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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"McGreevey signs Danielle's Law," 10-28-2003 Courier-News, pA3.

§§1-5,7 -
C.30:6D-5.1
to 30:6D-5.6
§6 - C.45:1-21.3
§8 - Note to §§1-7

P.L. 2003, CHAPTER 191, *approved October 26, 2003*
Assembly, No. 3458

1 **AN ACT** concerning staff working with persons with developmental
2 disabilities or traumatic brain injury and supplementing Titles 30
3 and 45 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. This act shall be known and may be cited as "Danielle's Law."

9
10 2. As used in this act:

11 "Commissioner" means the Commissioner of Human Services.

12 "Department" means the Department of Human Services.

13 "Facility for persons with developmental disabilities" means a
14 facility for persons with developmental disabilities as defined in section
15 3 of P.L.1977, c.82 (C.30:6D-3).

16 "Facility for persons with traumatic brain injury" means a facility for
17 persons with traumatic brain injury that is operated by, or under
18 contract with, the department.

19 "Life-threatening emergency" means a situation in which a prudent
20 person could reasonably believe that immediate intervention is
21 necessary to protect the life of a person receiving services at a facility
22 for persons with developmental disabilities or a facility for persons
23 with traumatic brain injury or from a public or private agency, or to
24 protect the lives of other persons at the facility or agency, from an
25 immediate threat or actual occurrence of a potentially fatal injury,
26 impairment to bodily functions or dysfunction of a bodily organ or
27 part.

28 "Public or private agency" means an entity under contract with,
29 licensed by or working in collaboration with the department to provide
30 services for persons with developmental disabilities or traumatic brain
31 injury.

32
33 3. a. A member of the staff at a facility for persons with
34 developmental disabilities or a facility for persons with traumatic brain
35 injury or a member of the staff at a public or private agency, who in
36 either case works directly with persons with developmental disabilities
37 or traumatic brain injury, shall be required to call the 911 emergency
38 telephone service for assistance in the event of a life-threatening
39 emergency at the facility or the public or private agency, and to report
40 that call to the department, in accordance with policies and procedures
41 established by regulation of the commissioner. The facility or the

1 public or private agency, as applicable, and the department shall
2 maintain a record of such calls under the policy to be established
3 pursuant to this section.

4 b. The department shall ensure that appropriate training is provided
5 to each member of the staff at a facility for persons with
6 developmental disabilities or a facility for persons with traumatic brain
7 injury or member of the staff at a public or private agency, who in
8 either case works directly with persons with developmental disabilities
9 or traumatic brain injury, to effectuate the purposes of subsection a.
10 of this section.

11

12 4. A member of the staff at a facility for persons with
13 developmental disabilities or a facility for persons with traumatic brain
14 injury or a member of the staff at a public or private agency who
15 violates the provisions of section 3 of this act shall be liable to a civil
16 penalty of \$5,000 for the first offense, \$10,000 for the second offense,
17 and \$25,000 for the third and each subsequent offense, to be sued for
18 and collected in a summary proceeding by the commissioner pursuant
19 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
20 (C.2A:58-10 et seq.).

21

22 5. The department shall maintain a record of violations of the
23 provisions of section 3 of this act, which shall be included in the
24 criteria that the department considers in making a decision on whether
25 to renew the license of a facility or whether to renew a contract with
26 a public or private agency, as applicable.

27

28 6. A health care professional licensed or otherwise authorized to
29 practice as a health care professional pursuant to Title 45 of the
30 Revised Statutes who violates the provisions of section 3 of P.L. , c.
31 (C.)(pending before the Legislature as this bill) shall, in addition to
32 being liable to a civil penalty pursuant to section 4 of P.L. , c. (C.)
33 (pending before the Legislature as this bill), be subject to revocation
34 of that individual's professional license or other authorization to
35 practice as a health care professional by the appropriate licensing
36 board in the Division of Consumer Affairs in the Department of Law
37 and Public Safety, after appropriate notice and opportunity for a
38 hearing.

39

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

44

45 8. This act shall take effect on the 180th day after enactment, but
46 the Commissioner of Human Services may take such anticipatory

1 administrative action in advance as shall be necessary for the
2 implementation of the act.

3

4

5

STATEMENT

6

7 This bill, which is designated "Danielle's Law," requires facility or
8 agency staff working with persons with developmental disabilities or
9 traumatic brain injury to call the 911 emergency telephone service in
10 life-threatening emergencies.

