

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2503

STATE OF NEW JERSEY
217th LEGISLATURE

ADOPTED SEPTEMBER 19, 2016

Sponsored by:

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District 37 (Bergen)

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District 4 (Camden and Gloucester)

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Co-Sponsored by:

Assemblymen Schaer, Holley and Eustace

SYNOPSIS

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

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Human Services Committee.



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.2003, c.191 and
 4 P.L.2010, c.5.

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

8
 9 1. (New section) The Commissioner of Human Services, or the
 10 commissioner's designee, shall designate employees of the
 11 Department of Human Services, who are not employees of a State
 12 developmental center but may be case managers employed by the
 13 department or an agency under contract with the department, as
 14 applicable, to conduct six unannounced site visits annually to
 15 randomly check whether the individuals with developmental
 16 disabilities who are receiving services from a program as defined in
 17 section 2 of P.L.2010, c.5 (C.30:6D-74), facility, or living
 18 arrangement licensed or funded by the department, other than a
 19 community care residence which is subject to visits pursuant to
 20 section 7 of P.L.2012, c.69 (C.30:6D-5.13), are at risk of, or are
 21 being subjected to, abuse, neglect, or exploitation by a caregiver,
 22 and report the same pursuant to section 3 of P.L.2010, c.5
 23 (C.30:6D-75).

24
 25 2. (New section) a. The Commissioner of Human Services, or
 26 the commissioner's designee, shall designate staff to notify the
 27 guardian or authorized family member, as defined in section 2 of
 28 P.L.2010, c.5 (C.30:6D-74), of an individual with a developmental
 29 disability receiving services from a program as defined in section 2
 30 of P.L.2010, c.5 (C.30:6D-74), facility, community care residence,
 31 or living arrangement licensed or funded by the department of any
 32 physical injury to the individual with a developmental disability, as
 33 soon as possible, but no later than 60 minutes after the occurrence
 34 of the injury.

35 b. A provider or licensee, as applicable, of a program as
 36 defined in section 2 of P.L.2010, c.5 (C.30:6D-74), facility,
 37 community care residence, or living arrangement licensed or funded
 38 by the department shall notify the guardian or authorized family
 39 member of an individual with a developmental disability receiving
 40 services from the provider or licensee of any physical injury to the
 41 individual with a developmental disability as soon as possible, but
 42 no later than 60 minutes after the occurrence of the injury.

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

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

13
14 4. (New section) a. As a condition of employment as a direct
15 care staff member, as defined in subsection g. of this section, at a
16 program as defined in section 2 of P.L.2010, c.5 (C.30:6D-74),
17 facility other than a developmental center which is subject to drug
18 testing pursuant to section 1 of P.L.2009, c.220 (C.30:4-3.27), or
19 living arrangement licensed or funded by the Department of Human
20 Services, an applicant for such employment shall consent to and
21 undergo drug testing for controlled dangerous substances. The drug
22 testing shall be at the expense of the applicant.

23 If a person applying for employment pursuant to this subsection,
24 on or after the effective date of P.L. , c. (C.) (pending
25 before the Legislature as this bill), tests positive for the unlawful
26 use of any controlled dangerous substance, or refuses to submit to
27 drug testing, the person shall be removed from consideration for
28 employment.

29 b. A person who is employed as a direct care staff member
30 pursuant to this section shall be subject to drug testing for
31 controlled dangerous substances which shall occur randomly and at
32 least once a year.

33 c. A person who is employed as a direct care staff member may
34 be required to undergo drug testing for controlled dangerous
35 substances if the direct care staff member's immediate supervisor
36 has reasonable suspicion to believe that the staff member is illegally
37 using a controlled dangerous substance, based on the staff member's
38 visible impairment or professional misconduct which relates
39 adversely to patient care or safety. The supervisor shall report this
40 information to his immediate supervisor in a form and manner
41 specified by the commissioner, and if the supervisor concurs that
42 there is reasonable suspicion to believe that a direct care staff
43 member is illegally using a controlled dangerous substance, that
44 supervisor shall notify the person responsible for the overall
45 operation of the agency under contract with the department to
46 provide services to individuals with developmental disabilities, and
47 request approval in writing for ordering the direct care staff member
48 to undergo drug testing. The drug testing shall not be ordered

1 without the written approval of the person responsible for the
2 overall operation of the agency.

3 d. A direct care staff member who tests positive for the
4 unlawful use of any controlled dangerous substance may be referred
5 for treatment services or terminated from employment. A direct
6 care staff member who refuses to submit to drug testing shall be
7 terminated from employment.

8 e. The drug testing required pursuant to subsections b. and c. of
9 this section shall be at the expense of the agency under contract
10 with the department.

