

[Second Reprint]

SENATE, No. 3750

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED OCTOBER 7, 2024

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Senator ANTHONY M. BUCCO

District 25 (Morris and Passaic)

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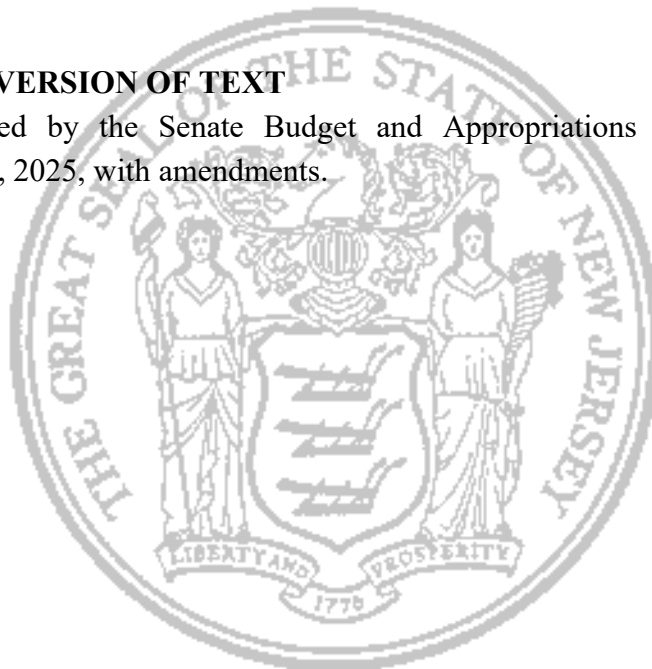
Senator Diegnan and Assemblywoman Haider

SYNOPSIS

Enhances enforcement authority over developmental disability service providers; establishes “Residential Facility Quality of Care Improvement Fund” in DHS.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on December 15, 2025, with amendments.



(Sponsorship Updated As Of: 1/12/2026)

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

4

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

7

8 1. (New section) As used in this act:

9 “Administrative neglect” means ¹**[any act or omission by]** the
10 failure of¹ an authorized provider or a licensed provider to ²**[protect**
11 the health, safety, and well-being of an individual with developmental
12 disabilities. “Administrative neglect” includes, but is not limited to,
13 the failure to²**]** ensure proper and sufficient development, monitoring,
14 oversight, and staff training ²**[regarding policies and procedures]**
15 in accordance with all applicable State and federal laws, regulations,
16 and published policies² related to the health, safety, and well-being of
17 an individual with development disabilities ²**[in instances in which the**
18 individual was harmed, injured, or potentially injured²**]** regardless of
19 whether abuse, neglect, or exploitation can be substantiated.

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

24 “Department” means the Department of Human Services.

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

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

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

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

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

41

42 2. (New section) a. In addition to the Department’s licensing
43 authority, the department may assess and collect penalties against
44 authorized providers or licensed providers for violating the

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted May 19, 2025.

²Senate SBA committee amendments adopted December 15, 2025.

1 provisions of N.J.A.C.10:44A-1.1 et seq., or this act or rules and
2 regulations promulgated pursuant to this act. ¹In determining the
3 amount of the penalties assessed under this section, the department
4 shall consider: whether the provider has had a history or pattern of
5 repeated violations; the provider's compliance with investigations
6 and plans of correction; and whether the provider has taken
7 adequate action to prevent future incidents.¹

8 b. Any person, firm, partnership, corporation, or association
9 operating a ¹~~provider-managed~~¹ residential setting without a
10 license when a license is required ¹or operating a day habilitation
11 program without a certification¹, shall be:

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

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

15 (3) subject to a penalty of not more than \$10,000 for the third
16 and any subsequent offenses; in addition, the division may suspend
17 payments to authorized providers for services provided in the
18 unlicensed ¹~~provider-managed~~¹ residential setting.

19 c. Any licensed provider that has been granted a second
20 consecutive provisional license ¹for the same licensed location¹
21 shall be subjected to a penalty of not more than \$10,000.

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

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

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

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

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

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

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

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

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

6 g. Any authorized provider or licensed provider who receives a
7 substantiated finding from the Office of Investigations ¹in the
8 Department of Human Services¹ of a violation outlined in this
9 subsection shall be subject to a penalty of not more than \$25,000
10 per offense:

11 (1) administrative neglect ¹that results in a moderate or major
12 injury¹;

13 (2) abuse with a moderate injury;

14 (3) abuse with a major injury;

15 (4) neglect with a moderate injury;

16 (5) neglect with a major injury; or

17 (6) exploitation.

