

CHAPTER 280

AN ACT concerning certain facilities operated by the Department of Human Services, amending P.L.2010, c.5, and supplementing Title 30 of the Revised Statutes.

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

C.30:1-15.4 Definitions.

1. As used in this act:

“Administrative neglect” means the failure of an authorized provider or a licensed provider to ensure proper and sufficient development, monitoring, oversight, and staff training in accordance with all applicable State and federal laws, regulations, and published policies related to the health, safety, and well-being of an individual with developmental disabilities regardless of whether abuse, neglect, or exploitation can be substantiated.

“Authorized provider” refers to any service provider agency authorized by the division to provide services to adults with intellectual disabilities, developmental disabilities, or both, through the division’s fee-for-service system or contracts.

“Department” means the Department of Human Services.

“Division” means the Division of Developmental Disabilities in the Department of Human Services.

“Division authorization” refers to the division’s authorization of a service provider agency to provide services to adults with developmental disabilities through the division’s fee-for-service system or contracts.

“Licensed provider” means an individual, partnership, or corporation that is licensed by the department, and is responsible for providing services associated with the operation of a community-based residential program for individuals with developmental disabilities.

“Major injury” means an injury that requires treatment that can only be performed at a hospital, and which may additionally include admission to the hospital for further treatment or observation.

“Moderate injury” means an injury that does not constitute a major injury, but which requires treatment, beyond basic first aid, that can only be performed by a health care professional.

C.30:1-15.5 Provision violations; penalties.

2. a. In addition to the Department’s licensing authority, the department may assess and collect penalties against authorized providers or licensed providers for violating the provisions of N.J.A.C.10:44A-1.1 et seq., or this act or rules and regulations promulgated pursuant to this act. In determining the amount of the penalties assessed under this section, the department shall consider: whether the provider has had a history or pattern of repeated violations; the provider’s compliance with investigations and plans of correction; and whether the provider has taken adequate action to prevent future incidents.

b. Any person, firm, partnership, corporation, or association operating a residential setting without a license when a license is required or operating a day habilitation program without a certification, shall be:

(1) issued a written warning, for the first offense;

(2) subject to a penalty of not more than \$10,000 for the second offense; and

(3) subject to a penalty of not more than \$10,000 for the third and any subsequent offenses; in addition, the division may suspend payments to authorized providers for services provided in the unlicensed residential setting.

c. Any licensed provider that has been granted a second consecutive provisional license for the same licensed location shall be subjected to a penalty of not more than \$10,000.

d. Any authorized provider or licensed provider who employs or fails to remove from employment a person who has been placed on the Central Registry of Offenders Against Individuals with Developmental Disabilities, established pursuant section 5 of P.L.2010, c.5 (C.30:6D-77), or included on the child abuse registry, established pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11), shall be subject to a penalty of not more than \$10,000.

e. Any authorized provider or licensed provider who fails to conduct an initial or biannual criminal history record background check required pursuant to the provisions of section 2 of P.L.1999, c.358 (C.30:6D-64) shall be:

(1) required to implement a corrective action plan, as determined by the department, for the first offense;

(2) prohibited from accepting transfers and admissions until the provider meets the requirements of section 2 of P.L.1999, c.358 (C.30:6D-64), for the second offense; and

(3) subject to a penalty of not more than \$10,000 per criminal history record background that is not completed for the third offense and any subsequent offenses.

f. Any authorized provider or licensed provider who fails to meet the requirements of drug testing for controlled dangerous substances in accordance with the provisions of section 5 of P.L.2017, c.238 (C.30:6D-9.5) shall be:

(1) required to implement a corrective action plan as determined by the department, for the first offense;

(2) prohibited from accepting transfers and admissions until the requirements of section 5 of P.L.2017, c.238 (C.30:6D-9.5) are met, for the second offense; and

(3) subject to a penalty of not more than \$10,000 as provided for by regulation, for the third and any subsequent offenses.

g. Any authorized provider or licensed provider who receives a substantiated finding from the Office of Investigations in the Department of Human Services of a violation outlined in this subsection shall be subject to a penalty of not more than \$25,000 per offense:

(1) administrative neglect that results in a moderate or major injury;

(2) abuse with a moderate injury;

(3) abuse with a major injury;

(4) neglect with a moderate injury;

(5) neglect with a major injury; or

(6) exploitation.

h. Any authorized provider or licensed provider, who fails to conduct an internal investigation of an allegation of abuse, neglect, or exploitation of an individual with a developmental disability and submit a complete report to the department within 180 days of the date of the alleged incident, shall be subject to a penalty of not more than \$10,000 for each internal investigation the authorized provider or licensed provider fails to conduct. A report submitted in compliance with this subsection shall, at a minimum:

(1) be completed by an impartial person who is not directly involved in the incident being investigated;

(2) include interviews and interview summaries of all victims, perpetrators, witnesses, and collateral contacts;

(3) include a summary of physical and documentary evidence;

(4) include findings for each allegation, victim, and perpetrator;

(5) include a justification for each finding;

(6) include evidence that guardian notification was made at the onset of the investigation;

