

# ASSEMBLY, No. 2503

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 4, 2016

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

**Assemblymen Schaer, Holley and Eustace**

**SYNOPSIS**

Provides protections for individuals with developmental disabilities through accountability and transparency; designated as “Stephen Komminos’ Law.”

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/16/2016)**

A2503 VAINIERI HUTTLE, MOSQUERA

2

1 AN ACT concerning individuals with developmental disabilities,  
2 designated as Stephen Komninos' Law, supplementing Title 30  
3 of the Revised Statutes, and amending P.L.2010, c.5.

4

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

7

8 1. (New section) The Commissioner of Human Services, or the  
9 commissioner's designee, shall designate employees of the  
10 Department of Human Services, who are not employees of a State  
11 developmental center but may be case managers employed by the  
12 department or an agency under contract with the department, as  
13 applicable, to conduct at least three unannounced site visits  
14 annually to randomly check whether the individuals with  
15 developmental disabilities who are receiving services from a  
16 program, facility, or living arrangement licensed or funded by the  
17 department, other than a community care residence which is subject  
18 to visits pursuant to section 7 of P.L.2012, c.69 (C.30:6D-5.13), are  
19 at risk of, or are being subjected to, abuse, neglect, or exploitation  
20 by a caregiver, and report the same pursuant to section 3 of  
21 P.L.2010, c.5 (C.30:6D-75).

22

23 2. (New section) a. The Commissioner of Human Services, or  
24 the commissioner's designee, shall designate staff to notify the  
25 guardian or authorized family member of an individual with a  
26 developmental disability receiving services from a program,  
27 facility, community care residence, or living arrangement licensed  
28 or funded by the department of any physical injury to the individual  
29 with a developmental disability, as soon as possible, but no later  
30 than 24 hours after the occurrence of the injury.

31 b. A provider or licensee, as applicable, of a program, facility,  
32 community care residence, or living arrangement licensed or funded  
33 by the department shall notify the guardian or authorized family  
34 member of an individual with a developmental disability receiving  
35 services from the provider or licensee of any physical injury to the  
36 individual with a developmental disability as soon as possible, but  
37 not more than two hours after the occurrence of the injury, unless  
38 there is an extraordinary circumstance which prevents such  
39 notification in which case the provider or licensee shall notify the  
40 guardian or authorized family member as soon as possible, but not  
41 more than eight hours after the occurrence of the injury.

42 c. Notifications pursuant to this section shall be in person, or  
43 by telephone, and other electronic means shall be used to follow up  
44 the telephoned notification.

45 d. As used in this section "authorized family member" means a

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 relative of the individual with a developmental disability authorized  
2 by the individual's guardian, or by the individual if the individual is  
3 his own guardian, to receive information pursuant to this section.

4  
5 3. (New section) Within 48 hours of receipt of a report of an  
6 incident involving physical injury, or abuse or neglect as those  
7 terms are defined in section 2 of P.L.2010, c.5 (C.30:6D-74), in a  
8 program, facility, community care residence, or living arrangement  
9 licensed or funded by the Department of Human Service for an  
10 individual with a developmental disability, the Commissioner of  
11 Human Services shall send an employee of the department, who is  
12 not an employee of a State developmental center but may be a case  
13 manager employed by the department or an agency under contract  
14 with the department, as applicable, to the location of the reported  
15 incident to verify the level of severity of the incident.

16  
17 4. Section 2 of P.L.2010, c.5 (C.30:6D-74) is amended to read  
18 as follows:

19 2. As used in this act:

20 "Abuse" means wrongfully inflicting or allowing to be inflicted  
21 physical abuse, sexual abuse, or verbal or psychological abuse or  
22 mistreatment by a caregiver upon an individual with a  
23 developmental disability.

24 "Authorized family member" means a relative of the individual  
25 with a developmental disability authorized by the individual's  
26 guardian, or by the individual if the individual is his own guardian,  
27 to receive information pursuant to P.L.2010, c.5 (C.30:6D-73 et  
28 seq.).

29 "Caregiver" means a person who receives State funding, directly  
30 or indirectly, in whole or in part, to provide services or supports, or  
31 both, to an individual with a developmental disability; except that  
32 "caregiver" shall not include an immediate family member of a  
33 person with a developmental disability.

34 "Central registry" means the Central Registry of Offenders  
35 Against Individuals with Developmental Disabilities established  
36 pursuant to **[this act]** P.L.2010, c.5 (C.30:6D-73 et seq.).

