufficient to ensure the safe and humane
45 temporary storage of the dead bodies of patients or residents who
46 die at the nursing home during times of public emergency. If, at
47 any time during a public emergency, a nursing home's emergency
48 morgue space becomes insufficient to safely and humanely store the

1 dead bodies of patients or residents who have died during the public
2 emergency, the nursing home shall make every reasonable effort to
3 promptly expand its emergency morgue space as necessary to
4 ensure that the provisions of this paragraph are satisfied.

5 c. Eating, drinking, smoking, and the application of cosmetics
6 or contact lenses shall not be permitted in any permanent morgue or
7 emergency morgue space.

8 d. Gloves, masks, medical coats or gowns, and other
9 appropriate personal protective equipment (PPE) shall be worn by
10 staff while handling dead bodies for the purposes of this act and
11 shall be sufficient to protect against the transmission of disease and
12 exposure to toxic substances, to the greatest extent practicable.
13 Such protective clothing and accessories shall be disposed of in an
14 appropriate receptacle or cleaned in accordance with the
15 manufacturer's specified guidelines immediately after use.

16 e. A permanent morgue or emergency morgue space operating
17 on the premises of a nursing home pursuant to this act shall not be
18 used for any purpose other than the storage of the dead bodies of
19 the nursing home's patients or residents. Such facility shall not be
20 deemed to be a public morgue and shall not be required to accept or
21 store the dead bodies of any persons who are not patients or
22 residents of the nursing home.

23

24 5. a. A nursing home shall ensure that each dead body placed
25 in cold storage pursuant to this act is transferred to another party for
26 the purposes of autopsy or final disposition, as appropriate, in
27 accordance with the following timeframes:

28 (1) during non-emergent periods, as soon as may be practicable,
29 but not more than five days, after being placed into cold storage; or

30 (2) if a public emergency is ongoing or is declared while the
31 body is in storage, as soon as may be practicable in the context of
32 the public emergency.

33 b. The handling and transfer of dead bodies pursuant to this act
34 shall be done safely, respectfully, humanely, and in accordance with
35 all applicable laws and regulations.

36 c. In effectuating the transfer of a dead body to or from cold
37 storage pursuant to this act, the nursing home shall ensure that the
38 dead body:

39 (1) is placed in a secure, closed container or is otherwise
40 isolated from public view; and

41 (2) is moved in and out of cold storage in a manner, and using
42 equipment, that protects the health and wellbeing of the other
43 patients or residents of the nursing home, and of nursing home staff,
44 to the greatest extent practicable.

45

46 6. a. In addition to any other records required by law, a
47 nursing home shall maintain complete and accurate records of its

1 storage and transfer of dead bodies pursuant to this act. Such
2 records shall be maintained for a period of five years.

3 b. The records maintained pursuant to this section shall
4 include:

5 (1) a death certificate or other documentation showing the
6 declared date and time of death and, to the extent known, the cause
7 of death for each dead body placed in cold storage;

8 (2) documentation showing the date that each dead body was
9 moved to cold storage and whether the body was held in the nursing
10 home's permanent morgue or emergency morgue space;

11 (3) documentation showing the date and time that each dead
12 body was transferred from cold storage to another party for the
13 purposes of autopsy or final disposition and the reason the body was
14 transferred;

15 (4) documentation identifying the persons or entities who
16 provided transport services for the purposes of transferring each
17 dead body out of the permanent morgue or temporary morgue
18 space;

19 (5) copies of transit or other permits that were received or used
20 by the nursing home in association with the transfer and final
21 disposition of each dead body held in cold storage;

22 (6) a copy of any contract executed between the nursing home
23 and a third-party provider of mobile morgue space pursuant to
24 section 2 of this act; and

25 (7) any other records or documentation required by the
26 commissioner.

27

28 7. a. The department shall be authorized to inspect, at any
29 time and without prior notice, the permanent morgue or emergency
30 morgue space that is used by a nursing home for the purposes of
31 this act.

