



STATE OF NEW JERSEY
New Jersey Department of Human Services

**A Report on the New Jersey Department of Human
Services' Central Registry of Offenders against Individuals
with Developmental Disabilities**

**Submitted by: Department of Human Services
Office of Program Integrity and Accountability
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Report to the Legislature and Governor Concerning the Central Registry of Offenders against Individuals with Developmental Disabilities

HISTORY:

Governor Chris Christie signed Public Law 2010, Chapter 5, in April 2010, which established the *Central Registry of Offenders against Individuals with Developmental Disabilities* in the Department of Human Services (DHS). The law was created to protect individuals with intellectual/developmental disabilities (I/DD) by identifying caregivers who have willfully participated in abuse, neglect or exploitation and banning them from providing state-funded services to individuals with I/DD in the future. In addition, the statute directed DHS Commissioner to report back to the Governor and Legislature two years after the effective date on the viability of extending the Central Registry to cover other populations served by DHS.

Rules and regulations were established on June 6, 2011 to provide for investigation of reported allegations of abuse, neglect, or exploitation through the Office of Program Integrity and Accountability's Special Response Unit in community settings or by the newly formed Office of Investigation for incidents in state-operated facilities. During their investigations, these units make good faith efforts to notify the caregiver of the allegation and the possibility of inclusion on the Central Registry.

Substantiated incidents of abuse, neglect, or exploitation that meet criteria defined by the law, for inclusion on the Central Registry, are submitted to DHS Commissioner or designee by the Office of Program Integrity and Accountability. In the case of abuse, the caregiver has to have acted with intent, recklessness, or careless disregard to cause or potentially cause injury. In the case of neglect, the caregiver has acted with gross negligence, recklessness, or in a pattern of behavior that causes or potentially causes harm. In the case of a substantiated incident of exploitation, DHS Commissioner, after consultation with community providers and advocates for individuals with I/DD, established that exploitive acts totaling \$100 or more in individual or combined amounts, warrants inclusion on the Central Registry.

Individuals substantiated for incidents of abuse, neglect, or exploitation recommended for placement on the Central Registry by the investigating units, are reviewed by DHS Commissioner or designee and the final placement decision is made. Caregivers are notified and are offered due process rights of appeal through an informal process within DHS, and through the hearing process within the Office of Administrative Law. People placed on the Central Registry are prohibited from employment for a minimum of five years, in facilities or programs of the Division of Developmental Disabilities and those licensed, contracted, or regulated by DHS, or from working or volunteering in programs offering community-based services with indirect State funding to persons with I/DD.

In order to prevent individuals on the Central Registry from being employed or volunteering with programs or facilities offering services to individuals with I/DD, DHS maintains the Central Registry as a non-public listing, per statute. Each time an offender is added to the Central Registry, the authorized representative of every employer providing services to New Jersey residents with I/DD is required to check current and potential staff against the list. Access is permitted through a unique user ID and password combination that allows providers to identify people who cannot be considered for employment or who must be terminated if already employed.

After five years, offenders placed on the Central Registry may apply to DHS Commissioner for removal, by citing specific rehabilitation they may have achieved.

To date, twelve offenders have been placed on the Central Registry; an additional two offenders have requested an informal hearing and are in the due process phase.

ANALYSIS:

In order to more completely report on the viability of extending the Central Registry to cover populations beyond the scope of individuals with developmental disabilities served by DHS, comments from users and external stakeholders were solicited. Responses were received from:

- Christine Reinhard, Director, National Institute for People with Disabilities of New Jersey;
- Shauna Moses, Associate Executive Director, New Jersey Association of Mental Health and Addiction Agencies (NJAMHAA);
- Philip M. Gartlan, Executive Director, The Midland School, Midland Adult Services;
- Kimberley Higgs, Program Director, Volunteers of America;
- Zaphria Dockery-Marsh, HR Manager, Easter Seals New Jersey;
- Kim Todd, CEO, New Jersey Association of Community Providers; and
- Daniel J. Keating, Executive Director, ABCD.

DHS values the Central Registry and agrees with external stakeholders that its intent has been realized. The Central Registry is an important tool for DHS and its community-based I/DD providers to protect the consumers we serve.

Since its enactment, New Jersey's Central Registry has become a model for other states. We recognize, however, that in order to consider expansion, the infrastructure of the current system will need to be redesigned. DHS' operations and resources provide only for investigations related to individuals with I/DD served in community and facility settings. At this time, DHS is taking steps to strengthen its response to incidents occurring within community mental health and addiction agency settings, which is a necessary first step that will help determine whether the existing framework can evolve to accommodate added systems of care.

The recent transition of the Division of Aging Services similarly requires DHS to integrate its services and systems, as well as coordinate with and consider the role of the Ombudsman for the Institutionalized Elderly with respect to investigations.