

SENATE, No. 70

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senator Pou

SYNOPSIS

Creates "Disability Life-Sustaining Measures Advisory Council."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT creating the "Disability Life-Sustaining Measures Advisory
2 Council" and supplementing Title 26 of the Revised Statutes.

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

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7 1. a. There is created, within the Department of Health, the
8 "Disability Life-Sustaining Measures Advisory Council." The
9 purpose of the Disability Life-Sustaining Measures Advisory
10 Council shall be to ensure that the rights of people with disabilities
11 are protected during public health emergencies. The advisory
12 council shall at a minimum:

13 (1) recommend policies, procedures, regulations, and legislation
14 to help the State provide life-sustaining measures to people with
15 disabilities during a public health emergency, including, but not be
16 limited to policies, procedures, regulations, and legislation
17 regarding emergency care, ventilators, resuscitation orders, testing,
18 and immunizations;

19 (2) recommend policies that protect the rights of people with
20 disabilities in any medical setting where the life of a person with a
21 disability is at risk;

22 (3) analyze and review the State's emergency care standards to
23 determine compliance with federal laws on discrimination against
24 people with disabilities; and

25 (4) receive public comment on the treatment of people with
26 disabilities during public health emergencies.

27 b. The advisory council shall consist of 14 members to be
28 appointed as follows:

29 (1) the State Long-Term Care Ombudsman or a designee who
30 shall be a non-voting member and shall serve ex officio;

31 (2) the Ombudsman for Individuals with Intellectual or
32 Developmental Disabilities and their Families or a designee who
33 shall be a non-voting member and shall serve ex officio;

34 (3) the Commissioner of Human Services or a designee who
35 shall be a non-voting member and shall serve ex officio;

36 (4) the Commissioner of Health or a designee who shall be a
37 non-voting member and shall serve ex officio;

38 (5) the Executive Director of Disability Rights New Jersey or a
39 designee who shall be a non-voting member and shall serve ex
40 officio;

41 (6) five public members appointed by Governor, three of whom
42 are persons with disabilities or family members of persons with
43 disabilities, and two members who represent organizations that
44 advocate for people with disabilities;

45 (7) two public members appointed by the President of the
46 Senate, one of whom is a person with a disability or a family
47 member of a person with a disability, and one who shall represent
48 an organization that advocates for people with disabilities; and

1 (8) two public members appointed by the Speaker of the General
2 Assembly, one of whom is a person with a disability or a family
3 member of a person with a disability, and one who shall represent
4 an organization that advocates for people with disabilities.

5 c. Each member of the advisory council shall serve for a term
6 of three years, but, of the members first appointed, two shall serve
7 an initial term of one year, two shall serve an initial term of two
8 years, and one shall serve an initial term of three years. Members
9 shall be eligible for reappointment to the advisory council upon the
10 conclusion of their respective membership terms. Any member of
11 the council may be removed by the Governor, for cause, following a
12 public hearing. Any vacancy in the membership of the advisory
13 council shall be filled in the same manner as the original
14 appointment.

15 d. Members of the advisory council shall be appointed within
16 30 days after the effective date of this act, and the advisory council
17 shall hold its initial organizational meeting as soon as practicable,
18 but no later than 30 days following appointment of a majority of its
19 authorized membership. At the initial organizational meeting, the
20 members shall elect a chairperson and vice-chairperson, from
21 among the council's members, by a majority vote of the members
22 present. The advisory council shall meet at the times and places
23 designated by the chair, but not less than twice per year.

24 e. Members of the advisory council shall serve without
25 compensation, but may be reimbursed for travel and other
26 miscellaneous expenses incurred in the necessary performance of
27 their duties, within the limits of funds made available to the council
28 for its purposes.

29 f. A majority of all the authorized members of the advisory
30 council shall constitute a quorum. No action of the council shall be
31 taken without the affirmative vote of a majority of all of its
32 authorized members, except the election of the chairperson and
33 vice-chairperson at the initial organizational meeting pursuant to
34 subsection d. of this section.

35 g. The advisory council shall be entitled to receive assistance,
36 information, and services from any State, county, or municipal
37 department, board, commission, or agency, as it may require, and as
38 may be available to it for its purposes. The council shall further be
39 authorized to consult with any association, organization, or
40 individual having knowledge of, or experience with, the issues
41 under the council's purview. The Department of Health shall
42 provide primary staff and administrative support to the advisory
43 council.

44 h. The council shall prepare an annual report on its findings,
45 conclusions, and recommendations and shall submit the report to
46 the Governor and to the Legislature in accordance with the
47 requirements of section 2 of P.L.1991, c.164 (C.52:14-19.1).

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill creates the "Disability Life-Sustaining Measures
7 Advisory Council" (council) in the Department of Health. The
8 purpose of the council is to ensure that the rights of people with
9 disabilities are protected during public health emergencies. The
10 advisory council is to at a minimum:

11 (1) recommend policies, procedures, regulations, and legislation
12 to help the State provide life-sustaining measures to people with
13 disabilities during a public health emergency, including, but not be
14 limited to policies, procedures, regulations, and legislation
15 regarding emergency care, ventilators, resuscitation orders, testing,
16 and immunizations;

17 (2) recommend policies that protect the rights of people with
18 disabilities in any medical setting where the life of a person with a
19 disability is at risk;

20 (3) analyze and review the State's emergency care standards to
21 determine compliance with federal laws on discrimination against
22 people with disabilities; and

23 (4) receive public comment on the treatment of people with
24 disabilities during public health emergencies.

25 Under the bill, the council is to consist of 14 as provided for in
26 the bill. Each member of the advisory council is to serve for a term
27 of three years; however, of the members first appointed, two are to
28 serve an initial term of one year, two are to serve an initial term of
29 two years, and one is to serve an initial term of three years.
30 Members will be eligible for reappointment to the advisory council
31 upon the conclusion of their respective membership terms. Any
32 member may also be removed by the Governor, for cause, following
33 a public hearing.

34 Members of the council are to be appointed within 30 days after
35 the bill's effective date, and the council is to hold its first
36 organizational meeting within 30 days after the appointment of a
37 majority of its membership.

38 Each year following the council's organization, the council will
39 be required to submit a report of its activities to the Governor and
40 Legislature.