

ASSEMBLY, No. 2334

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman CHRIS TULLY

District 38 (Bergen)

Assemblywoman LISA SWAIN

District 38 (Bergen)

Assemblyman WILLIAM B. SAMPSON, IV

District 31 (Hudson)

Co-Sponsored by:

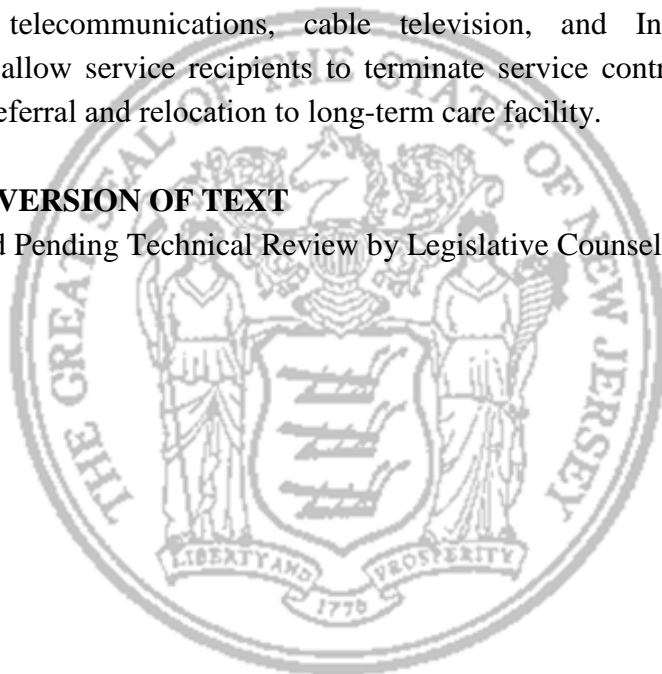
Assemblymen Freiman, DeAngelo, Assemblywomen Murphy, Lopez, Assemblymen Conaway, Calabrese, Danielsen, Atkins, Assemblywoman Lampitt, Assemblyman Karabinchak, Assemblywoman Park, Assemblyman Wimberly, Assemblywoman Haider, Assemblymen Sauickie, Stanley and Assemblywoman Carter

SYNOPSIS

Requires telecommunications, cable television, and Internet service providers to allow service recipients to terminate service contracts following physician's referral and relocation to long-term care facility.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 10/24/2024)

1 AN ACT allowing certain telecommunications service recipients to
2 terminate service contracts following a physician's referral to
3 certain long-term care facilities and supplementing Title 56 of
4 the Revised Statutes.

5

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

8

9 1. a. A service provider doing business in this State shall allow
10 a service recipient to terminate a contract for telecommunications
11 service, cable television service, or Internet connection service
12 pursuant to subsection b. of this section.

13 b. (1) A service provider shall permit a service recipient to
14 terminate, without incurring an early termination fee, the contract
15 for those services after the service recipient receives a physician's
16 order, or develops a plan of care in collaboration with a physician
17 responsible for the care of the service recipient, to relocate the
18 service recipient to a long-term care facility for a period of at least
19 90 days, if the service recipient relocates to a long-term care facility
20 that meets the description in the physician's order or the plan of
21 care.

22 (2) The service recipient shall, unless waived or not required by
23 the service provider, provide the service provider with no less than
24 45 days' notice prior to the requested date of the contract
25 termination or cancellation; provided, however, a service provider
26 shall waive the notice requirement and permit the termination
27 within 48 hours if a physician's order requires immediate relocation
28 to a long-term care facility. The service provider shall provide a
29 standard termination form to the service recipient upon request,
30 which the service recipient and a physician shall utilize when
31 requesting contract termination or cancellation pursuant to the
32 provisions of this section. If the service recipient is unable to
33 submit the standard termination form and a representative of the
34 service recipient is requesting contract termination or cancellation
35 pursuant to the provisions of this section, the representative shall
36 submit to the service provider the standard termination form and a
37 copy of the power of attorney, conservatorship, or guardianship
38 documents verifying the representative's authority to act on behalf
39 of the service recipient.

40 (3) A service provider may require written proof of a service
41 recipient's relocation to a long-term care facility. If the service
42 provider requires written proof, then the delivery of a written notice
43 to the service provider of the requested contract termination and a
44 letter signed by the service recipient's physician, no later than 45
45 days prior to the requested date of termination, attesting that the
46 requirements established pursuant to this subsection are met, shall
47 be deemed sufficient proof.