(7) include evidence that guardian notification was made at the completion of the investigation, which evidence shall include copies of written communication to the guardian

providing the outcome of the investigation, including all findings, summaries, and actions taken; and

(8) document the completion of the investigation.

i. Any authorized provider or licensed provider, who fails to submit a plan of correction that addresses all cited violations and concerns to the department upon the completion of an investigation closed by the Office of Investigations in the Department of Human Services, shall be subject to a penalty of not more than \$10,000.

j. Any authorized provider or licensed provider who demonstrates chronic noncompliance with health, safety, or quality requirements over an extended period of time and across multiple locations or programs may be assigned a Quality Management Team by the department and may be subject to a penalty of not more than \$5,000 every three months until the Quality Management Team determines that the provider has demonstrated improvement in the metrics or actions.

k. Any authorized provider or licensed provider subject to penalties or termination of authorization pursuant to this act shall have the right to appeal such action.

l. Nothing in this act shall be construed to prevent the department from imposing a negative licensing action as defined in N.J.A.C.10:44A-1.8 et seq.

m. The division shall have the authority to terminate division authorization of an authorized provider for noncompliance with any provision of this act or any other division requirements and policies.

n. Nothing in this section is intended to supplant the department's authority to take licensing action.

C.30:1-15.6 Establishing a Residential Facility Quality of Care Improvement Fund.

3. There is established the "Residential Facility Quality of Care Improvement Fund," as a non-lapsing, revolving fund in the Department of Human Services. The fund shall be administered by the Department of Human Services in consultation with the Department of the Treasury. The fund shall be comprised of all revenues from fines imposed pursuant to subsection d. of section 3 of P.L.2010, c.5 (C.30:6D-75) and all revenues from penalties imposed on authorized providers or licensed providers for violating the provisions of N.J.A.C. 10:44A-1.1 et seq. or this act or rules and regulations promulgated pursuant to this act . The monies in the fund shall be used to finance quality improvement initiatives, administrative, licensing, and regulatory actions taken by the department to implement the provisions of this act.

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

C.30:6D-75 Report of abuse required.

3. a. (1) A case manager or case manager's supervisor in the department, a person employed or volunteering in a program, facility, community care residence, or living arrangement licensed or funded by the department, a person conducting a site visit pursuant to section 2 of P.L.2017, c.238 (C.30:6D-9.2), or a person providing community-based services with indirect State funding to a person with a developmental disability, as applicable, having reasonable cause to believe that an individual with a developmental disability has been subjected to abuse, neglect, or exploitation by a caregiver, shall report the same immediately to the department by telephone or otherwise.

(2) A report made pursuant to paragraph (1) of this subsection, where possible, shall contain: (a) the name and address of the individual with a developmental disability, as well as the name and address of the caregiver responsible for the care, custody, or control of the individual with a developmental disability, and the guardian, or other person having custody and control of the individual; and (b) if known, the condition of the individual with a developmental disability,

the nature and possible extent of the individual's injuries, maltreatment, abuse, neglect, or exploitation, including any evidence of previous injuries, maltreatment, abuse, neglect, or exploitation, and any other information that the person believes may be helpful with respect to the injuries, maltreatment, abuse, neglect, or exploitation of the individual with a developmental disability and the identity of the alleged offender.

b. Within the department, the commissioner shall:

- (1) maintain a unit to receive and prioritize reports that are filed pursuant to this section;
- (2) provide for verification of the unit's prioritization of the reports by sending an employee or case manager to the appropriate location within 48 hours to verify the level of severity of the report, as provided by section 4 of P.L.2017, c.238 (C.30:6D-9.4);
- (3) initiate appropriate responses through timely and appropriate investigative activities;
- (4) alert appropriate staff; and
- (5) ensure that findings are reported in a uniform and timely manner.

c. (1) A person employed or volunteering in a program, facility, community care residence, or living arrangement licensed or funded by the department, or a person providing community-based services with indirect State funding to a person with a developmental disability, as applicable, who fails to report an act of abuse, neglect, or exploitation against an individual with a developmental disability while having reasonable cause to believe that such an act has been committed, is a disorderly person.

(2) A case manager or case manager's supervisor in the department who fails to report an act of abuse, neglect, or exploitation of an individual with a developmental disability while having reasonable cause to believe that such an act has been committed, shall be guilty of a crime of the fourth degree, unless the abuse, neglect, or exploitation results in the death of an individual with a developmental disability, in which case the case manager or case manager's supervisor shall be guilty of a crime of the third degree.

d. In addition to any penalty imposed pursuant to this section, a person who fails to comply with reporting obligations under this section shall be subject to a civil penalty imposed by the department in the amount of \$350 for each day that the abuse, neglect, or exploitation was not reported, payable to the "Residential Facility Quality of Care Improvement Fund" established pursuant to section 3 of P.L.2025, c.280 (C.30:1-15.6).

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

In the case of a case manager or case manager's supervisor, or of a caregiver suspected of abuse, neglect, or exploitation who is employed by the department, the case manager, supervisor, or caregiver shall retain any available right of review by the Civil Service Commission.

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

6. This act shall take effect on the first day of the sixth month next following enactment, except that the Commissioner of Human Services may take anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved January 18, 2026.