11 Specifically, the bill provides as follows:

12 C A member of the staff at a facility for persons with developmental
13 disabilities or traumatic brain injury or a member of the staff at a
14 public or private agency that provides services for persons with
15 developmental disabilities or traumatic brain injury, who in either
16 case works directly with persons with developmental disabilities or
17 traumatic brain injury, is required to call the 911 emergency
18 telephone service for assistance in the event of a life-threatening
19 emergency at the facility or the public or private agency, and to
20 report that call to the Department of Human Services (DHS) in
21 accordance with policies and procedures established by regulation
22 of the Commissioner of Human Services. The facility or the public
23 or private agency, as applicable, and DHS are to maintain a record
24 of such calls under the policy to be established pursuant to this bill;

25 C DHS is to ensure that appropriate training is provided to each
26 member of the staff at a facility or a public or private agency, who
27 in either case works directly with persons with developmental
28 disabilities or traumatic brain injury, to effectuate the purposes of
29 this bill;

30 C A member of the staff at a facility or a public or private agency who
31 violates the provisions of this bill is liable to a civil penalty of
32 \$5,000 for the first offense, \$10,000 for the second offense, and
33 \$25,000 for the third and each subsequent offense, to be sued for
34 and collected in a summary proceeding by the Commissioner of
35 Human Services pursuant to the "Penalty Enforcement Law of
36 1999" (N.J.S.A.2A:58-10 et seq.);

37 C DHS is to maintain a record of violations of the provisions of the
38 bill, which will be included in the criteria that DHS considers in
39 making a decision on whether to renew the license of a facility or
40 whether to renew a contract with a public or private agency, as
41 applicable; and

42 C In addition, a health care professional licensed or otherwise
43 authorized to practice as a health care professional pursuant to Title
44 45 of the Revised Statutes who violates the provisions of this bill
45 is subject to the revocation of that individual's professional license
46 or other authorization to practice as a health care professional by

1 the appropriate licensing board in the Division of Consumer Affairs
2 in the Department of Law and Public Safety, after appropriate
3 notice and opportunity for a hearing.

4 The bill defines "life-threatening emergency" to mean a situation in
5 which a reasonable person could believe that immediate intervention
6 is necessary to protect the life of a person receiving services at a
7 facility for persons with developmental disabilities or traumatic brain
8 injury or from a public or private agency that provides services for
9 persons with developmental disabilities or traumatic brain injury, or to
10 protect the lives of other persons at the facility or agency, from an
11 immediate threat or actual occurrence of a potentially fatal injury,
12 impairment to bodily functions or dysfunction of a bodily organ or
13 part.

14 Finally, the bill takes effect on the 180th day after enactment, but
15 authorizes the Commissioner of Human Services to take anticipatory
16 administrative action in advance as necessary for its implementation.

17

18

19

20

21 "Danielle's Law"; requires certain staff working with persons with
22 developmental disabilities or traumatic brain injury to call 911
23 emergency telephone service in life-threatening emergencies.

ASSEMBLY, No. 3458

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 5, 2003

Sponsored by:

Assemblyman GUY R. GREGG

District 24 (Sussex, Hunterdon and Morris)

Assemblyman ERIC MUNOZ

District 21 (Essex, Morris, Somerset and Union)

Co-Sponsored by:

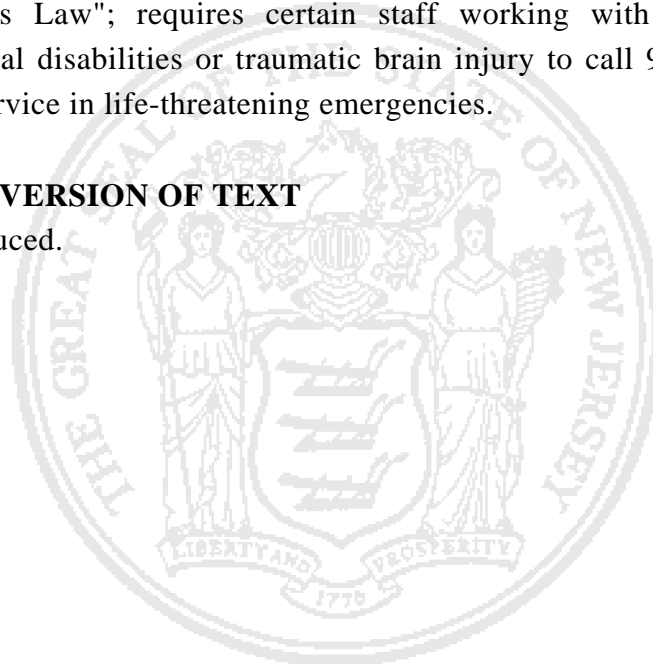
Assemblymen Johnson, Merkt, Assemblywoman Weinberg, Assemblymen S.Kean, Chivukula, Cryan, Egan, Barnes, Diegnan, Altamuro, Assemblywoman Greenstein, Assemblymen Pennacchio, O'Toole, Russo, Wisniewski, Senators T.Kean, Vitale, Bucco, Sarlo, Baer, Geist and Palaia