1 (4) Nothing in P.L. , c. (C.) (pending before the
2 Legislature as this bill) shall relieve a service recipient of an
3 obligation to return equipment to the service provider or to be
4 charged a lawful unreturned equipment charge nor shall a service
5 recipient be relieved from any amounts owed for any equipment
6 purchased by the service recipient.

7 c. For purposes of this section:

8 "Assisted living facility" means an assisted living residence or
9 comprehensive personal care home licensed pursuant to P.L.1971,
10 c.136 (C.26:2H-1 et seq.).

11 "Cable television company" and "cable television service" shall
12 have the same meaning as provided in section 3 of P.L.1972, c.186
13 (C.48:5A-3).

14 "Certified mail" shall have same meaning as provided in
15 R.S.1:1-2.

16 "Dementia care home" means a community residential facility
17 which: (1) provides services to residents with special needs,
18 including, but not limited to, persons with Alzheimer's disease and
19 related disorders or other forms of dementia; (2) is subject to the
20 licensure authority of the Department of Health as a health care
21 facility pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.); (3) and
22 meets the requirements of section 19 of P.L.2015, c.125 (C.26:2H-
23 150).

24 "Internet service provider" shall have same meaning as provided
25 in section 3 of P.L.2007, c.272 (C.56:8-170).

26 "Long-term care facility" means a nursing home, assisted living
27 residence, comprehensive personal care home, residential health
28 care facility, or dementia care home licensed pursuant to P.L.1971,
29 c.136 (C.26:2H-1 et seq.).

30 "Physician" means a physician authorized by law to practice
31 medicine in this or any other state and any other person authorized
32 by law to treat sick and injured human beings in this or any other
33 state.

34 "Service provider" means a telecommunications service
35 provider, a cable television company, or an Internet service
36 provider.

37 "Service recipient" means any individual who resides in this
38 State who receives telecommunications service, cable television
39 service, or Internet service from a service provider through
40 equipment that is located in this State.

41 "Telecommunications service provider" means any person,
42 business or organization qualified to do business in this State that
43 provides a telecommunications service that is subject to regulation
44 by the Board of Public Utilities pursuant to Title 48 of the Revised
45 Statutes.

46

47 2. This act shall take effect on the first day of the 12th month next
48 following enactment.

1 STATEMENT

2

3 This bill requires telecommunications, cable television, and
4 Internet service providers (service providers) to allow service
5 recipients to terminate service contracts following a physician's
6 referral to a long-term care facility for a period of not less than 90
7 days.

8 Under the bill, a service provider doing business in this State is
9 required to allow a service recipient to terminate the service
10 contract, as provided in the bill, without incurring an early
11 termination fee. Unless otherwise waived by the service provider,
12 the bill requires a service recipient to provide the service provider
13 with no less than 45 days' notice prior to the contract termination or
14 cancellation. However, if a physician's order requires immediate
15 relocation to a long-term care facility, this notice requirement
16 would be waived, and the contract may be terminated within 48
17 hours.

18 The bill also allows a service provider to require written proof of
19 a service recipient's relocation to a long-term facility. In this event,
20 the bill provides that the delivery of a written notice to the service
21 provider of the contract termination and a letter signed by the
22 service recipient's physician, no later than 45 days prior to the
23 scheduled date of termination, would be deemed to constitute
24 sufficient proof.

25 The bill further provides that nothing in the bill is to relieve a
26 service recipient of an obligation to return equipment to the service
27 provider or to be charged a lawful unreturned equipment charge,
28 nor is a service recipient relieved from any amounts owed for any
29 equipment purchased by the service recipient.

30 The bill provides that a service provider is to provide a standard
31 termination form to the service recipient upon request, which the
32 service recipient and a physician are to utilize when requesting
33 contract termination or cancellation from the service provider.

34 In addition, the bill provides that when the service recipient is
35 unable to submit the standard termination form and a representative
36 of the service recipient is requesting contract termination or
37 cancellation the representative is to submit to the service provider
38 the standard termination form and a copy of the power of attorney,
39 conservatorship, or guardianship documents verifying the
40 representative's authority to act on behalf of the service recipient.