



The Stephen Komminos' Law - Public Law 2017, Chapter 238

The Stephen Komminos' Law was enacted in 2017 and strengthens protections for participants of any New Jersey Department of Human Services (DHS) funded, licensed or regulated program for adults with developmental disabilities, including State developmental centers and community programs. The law recognizes the important role of guardians and family members in the lives of adults with developmental disabilities and establishes greater communication links between providers and guardians.

When Does the Stephen Komminos' Law Take Effect?

Effective May 1, 2018, every person who is employed by or volunteering in any DHS-funded, licensed or regulated program serving adults with developmental disabilities is subject to the requirements of this law.

What Are the Requirements of the Stephen Komminos' Law?

DHS Site Visits

- Two unannounced site visits annually by a DHS representative to all community residential programs (group homes and supervised apartments) to evaluate if individuals residing in these settings are at risk of, or being subjected to, abuse, neglect or exploitation by a caregiver.
- Within residential community settings or DHS facility settings, verification within 48-hours by a DHS representative, of an incident or allegation reported to DHS involving abuse, neglect or exploitation or any moderate or major injury - regardless of the cause, involving an individual.

Guardian/Family Communication

- In community residential settings or day programs, notification in-person or by phone within two hours must be made by the service provider to an individual's guardian of all major, moderate and minor physical injury related to incidents or allegations of abuse, neglect or exploitation, or any moderate or major injury regardless of the cause. If there is no guardian, a family member who requests notification may be notified, unless the individual prohibits the family member from receiving this information. If there is a legitimate reason why the notification was not provided within two hours, it must be provided within eight hours with a written explanation of the cause for the delay provided to the guardian or family member and to DHS. Follow-up communication with the guardian or family member can be done via email/electronic communication. All other DHS policies regarding notifications to guardians remain in place. Guardian notification is still required for incidents or allegations involving abuse, neglect and exploitation, regardless of whether there is a resulting injury.
- In developmental centers, notification in-person or by telephone within two hours must be made by the center to an individual's guardian of all minor, moderate or major injury, regardless of the cause. If there is no guardian, a family member who requests notification may be notified, unless the individual prohibits the family member from receiving this information. If there is a legitimate reason why the notification was not provided within two hours, it must be provided within eight hours with a written explanation of the cause for the delay provided to the guardian or family member and to DHS. Follow-up communication with the guardian or family member can be done via email/electronic communication. All other DHS policies regarding notifications to guardians remain in place. Guardian notification is still required for incidents or allegations involving abuse, neglect and exploitation, regardless of whether there is a resulting injury.
- Each DHS developmental center will schedule meetings twice each year with parents and guardians of individuals to provide an opportunity to share experiences;
- Providing opportunities for parents and guardians of individuals residing in a community residential program, or participating in a day program to exchange contact information with other parents and guardians of individuals in program.
- A guardian may attend a DHS Office of Investigations (OI) interview of the individual the guardian represents and terminate the interview, unless the attendance or termination would impede the investigation.
- A guardian may provide information to facilitate an investigation. If the individual does not have a guardian, a family member may provide information, unless the individual expressly prohibits the family member from providing information.

- The guardian of an individual will be provided with a written summary of the findings of a DHS investigation involving an alleged incident of abuse, neglect or exploitation of the individual. If the individual does not have a guardian, a family member may receive the summary, unless the individual prohibits the family member from receiving information.
- The actual reports and records of an investigation shall be provided to the guardian or a person responsible for the welfare of an individual if the information is needed in connection with providing care to, treatment, an assessment, evaluation or supervision of the individual, and the Division of Developmental Disabilities (DDD) determines that providing the information is in the best interest of the individual.

Reporting Suspected Abuse, Neglect or Exploitation

- The law requires **ALL** persons employed by, or volunteering in, any DHS-funded, licensed or regulated program, or a person providing services with indirect State funding to an individual with a developmental disability to report incidents or suspicions of abuse, neglect or exploitation. Staff working in facilities, agencies or programs should follow their employer's reporting policies. The Division of Developmental Disabilities (DDD) also maintains a toll-free number to call to report abuse, neglect or exploitation. That number is **1-800-832-9173**. When in doubt, REPORT.
- There are criminal penalties and a monetary fine for failing to report abuse, neglect or exploitation of an adult with a developmental disability. A person employed or volunteering who fails to report, but has reason to believe such an act has been committed, is a disorderly person under the law. A person convicted of this offense may be fined \$350 for each day that the abuse, neglect or exploitation was not reported.
- A case manager or case manager's supervisor who fails to report abuse, neglect or exploitation, but has reason to believe such an act has been committed shall be guilty of a crime in the fourth degree, unless the abuse, neglect or exploitation results in death, in which case they will be guilty of a crime in the third degree.

Drug Testing

- Drug testing is required of direct care applicants and employees of any DHS-funded, licensed or regulated program for adults with developmental disabilities. This includes drug testing as a condition of employment, random testing while employed and drug testing for cause based on a concern or suspicion.
- If an applicant refuses the test or tests positive, the person will not be eligible for employment. A current staff member who refuses to undergo testing will be terminated from employment. If a staff member tests positive, at the agency's discretion, they may be referred for treatment or terminated from employment.

Are there Specific Requirements for State Developmental Centers, Service Providers and Programs?

Yes, there are specific requirements for State developmental centers, community-based residential programs, day programs, community care residences and other service providers. To ensure compliance with the specific requirements of the Stephen Komninos' Law, view more information online at:

<http://www.state.nj.us/humanservices/index.shtml>

Are there Specific Requirements for Employees of State Developmental Centers, Service Providers and Programs?

Yes, there are specific requirements for employees of State developmental centers, community-based residential programs, day programs, community care residences and other service providers. All direct care staff must cooperate with DHS staff conducting unannounced site visits, injury verifications, investigations and drug testing requirements. To ensure compliance, a mandatory training for direct care staff is required through the College of Direct Supports for community staff and through each facility for employees of State developmental centers.

Learn more on the New Jersey Department of Human Services website:

<http://www.state.nj.us/humanservices/index.shtml>

**Report suspected abuse, neglect or exploitation by
following your agency or program protocols,
or by calling:
1-800-832-9173**

Questions?

Contact the New Jersey Department of Human Services, Office of Program Integrity and Accountability:

DHS-SKLAW.OPIA@dhs.state.nj.us