37 "Commissioner" means the Commissioner of Human Services.

38 "Department" means the Department of Human Services.

39 "Developmental disability" means developmental disability as  
40 defined in section 3 of P.L.1977, c.82 (C.30:6D-3).

41 "Exploitation" means the act or process of a caregiver using an  
42 individual with a developmental disability or his resources for  
43 another person's profit or advantage.

44 "Intimate parts" means the following body parts of a person:  
45 sexual organs, genital area, anal area, inner thigh, groin, buttock, or  
46 breast.

47 "Lewdness" means the exposing of the genitals for the purpose  
48 of arousing or gratifying the sexual desire of a caregiver or an

1 individual with a developmental disability, or any flagrantly lewd  
2 and offensive act which the caregiver knows or reasonably expects  
3 is likely to be observed by an individual with a developmental  
4 disability.

5 "Neglect" shall consist of any of the following acts by a  
6 caregiver on an individual with a developmental disability: willfully  
7 failing to provide proper and sufficient food, clothing, maintenance,  
8 medical care, or a clean and proper home; or failure to do or permit  
9 to be done any act necessary for the well-being of an individual  
10 with a developmental disability.

11 "Physical abuse" means a physical act directed at an individual  
12 with a developmental disability by a caregiver of a type that causes  
13 one or more of the following: pain, injury, anguish, or suffering.  
14 Such acts include, but are not limited to, the individual with a  
15 developmental disability being kicked, pinched, bitten, punched,  
16 slapped, hit, pushed, dragged, or struck with a thrown or held  
17 object.

18 "Sexual abuse" means an act or attempted act of lewdness, sexual  
19 contact, or sexual penetration between a caregiver and an individual  
20 with a developmental disability. Any form of sexual contact or  
21 activity between a caregiver and an individual with a developmental  
22 disability, absent marriage, domestic partnership, or civil union, is  
23 sexual abuse, regardless of whether the individual with a  
24 developmental disability gives consent or the caregiver is on or off  
25 duty.

26 "Sexual contact" means an intentional touching by a caregiver or  
27 individual with a developmental disability, either directly or  
28 through clothing, of the intimate parts of the individual with a  
29 developmental disability or the caregiver for the purpose of  
30 sexually arousing or sexually gratifying the caregiver. Sexual  
31 contact of the caregiver with himself must be in view of the  
32 individual with a developmental disability whom the caregiver  
33 knows to be present.

34 "Sexual penetration" means vaginal intercourse, cunnilingus,  
35 fellatio, or anal intercourse between a caregiver and an individual  
36 with a developmental disability or insertion of the hand, finger, or  
37 object into the anus or vagina, either by the caregiver or upon the  
38 caregiver's instruction.

39 "Verbal or psychological abuse or mistreatment" means any  
40 verbal or non-verbal act or omission by a caregiver that inflicts one  
41 or more of the following: emotional harm; mental distress; or  
42 invocation of fear, humiliation, intimidation, or degradation to an  
43 individual with a developmental disability. Examples include, but  
44 are not limited to: bullying; ignoring need; verbal assault; use of  
45 racial or ethnic slurs; or intimidating gestures, such as shaking a fist  
46 at an individual with a developmental disability.

47 (cf: P.L.2010, c.5, s.2)

1       5. Section 3 of P.L.2010, c.5 (C.30:6D-75) is amended to read  
2 as follows:

3       3. a. (1) A case manager or case manager's supervisor in the  
4 department, a person employed or volunteering in a program,  
5 facility, community care residence, or living arrangement licensed  
6 or funded by the department, a person conducting an unannounced  
7 site visit pursuant to section 1 of P.L. , c. (C. ) (pending  
8 before the Legislature as this bill), or a person providing  
9 community-based services with indirect State funding to a person  
10 with a developmental disability, as applicable, having reasonable  
11 cause to believe that an individual with a developmental disability  
12 has been subjected to abuse, neglect, or exploitation by a caregiver  
13 shall report the same immediately to the department by telephone or  
14 otherwise, and if appropriate the department shall notify, as soon as  
15 possible but no later than 24 hours after the occurrence of the abuse,  
16 neglect, or exploitation, the guardian or authorized family member  
17 of the individual with a developmental disability who was the  
18 subject of the abuse, neglect, or exploitation.

