

The Stephen Komnino's Law

The Stephen Komnino's Law (Public Law 2017, Chapter 238) became effective in the State of New Jersey on May 1, 2018. The law was named after an adult with developmental disabilities and is focused on:

- Strengthening protections for adults with developmental disabilities
- Providing tools and guidance to better prevent and respond to incidents of abuse, neglect and exploitation
- Recognizing the important role of guardians/family members in the lives of those with developmental disabilities and encouraging greater communication between providers and guardians/family members

The law has established the following requirements for The Department of Human Services (DHS), Division of Developmental Disabilities (DDD) and providers:

Unannounced visits

The Stephen Komnino's Law provides for at least two, 24/7, unannounced visits a year to all community-based, residential programs to evaluate the risk of abuse, neglect, and exploitation, using a safety assessment tool. DHS will also make unannounced visits to follow up on any issues from licensing that concern health and safety.

Family/Guardian Notifications

Providers of residential and day programs are responsible to notify guardians/family members, in person or by phone, of allegations or incidents of a major, moderate, or minor injury within two (2) hours. Three documented attempts should be made before a message is left. Only in extraordinary circumstances may notifications be made within 8 hours.

Guardian/family members have a right to "opt out" or determine a level of notification, in a written format, for major, moderate, or minor injuries.

An individual in our care can say they do not want a family member(s) notified if the family member(s) is not a guardian.

Parent/Guardian Sharing of Information

The law requires community-based, residential programs and day program providers to request contact information from parents/guardians, and if the parent/guardian agrees, provide a means for exchanging contact information with other parents/guardians, within the program, for opportunities to share experiences.

Parents/guardians may “opt out” of sharing or determine what contact information they wish to share. The parent/guardian determines what it is they are comfortable sharing, and their participation is entirely up to them.

Critical Incident Management Unit (CIMU) Incident Verification within 48 hours

For verification purposes, the DHS (CIMU) will respond to reports of injury in residential, programs and developmental settings within 48 hours. This includes incidents of abuse, neglect, or exploitation and major or moderate injuries.

Drug Testing

Drug testing will be implemented, by DHS, for all new hires effective May 1, 2018. Anyone applying for employment is subject to a drug test.

All Allies properties will be subject to random drug testing once a year. DHS will conduct the randomization and the testing. Any employee failing to comply with drug testing must be terminated.

Guardian Participation in a DHS Office of Investigations (OI) Interview

A guardian of an individual may participate in a Department of Human Services, Office of Investigations (OI) interview of the individual that they represent.

DHS OI may need agency staff to also participate. If so, the agency will be notified.

A guardian or family member may provide information to facilitate an investigation.

A guardian will receive a letter summarizing the findings of an OI investigation which will include any remedial action taken by the agency.

The actual records/reports of an investigation shall also be provided to the guardian or other person responsible for the welfare of the individual if the information is needed in connection with the provision of care, treatment, assessment, evaluation or supervision; and the provision of information is in the best interest of the individual as determined by DDD.

Reporting Abuse, Neglect and Exploitation

The Stephen Komnino's Law strengthens requirements for reporting abuse, neglect and/or exploitation to now include any person employed or volunteering in a program, facility, community care residence, or living arrangement licensed or funded by DHS; any person conducting a site visit and any program providing community-based services with indirect state funding. These listed agencies must maintain existing immediate reporting requirements for abuse, neglect and/or exploitation. Further, it identifies specific information needed when reporting.

Expands Tara's Law Penalties for Failing to Report

Employees/volunteers, in all settings, failing to report abuse, neglect or exploitation, while reasonably believing it was committed are guilty of a disorderly person offense (punishable by up to six months in jail, up to \$1,000.00 fine, community service, and possibly probation.)

A DDD case manager/case manager supervisor who fails to report is guilty of a fourth-degree crime. (Punishable by up to 18 months in jail and up to a \$10,000.00 fine).

If the act results in death it is a crime of the third degree. (Punishable by a term between three years and five years in jail and a fine up to \$15,000.00)

A person convicted of the above is also subject to a fine of \$350 per day for each day it is unreported.

Training

Upon being hired, staff will be trained and given a test for competency. Stephen Komnino's Law training is part of the mandatory training curriculum.

For additional information on The Stephen Komnino's Law, please contact the Compliance Department at Allies, Inc. at compliance@alliesnj.org.