11 f. The agency under contract with the department shall notify
12 all direct care staff members of the provisions of this section.

13 g. As used in this section, "direct care staff member" means a
14 person 18 years of age or older who is employed by a public or
15 private agency under contract with the department to provide
16 services to individuals with developmental disabilities receiving
17 services from the department and includes those employed persons
18 who may come into direct contact with individuals with
19 developmental disabilities.
20

21 5. Section 4 of P.L.2003, c.191 (C.30:6D-5.4) is amended to
22 read as follows:

23 4. a. A member of the staff at a facility for persons with
24 developmental disabilities or a facility for persons with traumatic
25 brain injury or a member of the staff at a public or private agency
26 who violates the provisions of section 3 of **【this act】** P.L.2003,
27 c.191 (C.30:6D-5.3) shall be liable to a civil penalty of \$5,000 for
28 the first offense, \$10,000 for the second offense, and \$25,000 for
29 the third and each subsequent offense, to be sued for and collected
30 in a summary proceeding by the commissioner pursuant to the
31 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
32 et seq.).

33 b. A penalty collected pursuant to this section shall be
34 dedicated to providing funding for training caregivers, as defined in
35 section 2 of P.L.2010, c.5 (C.30:6D-74), and for visits conducted
36 pursuant to P.L. , c. (C.) (pending before the Legislature as
37 this bill).

38 (cf: P.L.2003, c.191, s.4)
39

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

42 2. As used in **【this act】** P.L.2010, c.5 (C.30:6D-73 et seq.):

43 "Abuse" means wrongfully inflicting or allowing to be inflicted
44 physical abuse, sexual abuse, or verbal or psychological abuse or
45 mistreatment by a caregiver upon an individual with a
46 developmental disability.

47 "Authorized family member" means a relative of the individual
48 with a developmental disability authorized by the individual's

1 guardian, or by the individual if the individual is his own guardian,
2 to receive information pursuant to P.L.2010, c.5 (C.30:6D-73 et
3 seq.).

4 "Caregiver" means a person who receives State funding, directly
5 or indirectly, in whole or in part, to provide services or supports, or
6 both, to an individual with a developmental disability; except that
7 "caregiver" shall not include an immediate family member of a
8 person with a developmental disability.

9 "Central registry" means the Central Registry of Offenders
10 Against Individuals with Developmental Disabilities established
11 pursuant to **【this act】** P.L.2010, c.5 (C.30:6D-73 et seq.).

12 "Commissioner" means the Commissioner of Human Services.

13 "Department" means the Department of Human Services.

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

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

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

22 "Lewdness" means the exposing of the genitals for the purpose
23 of arousing or gratifying the sexual desire of a caregiver or an
24 individual with a developmental disability, or any flagrantly lewd
25 and offensive act which the caregiver knows or reasonably expects
26 is likely to be observed by an individual with a developmental
27 disability.

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

34 "Physical abuse" means a physical act directed at an individual
35 with a developmental disability by a caregiver of a type that causes
36 one or more of the following: pain, injury, anguish, or suffering.
37 Such acts include, but are not limited to, the individual with a
38 developmental disability being kicked, pinched, bitten, punched,
39 slapped, hit, pushed, dragged, or struck with a thrown or held
40 object.

41 "Program" means any program licensed or funded by the
42 department that provides services to individuals with developmental
43 disabilities and includes a day program.

44 "Sexual abuse" means an act or attempted act of lewdness, sexual
45 contact, or sexual penetration between a caregiver and an individual
46 with a developmental disability. Any form of sexual contact or
47 activity between a caregiver and an individual with a developmental
48 disability, absent marriage, domestic partnership, or civil union, is

1 sexual abuse, regardless of whether the individual with a
2 developmental disability gives consent or the caregiver is on or off
3 duty.

4 "Sexual contact" means an intentional touching by a caregiver or
5 individual with a developmental disability, either directly or
6 through clothing, of the intimate parts of the individual with a
7 developmental disability or the caregiver for the purpose of
8 sexually arousing or sexually gratifying the caregiver. Sexual
9 contact of the caregiver with himself must be in view of the
10 individual with a developmental disability whom the caregiver
11 knows to be present.

12 "Sexual penetration" means vaginal intercourse, cunnilingus,
13 fellatio, or anal intercourse between a caregiver and an individual
14 with a developmental disability or insertion of the hand, finger, or
15 object into the anus or vagina, either by the caregiver or upon the
16 caregiver's instruction.

