

New Jersey Nursing Homes Must Protect Resident Rights

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Nursing Home Negligence and Abuse

Our nursing-home lawyers frequently explain that in 1976, the New Jersey Legislature expressed a broad policy and goal for protecting nursing-home resident rights. And in doing so, it empowered the Commissioner of the New Jersey Department of Health with setting the path and rules that nursing home corporations must follow to ensure that they do not violate their residents' rights.

Nursing Home Mandatory Resident Rights

In fact, New Jersey nursing-home law holds nursing home corporations responsible for developing and implementing policies to protect, preserve, and guarantee nursing-home resident rights. Our nursing-home lawyers understand that those rights, as provided by New Jersey nursing-home law, include the following Mandatory Resident Rights:

- To live in a nursing home that does not admit more residents than it can safely accommodate while providing adequate nursing care, N.J.A.C. 8:39-4.1(a)(11);
- To live in a nursing home that does not subject the resident to neglect, N.J.A.C. 8:39-4.1(a)(5);
- To live in a nursing home that does not subject the resident to physical and mental abuse; N.J.A.C. 8:39-4.1(a)(5); and
- To live in a nursing home where the nursing staff protects the resident's dignity and individuality by treating the resident with courtesy, consideration, and respect, N.J.A.C. 8:39-4.1(a)(12).

Furthermore, New Jersey's nursing-home law requires nursing homes to inform and explain the mandatory resident rights, and many other rights, to a nursing-home resident, the resident's next of kin, and the resident's guardian, N.J.A.C. 8:39-4.1(b).

Nursing Home Rights Include Following the Standard of Care

Empowered by the New Jersey Legislature, the Commissioner has created the Mandatory Resident Rights, above, as well as rules and standards intended to assure that nursing-home corporations deliver high quality care to the residents who live in their long-term care facilities. The rights, rules, and standards address access to care, continuity of care, comprehensiveness of care, coordination of services, humaneness of treatment, conservatism in intervention, safety of the environment, and

professionalism of caregivers.

Voicing Complaints About Nursing Homes

Importantly, nursing-home residents also have the right to voice their complaints without being threatened or punished. A nursing-home corporation must provide residents and their families with the names, addresses, and telephone numbers for the government agencies that will accept and document any nursing-home complaints of abuse and neglect. Here are two nursing-home government agencies that families may contact

- New Jersey Department of Health, Health Facilities Evaluation & Licensing, P.O. Box 358, Trenton, NJ 08625-0358; and
- Office of the Ombudsman for the Institutionalized Elderly, P.O. Box 852, Trenton, NJ 08625-0852.

Residents and families may file a complaint by calling the hotline at 1 (800) 792-9770, Select #1; but anyone may use the hotline, even nursing-home corporation employees and other members of the public. Or they may file a complaint online here: [online complaint](#). Finally, anyone can submit a complaint by downloading and completing form AAS-60, located here: [[.pdf](#)] or [[.doc](#)]; and then faxing the form to (609) 943-4977 or (609) 633-9060.

The State of New Jersey created the Mandatory Resident Rights, rules, and standards in order to protect nursing-home residents from neglect and abuse.

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