



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
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GOVERNOR

CAROLE JOHNSON
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LT. GOVERNOR

May 1, 2018

Dear Provider:

Today, May 1, 2018, the Stephen Komminos' Law (P.L 2017, c. 238) takes effect. The law was enacted to strengthen protections for adults with developmental disabilities across New Jersey.

The Stephen Komminos' Law is the result of dedicated efforts by families, advocates, the State Legislature, and the Department of Human Services' (DHS) Division of Developmental Disabilities, to better prevent and respond to incidents of abuse, neglect, and exploitation.

DHS is committed to the full implementation of the Stephen Komminos' Law. The law provides new response tools and additional opportunities for DHS and our service partners to identify and remediate potential concerns before they impact the health, safety or well-being of the individuals we serve.

Additionally, the law recognizes the important role of guardians and family members in the lives of adults with developmental disabilities and establishes important provisions that strengthen this involvement. Every person who is employed by or volunteering in any DHS-funded, licensed or regulated program who provides services to adults with developmental disabilities is subject to the requirements of this law.

Significant provisions of the law include:

- ✓ Two unannounced site visits by a DHS' Office of Program Integrity and Accountability (OPIA), Field Safety and Services Unit (FSSU) representative to community residences;
- ✓ A DHS OPIA, Incident Verification Unit (IVU) representative will see the individual to verify identified physical injuries within 48 hours of a report;
- ✓ Employees must immediately report incidents or suspicions of potential abuse, neglect and exploitation by following the facility, agency or program reporting policies for reporting incidents to the Division of Developmental Disabilities (DDD);
- ✓ Employees or volunteers who fail to report abuse, neglect and exploitation are subject to a disorderly person offense, and if convicted, will be subject to a penalty of \$350 for each day the abuse, neglect and exploitation was not reported;
- ✓ Drug testing of direct care staff before hiring, randomly, and when a provider has reason to suspect drug use.

It is anticipated that the Department's vendor will begin drug testing on or around June 15, 2018. Direct care staff hired after May 1, 2018, but before the Department's vendor is operational, should be placed in a provisional work period until drug testing through the Department is completed. During this provisional work period, the employee must be supervised to the extent practicable. Provisional employees must be drug tested as soon as the Department's vendor is operational.

All direct care staff hired after the Department's vendor is operational must undergo drug testing prior to commencing employment. It is permissible for providers to have their own drug testing policies and to continue existing drug testing policies, but any testing under these policies will not be reimbursed by DHS and does not replace drug testing by the Department's vendor. DHS will provide additional information about drug testing, including information about how to work with the vendor and how randomized testing will be determined. DHS is funding drug testing related to implementation of the Stephen Komninos' Law.

Additionally, the law establishes greater communication between providers and guardians and families through the following provisions:

- ✓ Requiring community residential and day program providers to notify the guardian of an injury as soon as possible, but no later than two hours after the occurrence of the injury, in-person or by telephone. In extraordinary circumstances, the notification should be no later than eight hours after the occurrence of the injury. Notification outside the two-hour timeframe requires providers to submit a written justification to the guardian and to DHS;
- ✓ Requiring community residential providers and day program providers to facilitate the exchange of guardian/parent contact information with other guardians/parents of individuals in the same program;
- ✓ Notifying guardians of the commencement of a DHS investigation conducted under these circumstances, providing the opportunity to observe a DHS investigative interview of the individual the guardian represents and providing a summary of the investigation;
- ✓ Providing reports and records of a DHS investigation if the information is needed to provide care, treatment, an assessment of, or supervision to, an individual and as determined by DDD to be in the individual's best interest.

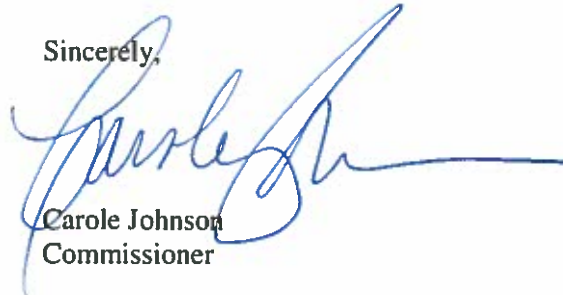
To assist providers, DHS created a webinar explaining each provision of the law with accompanying guidance for implementation. Additional helpful documents and the link to the webinar can be found on the DHS website at:

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

DHS also worked with the College of Direct Supports (CDS) to develop a training and competency test for direct support professionals on the Stephen Komninos' Law. All existing direct support professionals should receive this training within 60 days of its posting on the CDS website. All newly hired staff should routinely receive this training as part of the required CDS modules.

The Stephen Komninos' Law reinforces our commitment to the health, safety and well-being of individuals with intellectual and developmental disabilities.

Sincerely,



Carole Johnson
Commissioner

c: Sarah Adelman, Deputy Commissioner