32 b. Any person who believes that a nursing home has engaged in
33 actions or inactions that violate the provisions of this act or the
34 provisions of a plan adopted pursuant thereto may submit a written
35 complaint to the commissioner setting forth the factual basis for the
36 belief. Upon receipt of such a complaint, the department shall
37 investigate the merits of the claim and give the nursing home an
38 opportunity to respond to the allegations.

39 c. If, following an inspection conducted under subsection a. of
40 this section, or following an investigation conducted under
41 subsection b. of this section, or for any other reason, the
42 commissioner has reason to believe that a nursing home has
43 inhumanely or unsafely handled or stored the dead bodies of its
44 patients or residents or has otherwise violated any provisions of this
45 act or the plan adopted pursuant thereto, the commissioner shall
46 order the nursing home to cease and desist the unlawful practice and
47 undertake corrective action, within a reasonable timeframe, as may
48 be deemed by the commissioner to be necessary to ensure future

1 compliance with this act or the nursing home's plan, as the case
2 may be. If the nursing home denies that a violation exists or has
3 occurred, it shall have the right to apply to the commissioner for a
4 hearing, and any such hearing shall be held, and a decision
5 rendered, within 48 hours after receipt of the request.

6 d. Any nursing home that fails to comply with an order of the
7 commissioner, which is issued pursuant to subsection c. of this
8 section, shall be liable to a civil penalty of not more than \$1,000 for
9 a first offense and not more than \$5,000 for a second or subsequent
10 offense. The penalties shall be sued for and collected in a summary
11 proceeding in accordance with the "Penalty Enforcement Law of
12 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

13 e. In addition to the penalties provided by subsection d. of this
14 section, if a nursing home fails to comply with a cease and desist
15 order issued pursuant to subsection c. of this section, the
16 commissioner may institute a civil action in a court of competent
17 jurisdiction to obtain injunctive relief, in accordance with the
18 applicable Rules of Court.

19
20 8. Within 30 days after the enactment of this act, and
21 notwithstanding the provisions of the "Administrative Procedure
22 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the
23 Commissioner of Health shall, immediately upon filing proper
24 notice with the Office of Administrative Law, adopt rules and
25 regulations as may be necessary to implement the provisions of this
26 act. The rules and regulations adopted pursuant this section shall
27 remain in effect for a period of not more than one year after the date
28 of filing and, thereafter, shall be adopted, amended, or readopted by
29 the commissioner in accordance with the requirements of the
30 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
31 1 et seq.).

32
33 9. This act shall take effect immediately.
34
35

36 STATEMENT

37
38 This bill would require each nursing home in the State, in
39 compliance with a long-term plan adopted pursuant to the bill's
40 provisions, to: 1) designate or establish a permanent morgue for the
41 storage of the dead bodies of patients or residents who die during
42 non-emergent times; and 2) designate, establish, acquire, or contract
43 with a third-party to provide a refrigerated vehicle, mobile cold
44 storage unit, or other makeshift facility or area, or a combination
45 thereof, for use by the nursing home as supplemental emergency
46 morgue space in times of public emergency.

47 The bill would require emergency morgue space to be deployed
48 on the premises of the nursing home and placed into service within

1 72 hours after the declaration of any public emergency or, if a
2 public emergency is ongoing on the effective date of this bill,
3 within 72 hours after this bill's effective date. The emergency
4 morgue space is to remain in service on the premises of the nursing
5 home until the public emergency is declared to be over, unless the
6 space is mobile and is temporarily moved off-site for the purposes
7 of directly transporting dead bodies for autopsy or final disposition.
8 Emergency morgue space is to be deployed, in accordance with
9 these requirements, regardless of whether the nursing home has
10 adopted a long-term plan for the temporary on-site storage of dead
11 bodies, as provided by the bill; however, any emergency morgue
12 space deployed before a plan is adopted will need to be reevaluated
13 by the nursing home at the time of the plan's approval or
14 conditional approval and modified as necessary to comply with the
15 provisions of the approved or conditionally approved plan.