17 "Verbal or psychological abuse or mistreatment" means any
18 verbal or non-verbal act or omission by a caregiver that inflicts one
19 or more of the following: emotional harm; mental distress; or
20 invocation of fear, humiliation, intimidation, or degradation to an
21 individual with a developmental disability. Examples include, but
22 are not limited to: bullying; ignoring need; verbal assault; use of
23 racial or ethnic slurs; or intimidating gestures, such as shaking a fist
24 at an individual with a developmental disability.

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

26

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

29 3. a. (1) A case manager or case manager's supervisor in the
30 department, a person employed or volunteering in a program,
31 facility, community care residence, or living arrangement licensed
32 or funded by the department, a person conducting an unannounced
33 site visit pursuant to section 1 of P.L. , c. (C.) (pending
34 before the Legislature as this bill), or a person providing
35 community-based services with indirect State funding to a person
36 with a developmental disability, as applicable, having reasonable
37 cause to believe that an individual with a developmental disability
38 has been subjected to abuse, neglect, or exploitation by a caregiver
39 shall report the same immediately to the department by telephone or
40 otherwise, and the department shall notify, as soon as possible but
41 no later than 60 minutes after the occurrence of the abuse, neglect,
42 or exploitation, the guardian or authorized family member of the
43 individual with a developmental disability who was the subject of
44 the abuse, neglect, or exploitation.

45 (2) Such report, where possible, shall contain the name and
46 address of the individual with a developmental disability and the
47 caregiver responsible for the care, custody, or control of the
48 individual with a developmental disability, and the guardian, or

1 other person having custody and control of the individual and, if
2 known, the condition of the individual with a developmental
3 disability, the nature and possible extent of the individual's injuries,
4 maltreatment, abuse, neglect or exploitation, including any evidence
5 of previous injuries, maltreatment, abuse, neglect, or exploitation,
6 and any other information that the person believes may be helpful
7 with respect to the injuries, maltreatment, abuse, neglect, or
8 exploitation of the individual with a developmental disability and
9 the identity of the alleged offender.

10 b. Within the department, the commissioner shall:

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

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

17 (3) initiate appropriate responses through timely and appropriate
18 investigative activities **[,];**

19 (4) alert appropriate staff **[,];** and

20 (5) ensure that findings are reported in a uniform and timely
21 manner.

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

30 (2) A case manager or case manager's supervisor in the
31 department who fails to report an act of abuse, neglect, or
32 exploitation of an individual with a developmental disability while
33 having reasonable cause to believe that such an act has been
34 committed, shall be guilty of a **[disorderly person's offense]** crime
35 of the fourth degree, unless the abuse, neglect, or exploitation
36 results in the death of an individual with a developmental disability,
37 in which case the case manager or case manager's supervisor shall
38 be guilty of a crime of the **[fourth]** third degree.

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

46 e. A case manager or case manager's supervisor or a caregiver
47 suspected of abuse, neglect, or exploitation of an individual with a

1 developmental disability who is charged with failure to report an act
2 of abuse, neglect, or exploitation of an individual with a
3 developmental disability while having reasonable cause to believe
4 that such an act has been committed, shall be temporarily
5 reassigned to duties that do not involve contact with individuals
6 with developmental disabilities or other vulnerable populations and
7 shall be terminated from employment if convicted.

8 In the case of a case manager or case manager's supervisor or a
9 caregiver suspected of abuse, neglect, or exploitation who is
10 employed by the department, the case manager **【or】**, supervisor, or
11 caregiver shall retain any available right of review by the Civil
12 Service Commission.

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

14
15 8. Section 4 of P.L.2010, c.5 (C.30:6D-76) is amended to read
16 as follows:

17 4. a. Upon receipt of a report pursuant to section 3 of **【this**
18 **act】** P.L.2010, c.5 (C.30:6D-75), the department shall designate an
19 entity, as established by the commissioner, that shall immediately
20 take such action as shall be necessary to ensure the safety of the
21 individual with a developmental disability and to that end may
22 request appropriate assistance from local and State law enforcement
23 officials or contact Adult Protective Services to provide assistance
24 in accordance with the provisions of P.L.1993, c.249 (C.52:27D-
25 406 et seq.). The guardian of the individual with a developmental
26 disability also shall be authorized to request appropriate assistance
27 from local and State law enforcement officials. Assistance from
28 local and State law enforcement officials pursuant to this subsection
29 shall be provided by such an official who has undergone education
30 or training in working with individuals with developmental
31 disabilities.