19       (2) Such report, where possible, shall contain the name and  
20 address of the individual with a developmental disability and the  
21 caregiver responsible for the care, custody, or control of the  
22 individual with a developmental disability, and the guardian, or  
23 other person having custody and control of the individual and, if  
24 known, the condition of the individual with a developmental  
25 disability, the nature and possible extent of the individual's injuries,  
26 maltreatment, abuse, neglect or exploitation, including any evidence  
27 of previous injuries, maltreatment, abuse, neglect, or exploitation,  
28 and any other information that the person believes may be helpful  
29 with respect to the injuries, maltreatment, abuse, neglect, or  
30 exploitation of the individual with a developmental disability and  
31 the identity of the alleged offender.

32       b. Within the department, the commissioner shall:

33       (1) maintain a unit to receive and prioritize such reports [,];

34       (2) provide for verification of the unit's prioritization of the  
35 reports by sending an employee or case manager to the appropriate  
36 location within 48 hours to verify the level of severity of the report,  
37 pursuant to section 3 of P.L. , c. (C. ) (pending before the  
38 Legislature as this bill);

39       (3) initiate appropriate responses through timely and appropriate  
40 investigative activities [,];

41       (4) alert appropriate staff [,]; and

42       (5) ensure that findings are reported in a uniform and timely  
43 manner.

44       c. (1) A person employed or volunteering in a program,  
45 facility, community care residence, or living arrangement licensed  
46 or funded by the department, or a person providing community-  
47 based services with indirect State funding to a person with a  
48 developmental disability, as applicable, who fails to report an act of

1 abuse, neglect, or exploitation against an individual with a  
2 developmental disability while having reasonable cause to believe  
3 that such an act has been committed, is a disorderly person.

4 (2) A case manager or case manager's supervisor in the  
5 department who fails to report an act of abuse, neglect, or  
6 exploitation of an individual with a developmental disability while  
7 having reasonable cause to believe that such an act has been  
8 committed, shall be guilty of a **【disorderly person's offense】** crime  
9 of the fourth degree, unless the abuse, neglect, or exploitation  
10 results in the death of an individual with a developmental disability,  
11 in which case the case manager or case manager's supervisor shall  
12 be guilty of a crime of the **【fourth】** third degree.

13 d. In addition to any penalty imposed pursuant to this section, a  
14 person convicted under this section shall be subject to a penalty in  
15 the amount of \$350 for each day that the abuse, neglect, or  
16 exploitation was not reported, payable to the Treasurer of the State  
17 of New Jersey, which shall be used by the department to fund the  
18 provision of food and care to individuals with developmental  
19 disabilities residing in community care residences.

20 e. A case manager or case manager's supervisor who is charged  
21 with failure to report an act of abuse, neglect, or exploitation of an  
22 individual with a developmental disability while having reasonable  
23 cause to believe that such an act has been committed, shall be  
24 temporarily reassigned to duties that do not involve contact with  
25 individuals with developmental disabilities or other vulnerable  
26 populations and shall be terminated from employment if convicted.

27 In the case of a case manager or case manager's supervisor who  
28 is employed by the department, the case manager or supervisor shall  
29 retain any available right of review by the Civil Service  
30 Commission.

31 (cf: P.L.2012, c.69, s.9)

32

33 6. Section 4 of P.L.2010, c.5 (C.30:6D-76) is amended to read  
34 as follows:

35 4. a. Upon receipt of a report pursuant to section 3 of **【this**  
36 **act】** P.L.2010, c.5 (C.30:6D-75), the department shall designate an  
37 entity, as established by the commissioner, that shall immediately  
38 take such action as shall be necessary to ensure the safety of the  
39 individual with a developmental disability and to that end may  
40 request appropriate assistance from local and State law enforcement  
41 officials or contact Adult Protective Services to provide assistance  
42 in accordance with the provisions of P.L.1993, c.249 (C.52:27D-  
43 406 et seq.). The guardian of the individual with a developmental  
44 disability also shall be authorized to request appropriate assistance  
45 from local and State law enforcement officials.