16 The long-term cold storage plan developed by a nursing home
17 under the bill is to be used to guide the nursing home's ongoing
18 temporary storage of dead bodies during non-emergent periods and
19 times of public emergency. The long-term plan is to:

20 1) provide for the establishment of, or designate an existing
21 area of the nursing home as, a permanent morgue. If the nursing
22 home does not currently have a room or other area that can be
23 designated and used as a permanent morgue, the plan is to describe
24 how the nursing home will satisfy the bill's requirements, whether
25 through the construction of a new building, the construction of an
26 addition to an existing building, the modification of an existing
27 room or building, or the ongoing and uninterrupted use of a
28 refrigerated vehicle or other mobile cold storage unit as authorized
29 by the bill; and

30 2) describe, and identify the current location of, any emergency
31 morgue space that has been designated, established, acquired, or
32 contracted for use during public emergencies pursuant to the bill's
33 provisions; identify the third-party provider, if any, who will
34 provide or who is currently providing the emergency morgue space;
35 and describe the means, methods, and procedures that will be used
36 by the nursing home and any contracted third-party provider to
37 ensure that the supplemental emergency morgue space is deployed,
38 remains in service, and is removed from service in accordance with
39 the timeframes specified by the bill.

40 A permanent morgue established under the bill is to be capable
41 of safely, humanely, and simultaneously storing the dead bodies of
42 at least two of the nursing home's patients or residents. The size of
43 any emergency morgue space is to be determined based on the
44 individual needs of the nursing home, but is to be sufficient to
45 ensure the safe and humane temporary storage of the dead bodies of
46 patients or residents who die at the nursing home during times of
47 public emergency. If, at any time during a public emergency, a
48 nursing home's emergency morgue space becomes insufficient to

1 safely and humanely store the dead bodies of patients or residents
2 who have died during the public emergency, the nursing home will
3 be required to make every reasonable effort to promptly expand its
4 emergency morgue space as necessary to ensure that its emergency
5 morgue capacity is sufficient for its needs.

6 The nursing home's long-term cold storage plan is to identify the
7 maximum number of dead bodies and the percentage of the nursing
8 home's total patient or resident capacity that can be safely,
9 humanely, and simultaneously stored within the confines of the
10 nursing home's permanent morgue and within the confines of the
11 nursing home's emergency morgue space, and is to further describe
12 the means, methods, and procedures that will be used by the nursing
13 home to ensure that its emergency morgue space remains sufficient
14 for its needs.

15 The long-term plan would additionally be required to identify the
16 means, methods, and procedures that will be used by nursing home
17 administrators and staff to ensure: 1) that dead bodies are handled,
18 stored, and transferred in a safe, sanitary, respectful, and humane
19 way, in accordance with all applicable laws and regulations; 2) that
20 each dead body is properly identified at the time of placement into
21 cold storage, throughout the duration of the time kept in cold
22 storage, and at the time of the body's transport out of cold storage;
23 and 3) that each dead body is kept in cold storage for as short a time
24 as is necessary before being safely and humanely transferred to
25 other parties for the purposes of autopsy or final disposition.

26 A permanent morgue or emergency morgue space operating on
27 the grounds of a nursing home may not be used for any purpose
28 other than the storage of the dead bodies of the nursing home's
29 patients or residents. The facility will not be deemed to be a public
30 morgue, and will not be required to accept the dead bodies of any
31 persons who are not patients or residents of the nursing home.

32 The bill would require the Commissioner of Health to adopt rules
33 and regulations, on an emergency basis, to implement the bill's
34 provisions. The rules and regulations are to be adopted within 30
35 days after the bill's enactment, notwithstanding the provisions of
36 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
37 1 et seq.) to the contrary.

38 A nursing home operating in the State on the effective date of
39 this bill will be required to prepare and submit its long-term plan to
40 the department, as soon as is practicable, but not more than 30 days,
41 after the bill's effective date, regardless of whether emergency rules
42 and regulations have been adopted pursuant to the bill's provisions.
43 A nursing home commencing operations in the State after the bill's
44 effective date will be required to prepare and submit its long-term
45 plan to the department as part of its application for licensure as a
46 long-term care facility or skilled nursing care provider. The plan is
47 to be revised and reapproved following the commissioner's
48 adoption of emergency rules and regulations, if those rules and

1 regulations were not adopted at the time of the plan's initial
2 submission, and also on at least a biennial basis after the plan is
3 initially approved or conditionally approved. Any revised plan is to
4 be submitted to the department within 10 days after material
5 changes are made thereto.