18 h. Any authorized provider or licensed provider, who fails to
19 conduct an ¹**[adequate]** internal investigation of an allegation of
20 abuse, neglect, or exploitation of an individual with a
21 developmental disability and submit a complete report to the
22 department within 180 days of the date of the alleged incident, shall
23 be subject to a penalty of not more than \$10,000 for each internal
24 investigation the authorized provider or licensed provider fails to
25 conduct. ¹A report submitted in compliance with this subsection
26 shall, at a minimum:

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

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

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

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

33 (5) include a justification for each finding;

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

36 (7) include evidence that guardian notification was made at the
37 completion of the investigation, which evidence shall include copies
38 of written communication to the guardian providing the outcome of
39 the investigation, including all findings, summaries, and actions
40 taken; and

41 (8) document the completion of the investigation.¹

42 i. Any authorized provider or licensed provider, who fails to
43 submit an ¹**[approved]** plan of correction ¹that addresses all cited
44 violations and concerns¹ to the department upon the completion of
45 an investigation closed by the Office of Investigations ¹in the
46 Department of Human Services¹, shall be subject to a penalty of not
47 more than \$10,000.

1 j. Any authorized provider or licensed provider who ¹【is】
2 demonstrates chronic noncompliance with health, safety, or quality
3 requirements over an extended period of time and across multiple
4 locations or programs may be¹ assigned a Quality Management
5 Team by the department ¹and¹ may be subject to a penalty of not
6 more than \$5,000 every three months ¹【that】 until¹ the ¹【provider
7 is assigned a ¹】 Quality Management Team ¹determines that the
8 provider has demonstrated improvement in the metrics or actions¹.

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

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

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

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

21

22 3. (New section) There is established the "Residential Facility
23 Quality of Care Improvement Fund," as a nonlapsing, revolving
24 fund in the Department of Human Services. The fund shall be
25 administered by the Department of Human Services in consultation
26 with the Department of the Treasury. The fund shall be comprised
27 of all revenues from fines imposed pursuant to subsection d. of
28 section 3 of P.L.2010, c.5 (C.30:6D-75) ²and all revenues from
29 penalties imposed on authorized providers or licensed providers for
30 violating the provisions of N.J.A.C. 10:44A-1.1 et seq. or this act or
31 rules and regulations promulgated pursuant to this act² . The
32 monies in the fund shall be used to finance quality improvement
33 initiatives, administrative, licensing, and regulatory actions taken
34 by the department to implement the provisions of this act.

35

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

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

1 (2) A report made pursuant to paragraph (1) of this subsection,
2 where possible, shall contain: (a) the name and address of the
3 individual with a developmental disability, as well as the name and
4 address of the caregiver responsible for the care, custody, or control
5 of the individual with a developmental disability, and the guardian,
6 or other person having custody and control of the individual; and
7 (b) if known, the condition of the individual with a developmental
8 disability, the nature and possible extent of the individual's injuries,
9 maltreatment, abuse, neglect, or exploitation, including any
10 evidence of previous injuries, maltreatment, abuse, neglect, or
11 exploitation, and any other information that the person believes may
12 be helpful with respect to the injuries, maltreatment, abuse, neglect,
13 or exploitation of the individual with a developmental disability and
14 the identity of the alleged offender.

15 b. Within the department, the commissioner shall:

16 (1) maintain a unit to receive and prioritize reports that are filed
17 pursuant to this section;

18 (2) provide for verification of the unit's prioritization of the
19 reports by sending an employee or case manager to the appropriate
20 location within 48 hours to verify the level of severity of the report,
21 as provided by section 4 of P.L.2017, c.238 (C.30:6D-9.4);

22 (3) initiate appropriate responses through timely and appropriate
23 investigative activities;

24 (4) alert appropriate staff; and

25 (5) ensure that findings are reported in a uniform and timely
26 manner.

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

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

44 d. In addition to any penalty imposed pursuant to this section, a
45 person **【convicted】** who fails to comply with reporting obligations
46 under this section shall be subject to a civil penalty imposed by the
47 department in the amount of \$350 for each day that the abuse,
48 neglect, or exploitation was not reported, payable to the **【**Treasurer
49 of the State of New Jersey, which shall be used by the department

1 to fund the provision of food and care to individuals with
2 developmental disabilities residing in community care residences] **]**
3 “Residential Facility Quality of Care Improvement Fund”
4 established pursuant to section 3 of P.L. , c. (C.) (pending
5 before the Legislature as this bill).

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

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

20 (cf: P.L.2017, c.238, s.9)

21

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

26

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