46 b. The commissioner shall adopt rules and regulations  
47 necessary to provide for an investigation of a reported incident and  
48 subsequent substantiation or non-substantiation of an allegation of

1 abuse, neglect, or exploitation of an individual with a  
2 developmental disability by a caregiver, **[by]** which shall include:  
3 (1) maintaining a Special Response Unit to investigate serious  
4 unusual incidents, as defined by applicable rules and regulations, in  
5 facilities or community programs licensed, contracted, or regulated  
6 by the department and a unit to investigate incidents that occur in  
7 State developmental centers; and (2) providing an opportunity for a  
8 guardian or authorized family member to submit information to  
9 facilitate an investigation and to represent the individual and be  
10 informed of the progress of the investigation. During its  
11 investigation of an allegation of abuse, neglect, or exploitation of an  
12 individual with a developmental disability by a caregiver, the  
13 Special Response Unit or the unit designated to investigate  
14 incidents that occur in a State developmental center, as applicable,  
15 shall make a good faith effort to notify the caregiver of the  
16 possibility of the caregiver's inclusion on the registry, and give the  
17 caregiver an opportunity to respond to the department concerning  
18 the allegation. A guardian of an individual with a developmental  
19 disability, upon request, may be permitted to attend or observe the  
20 investigation, unless the attendance or observation would impede  
21 the investigation.

22 c. The Special Response Unit, the department, or other  
23 investigating entity shall forward to the commissioner, or the  
24 commissioner's designee, a substantiated incident of abuse, neglect,  
25 or exploitation of an individual with a developmental disability for  
26 inclusion of an offending caregiver on the central registry. The  
27 Special Response Unit, the department, or other investigating entity  
28 shall also forward to the commissioner, or the commissioner's  
29 designee, all unsubstantiated incidents of abuse, neglect, or  
30 exploitation of an individual with a developmental disability. As  
31 soon as possible, and no later than 14 days after receipt of the  
32 incident of abuse, neglect, or exploitation, the commissioner or the  
33 commissioner's designee shall review the incident. The offending  
34 caregiver of a substantiated incident shall be included on the central  
35 registry as expeditiously as possible. The Special Response Unit  
36 shall retain a record of all unsubstantiated incidents.

37 d. Upon the initiation of an investigation, the department shall:  
38 (1) ensure that any communication concerning the alleged abuse,  
39 neglect, or exploitation of an individual with a developmental  
40 disability between a caregiver, case manager of the caregiver, the  
41 case manager's supervisor, or a person at the appropriate Regional  
42 Office of the Division of Developmental Disabilities is identified,  
43 safeguarded from loss or destruction, and maintained in a secure  
44 location; and (2) contact the Office of the Attorney General, which  
45 shall determine whether to participate in the investigation.

46 e. The Special Response Unit shall issue a written report of the  
47 investigation that includes the conclusions of the unit, the rationale  
48 for the conclusion, and a detailed summary of any communication

1 secured pursuant to subsection d. of this section. The report shall  
2 also include an assessment of the role of any case manager of a  
3 caregiver or the case manager's supervisor, if applicable, in the  
4 allegation of abuse, neglect, or exploitation, and a recommendation  
5 about whether any civil or criminal action should be brought against  
6 the case manager or supervisor. The report shall be made part of  
7 the record for review in any civil or criminal proceeding that may  
8 ensue.

9 A written summary of the conclusions of the investigation shall  
10 be provided to the guardian or authorized family member of the  
11 individual with a developmental disability who is the subject of the  
12 alleged abuse, neglect, or exploitation.

13 f. A licensed provider in another state shall be permitted access  
14 to the central registry.  
15 (cf: P.L.2012, c.69, s.10)

16  
17 7. Section 5 of P.L.2010, c.5 (C.30:6D-77) is amended to read  
18 as follows:

19 5. a. There is established a Central Registry of Offenders  
20 Against Individuals with Developmental Disabilities in the  
21 department.

22 b. The commissioner shall adopt rules and regulations that  
23 define the procedures and standards for inclusion of an offending  
24 caregiver on the central registry, and for notification of such  
25 inclusion to the caregiver and to the guardian or authorized family  
26 member of the individual with a developmental disability who was  
27 the subject of the abuse, neglect, or exploitation that led to the  
28 caregiver's inclusion on the central registry. The commissioner or  
29 the commissioner's designee shall designate staff to notify the  
30 guardian or authorized family member of the individual of any  
31 action taken by the department to remediate a condition that may  
32 have contributed to the occurrence of the abuse, neglect, or  
33 exploitation of the individual.

34 (1) For inclusion on the central registry in the case of a  
35 substantiated incident of abuse, the caregiver shall have acted with  
36 intent, recklessness, or careless disregard to cause or potentially  
37 cause injury to an individual with a developmental disability.

38 (2) For inclusion on the central registry in the case of a  
39 substantiated incident of neglect, the caregiver shall have acted with  
40 gross negligence, recklessness, or in a pattern of behavior that  
41 causes or potentially causes harm to an individual with a  
42 developmental disability.