6 The department will be required to review an initial or revised
7 plan submitted pursuant to the bill and approve or conditionally
8 approve the plan either within 30 days after receipt thereof or, if the
9 plan is submitted as part of an application for licensure, upon the
10 department's issuance of a license to the applicant. If the plan is
11 conditionally approved, the nursing home will be required to adopt
12 and implement the plan in accordance with any mandatory revisions
13 identified by the department. If the department does not respond to
14 the submission, the plan will be deemed approved on a non-
15 conditional basis, and the nursing home may proceed to implement
16 the plan without change.

17 A nursing home will be required to ensure that its permanent
18 morgue is fully constructed or otherwise made functional, and is
19 placed into service in accordance with the nursing home's plan,
20 within one year after the plan is approved or conditionally approved
21 or within any extended period of time, as authorized by the
22 commissioner, which may be necessary to ensure proper
23 construction of the permanent morgue. Any request for an
24 extension of the 180-day statutorily mandated timeframe is to be
25 submitted by the nursing home as an addendum to its initial plan;
26 however, a nursing home will not be eligible for an extension of
27 time if it is planning to use a mobile morgue space as a permanent
28 morgue.

29 Any area used as a permanent morgue and any vehicle, cold
30 storage unit, or other makeshift area used as emergency morgue
31 space under the bill is to: 1) be located on, or immediately adjacent
32 to, the premises of the nursing home at all times during use, except
33 that a mobile morgue space may be temporarily moved off-site
34 when transporting dead bodies for autopsy or final disposition; 2)
35 be closed-off and isolated from public view and removed, to the
36 greatest extent practicable, from patient or resident living quarters
37 and common areas; 3) be fully refrigerated or contain refrigeration
38 or freezer drawers or other cold storage areas where dead bodies
39 will be stored; 4) be of suitable construction, contain appropriate
40 equipment, and be of sufficient size, as provided by the bill, to
41 ensure the lawful, safe, respectful, and humane handling and
42 storage of dead bodies; 5) have lockable doors; 6) be equipped with
43 alarms to signal intrusion and unacceptable temperature variations;
44 7) have surfaces and flooring constructed of nonporous materials;
45 and 8) be equipped with a working sink or other hand sanitizing
46 station.

47 The bill would prohibit eating, drinking, smoking, and the
48 application of cosmetics or contact lenses in any permanent morgue

1 or emergency morgue space, and it would require personal
2 protective equipment (PPE) to be worn by staff while handling dead
3 bodies for the bill's purposes.

4 The bill would require a nursing home to ensure that each dead
5 body is transferred to another party for the purposes of autopsy or
6 final disposition, during non-emergent periods, as soon as possible,
7 but not more than five days, after the body is placed into cold
8 storage or, if a public emergency is ongoing or is declared while the
9 body is in storage, as soon as may be practicable in the context of
10 the public emergency. When moving a dead body into or out of
11 cold storage, the nursing home is to ensure that the dead body: 1) is
12 placed in a secure, closed container or is otherwise isolated from
13 public view; and 2) is moved in a manner, and using equipment,
14 that protects the health and wellbeing of the other patients or
15 residents of the nursing home, and of nursing home staff, to the
16 greatest extent practicable.

17 The bill also requires a nursing home to maintain certain records
18 in association with its storage and transfer of dead bodies under the
19 bill, and it authorizes the commissioner to: 1) inspect permanent
20 morgues and emergency morgue spaces; 2) investigate complaints
21 about the maltreatment or inappropriate storage of dead bodies by
22 nursing homes; 3) order nursing homes to cease and desist unlawful
23 activities and undertake corrective actions; and 4) seek injunctive
24 relief and recover civil monetary penalties in association with any
25 violation of the commissioner's orders. Any nursing home that fails
26 to comply with an order of the commissioner will be liable to a civil
27 penalty of not more than \$1,000 for a first offense and not more
28 than \$5,000 for a second or subsequent offense, to be collected in a
29 summary proceeding.