32 b. The commissioner shall adopt rules and regulations
33 necessary to provide for an investigation of a reported incident and
34 subsequent substantiation or non-substantiation of an allegation of
35 abuse, neglect, or exploitation of an individual with a
36 developmental disability by a caregiver, **【by】** which shall include:

37 (1) maintaining **【a Special Response Unit】** an Office of
38 Investigations to investigate serious unusual incidents, as defined
39 by applicable rules and regulations, in facilities or **【community】**
40 programs licensed, contracted, or regulated by the department and
41 to investigate incidents that occur in State developmental centers;
42 and

43 (2) providing an opportunity for a guardian or authorized family
44 member to submit information to facilitate an investigation,
45 represent the individual, and be informed of the progress of the
46 investigation which shall include a requirement that the department
47 provide a guardian or authorized family member with a written

1 progress report of the status of an investigation, including any
2 medical records or reports about the individual, within seven
3 calendar days of the incident and weekly thereafter.

4 During its investigation of an allegation of abuse, neglect, or
5 exploitation of an individual with a developmental disability by a
6 caregiver, the **【Special Response Unit】** Office of Investigations
7 shall make a good faith effort to notify the caregiver of the
8 possibility of the caregiver's inclusion on the registry, and give the
9 caregiver an opportunity to respond to the department concerning
10 the allegation. A guardian of an individual with a developmental
11 disability, upon request, may be permitted to attend or observe the
12 investigation, unless the attendance or observation would impede
13 the investigation.

14 c. The **【Special Response Unit】** Office of Investigations, the
15 department, or other investigating entity shall forward to the
16 commissioner, or the commissioner's designee, a substantiated
17 incident of abuse, neglect, or exploitation of an individual with a
18 developmental disability for inclusion of an offending caregiver on
19 the central registry. The **【Special Response Unit】** Office of
20 Investigations, the department, or other investigating entity shall
21 also forward to the commissioner, or the commissioner's designee,
22 all unsubstantiated incidents of abuse, neglect, or exploitation of an
23 individual with a developmental disability. As soon as possible,
24 and no later than 14 days after receipt of the incident of abuse,
25 neglect, or exploitation, the commissioner or the commissioner's
26 designee shall review the incident. The offending caregiver of a
27 substantiated incident shall be included on the central registry as
28 expeditiously as possible. The **【Special Response Unit】** Office of
29 Investigations shall retain a record of all unsubstantiated incidents.

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

39 e. The **【Special Response Unit】** Office of Investigations shall
40 issue a written report of the investigation that includes the
41 conclusions of the unit, the rationale for the conclusion, and a
42 detailed summary of any communication secured pursuant to
43 subsection d. of this section. The report shall also include an
44 assessment of the role of any case manager of a caregiver or the
45 case manager's supervisor, if applicable, in the allegation of abuse,
46 neglect, or exploitation, and a recommendation about whether any
47 civil or criminal action should be brought against the case manager

1 or supervisor. The report shall be made part of the record for
2 review in any civil or criminal proceeding that may ensue.

3 A written summary of the **conclusions of the** investigation,
4 including any medical records or reports about the individual with a
5 developmental disability, shall be provided to the guardian or
6 authorized family member of the individual with a developmental
7 disability who is the subject of the alleged abuse, neglect, or
8 exploitation.

9 f. A licensed provider in another state shall be permitted access
10 to the central registry.

11 (cf: P.L.2012, c.69, s.10)

12
13 9. Section 5 of P.L.2010, c.5 (C.30:6D-77) is amended to read
14 as follows:

15 5. a. There is established a Central Registry of Offenders
16 Against Individuals with Developmental Disabilities in the
17 department.

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

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

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

39 (3) In the case of a substantiated incident of exploitation, the
40 commissioner shall establish a dollar amount for inclusion on the
41 central registry.

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

43 (1) necessary to provide for an appeals process, through the
44 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
45 seq.), of the commissioner's determination to include an alleged
46 offending caregiver's name on the central registry. The
47 commissioner's determination shall be a final agency decision
48 subject to review by the Appellate Division of the Superior Court;

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

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

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

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

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

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

26

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

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

40 The department shall only disclose information that is relevant to
41 the purpose for which the information is required or, pursuant to
42 subsection b. of section 4 of P.L.2010, c.5 (C.30:6D-76), is shared
43 in connection with a guardian's attendance or observation of an
44 investigative interview or in connection with a progress report;
45 except that the department shall not disclose information which
46 would likely endanger the life, safety, or physical or emotional
47 well-being of an individual with a developmental disability or the
48 life or safety of any other person, or which may compromise the

1 integrity of a department investigation, civil or criminal
2 investigation, or judicial proceeding. If the department denies
3 access to specific information on this basis, the requesting entity
4 may seek disclosure through the Superior Court. Nothing in [this
5 act] P.L.2010, c.5 (C.30:6D-73 et seq.) shall be construed to permit
6 the disclosure of any information deemed confidential by federal or
7 State law.

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

9

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

14

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