43 (3) In the case of a substantiated incident of exploitation, the  
44 commissioner shall establish a dollar amount for inclusion on the  
45 central registry.

46 c. The commissioner also shall adopt rules and regulations:

47 (1) necessary to provide for an appeals process, through the  
48 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et



1 seq.), of the commissioner's determination to include an alleged  
2 offending caregiver's name on the central registry. The  
3 commissioner's determination shall be a final agency decision  
4 subject to review by the Appellate Division of the Superior Court;

5 (2) concerning the dissemination of information in the central  
6 registry;

7 (3) that will prohibit persons included on the central registry  
8 from employment in facilities or programs of the Division of  
9 Developmental Disabilities in the department and those facilities or  
10 programs licensed, contracted, or regulated by the department, or  
11 from providing community-based services with indirect State  
12 funding to persons with developmental disabilities; and

13 (4) necessary to provide for the removal of a person's name  
14 from the central registry. A person may apply for removal of his  
15 name to the commissioner after a period of five years of being  
16 placed on the central registry. The person shall affirmatively  
17 demonstrate to the commissioner clear and convincing evidence of  
18 rehabilitation, using the provisions of P.L.1968, c.282 (C.2A:168A-  
19 1 et seq.) as a guide.

20 d. The commissioner may adopt rules and regulations that will  
21 allow bona fide employers serving vulnerable populations to inquire  
22 of the department if potential or current employees are included on  
23 the central registry, consistent with federal and State privacy and  
24 confidentiality laws.

25 e. No information received in the central registry shall be  
26 considered as a public or government record within the meaning of  
27 P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et  
28 al.).

29 (cf: P.L.2010, c.5, s.5)

30

31 8. Section 6 of P.L.2010, c.5 (C.30:6D-78) is amended to read  
32 as follows:

33 6. All records of a report made pursuant to **【this act】** section 3  
34 of P.L.2010, c.5 (C.30:6D-75), all information obtained by the  
35 department in investigating such reports, and all reports of findings  
36 forwarded to the central registry pursuant to **【this act】** P.L.2010, c.5  
37 (C.30:6D-73 et seq.) shall be kept confidential and may be  
38 disclosed only insofar as information is shared with a guardian in  
39 connection with a guardian's attendance or observation of an  
40 investigative interview pursuant to subsection b. of section 4 of  
41 P.L.2010, c.5 (C.30:6D-76) or under circumstances expressly  
42 authorized by rules and regulations promulgated by the  
43 commissioner.

44 The department shall only disclose information that is relevant to  
45 the purpose for which the information is required or is shared in  
46 connection with a guardian's attendance or observation of an  
47 investigative interview pursuant to subsection b. of section 4 of  
48 P.L.2010, c.5 (C.30:6D-76); except that the department shall not

1 disclose information which would likely endanger the life, safety,  
2 or physical or emotional well-being of an individual with a  
3 developmental disability or the life or safety of any other person, or  
4 which may compromise the integrity of a department investigation,  
5 civil or criminal investigation, or judicial proceeding. If the  
6 department denies access to specific information on this basis, the  
7 requesting entity may seek disclosure through the Superior Court.  
8 Nothing in **[this act]** P.L.2010, c.5 (C.30:6D-73 et seq.) shall be  
9 construed to permit the disclosure of any information deemed  
10 confidential by federal or State law.

11 (cf: P.L.2010, c.5, s.6)

12

13 9. The Commissioner of Human Services, pursuant to the  
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
15 seq.), shall adopt rules and regulations necessary to effectuate the  
16 purposes of this act.

17

18 10. This act shall take effect on the first day of the seventh  
19 month next following the date of enactment, but the Commissioner  
20 of Human Services may take such anticipatory administrative action  
21 in advance thereof as shall be necessary for the implementation of  
22 this act.

23

24

25

#### STATEMENT

26

27 This bill, which is designated as "Stephen Komninos' Law,"  
28 improves protections for individuals with developmental disabilities  
29 and provides for increased transparency of investigations conducted  
30 in connection with an allegation of abuse, neglect, or exploitation of  
31 individuals with developmental disabilities.

32

33 The bill requires the Commissioner of Human Services, or the  
34 commissioner's designee, to designate employees of the Department  
35 of Human Services (DHS), who are not employees of a State  
36 developmental center but may be case managers employed by DHS,  
37 or an agency under contract with DHS, to conduct at least three  
38 unannounced site visits annually to randomly check whether the  
39 individuals with developmental disabilities who are receiving  
40 services from a program, facility, or living arrangement licensed or  
41 funded by the department, other than a community care residence  
42 which is subject to visits pursuant to section 7 of P.L.2012, c.69  
43 (C.30:6D-5.13), are at risk of, or are being subjected to, abuse,  
44 neglect, or exploitation by a caregiver, and report the same pursuant  
45 to section 3 of P.L.2010, c.5 (C.30:6D-75), which is the law that  
46 established the Central Registry of Offenders Against Individuals  
47 with Developmental Disabilities (Central Registry). The Central  
Registry is designed to prevent caregivers who become offenders

1 against individuals with developmental disabilities from working  
2 with these individuals.

3 The Commissioner of Human Services, or the commissioner's  
4 designee, is also required to designate staff to notify the guardian or  
5 authorized family member of an individual with a developmental  
6 disability receiving services from a program, facility, community  
7 care residence, or living arrangement licensed or funded by the  
8 department of any physical injury to the individual with a  
9 developmental disability, as soon as possible, but no later than 24  
10 hours after the occurrence of the injury. Additionally, a provider or  
11 licensee, as applicable, is to notify the guardian or authorized  
12 family member of an individual with a developmental disability  
13 receiving services as soon as possible, but not more than two hours  
14 after the occurrence of the injury, unless there is an extraordinary  
15 circumstance which prevents such notification in which case the  
16 provider or licensee is required to notify the guardian or authorized  
17 family member as soon as possible, but not more than eight hours  
18 after the occurrence of the injury. These notifications are to be in  
19 person, or by telephone, and other electronic means are to be used  
20 to follow up the telephoned notification.

21 Further, within 48 hours of receipt of a report of an incident  
22 involving physical injury, or abuse or neglect in a program, facility,  
23 community care residence, or living arrangement licensed or funded  
24 by DHS for an individual with a developmental disability, the  
25 Commissioner of Human Services is required to send an employee,  
26 who is not an employee of a State developmental center but may be  
27 a case manager employed by DHS or an agency under contract with  
28 DHS, to the location to verify the level of severity.

29 The bill also amends the Central Registry law to: 1) authorize a  
30 guardian to request appropriate assistance from local and State law  
31 enforcement officials; 2) provide an opportunity for a guardian or  
32 authorized family member to submit information to facilitate an  
33 investigation, be informed of its progress, and represent an  
34 individual; 3) permit a guardian, upon request, to attend or observe  
35 the investigation unless attendance or observation would impede the  
36 investigation; and 4) add a requirement for the guardian or  
37 authorized family to be notified of an offending caregiver's  
38 inclusion on the Central Registry and of action taken by DHS to  
39 remediate a condition.

40 The bill further amends the law to change from a disorderly  
41 persons offense (punishable by a term of imprisonment of up to six  
42 months, a fine of up to \$1,000, or both) to a fourth degree crime  
43 (punishable by a term of imprisonment of up to 18 months, a fine of  
44 up to \$10,000, or both) the failure of a case manager or supervisor  
45 to report an incident, and makes it a third degree crime (punishable  
46 by a term of imprisonment of up to three to five years, a fine of up  
47 to \$15,000, or both) rather than a fourth degree crime if the  
48 unreported incident results in death.

**A2503 VAINIERI HUTTLE, MOSQUERA**

12

1       Lastly, there are amendments to the confidentiality provisions of  
2 the Central Registry law, section 6 of P.L.2010, c.5 (C.30:6D-78),  
3 to make it consistent with the provisions in the bill which permit  
4 attendance or observation of an investigation.

5       The bill is designated "Stephen Komninos' Law" to honor the  
6 memory of Stephen, an individual with developmental disabilities  
7 who tragically died at the age of 22. Stephen was a non-verbal  
8 young man who was very sociable and suffered through many  
9 substantiated incidents of abuse and neglect. The bill is intended to  
10 encourage caregivers, supervisors, and managers of facilities, as  
11 well as the appropriate funding, licensing, regulatory, and law  
12 enforcement agencies to protect individuals with developmental  
13 disabilities, by providing for more transparency in incident  
14 reporting and investigations, the reporting of incidents in a more  
15 timely manner, and an environment that does not tolerate abuse,  
16 neglect, or exploitation of individuals with developmental  
17 disabilities.