SYNOPSIS

"Danielle's Law"; requires certain staff working with persons with developmental disabilities or traumatic brain injury to call 911 emergency telephone service in life-threatening emergencies.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/1/2003)

1 AN ACT concerning staff working with persons with developmental
2 disabilities or traumatic brain injury and supplementing Titles 30
3 and 45 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. This act shall be known and may be cited as "Danielle's Law."

9
10 2. As used in this act:

11 "Commissioner" means the Commissioner of Human Services.

12 "Department" means the Department of Human Services.

13 "Facility for persons with developmental disabilities" means a
14 facility for persons with developmental disabilities as defined in section
15 3 of P.L.1977, c.82 (C.30:6D-3).

16 "Facility for persons with traumatic brain injury" means a facility for
17 persons with traumatic brain injury that is operated by, or under
18 contract with, the department.

19 "Life-threatening emergency" means a situation in which a prudent
20 person could reasonably believe that immediate intervention is
21 necessary to protect the life of a person receiving services at a facility
22 for persons with developmental disabilities or a facility for persons
23 with traumatic brain injury or from a public or private agency, or to
24 protect the lives of other persons at the facility or agency, from an
25 immediate threat or actual occurrence of a potentially fatal injury,
26 impairment to bodily functions or dysfunction of a bodily organ or
27 part.

28 "Public or private agency" means an entity under contract with,
29 licensed by or working in collaboration with the department to provide
30 services for persons with developmental disabilities or traumatic brain
31 injury.

32
33 3. a. A member of the staff at a facility for persons with
34 developmental disabilities or a facility for persons with traumatic brain
35 injury or a member of the staff at a public or private agency, who in
36 either case works directly with persons with developmental disabilities
37 or traumatic brain injury, shall be required to call the 911 emergency
38 telephone service for assistance in the event of a life-threatening
39 emergency at the facility or the public or private agency, and to report
40 that call to the department, in accordance with policies and procedures
41 established by regulation of the commissioner. The facility or the
42 public or private agency, as applicable, and the department shall
43 maintain a record of such calls under the policy to be established
44 pursuant to this section.

45 b. The department shall ensure that appropriate training is provided
46 to each member of the staff at a facility for persons with

1 developmental disabilities or a facility for persons with traumatic brain
2 injury or member of the staff at a public or private agency, who in
3 either case works directly with persons with developmental disabilities
4 or traumatic brain injury, to effectuate the purposes of subsection a.
5 of this section.

6

7 4. A member of the staff at a facility for persons with
8 developmental disabilities or a facility for persons with traumatic brain
9 injury or a member of the staff at a public or private agency who
10 violates the provisions of section 3 of this act shall be liable to a civil
11 penalty of \$5,000 for the first offense, \$10,000 for the second offense,
12 and \$25,000 for the third and each subsequent offense, to be sued for
13 and collected in a summary proceeding by the commissioner pursuant
14 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
15 (C.2A:58-10 et seq.).

16

17 5. The department shall maintain a record of violations of the
18 provisions of section 3 of this act, which shall be included in the
19 criteria that the department considers in making a decision on whether
20 to renew the license of a facility or whether to renew a contract with
21 a public or private agency, as applicable.

22

23 6. A health care professional licensed or otherwise authorized to
24 practice as a health care professional pursuant to Title 45 of the
25 Revised Statutes who violates the provisions of section 3 of P.L. , c.
26 (C.)(pending before the Legislature as this bill) shall, in addition to
27 being liable to a civil penalty pursuant to section 4 of P.L. , c. (C.)
28 (pending before the Legislature as this bill), be subject to revocation
29 of that individual's professional license or other authorization to
30 practice as a health care professional by the appropriate licensing
31 board in the Division of Consumer Affairs in the Department of Law
32 and Public Safety, after appropriate notice and opportunity for a
33 hearing.

34

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

39

40 8. This act shall take effect on the 180th day after enactment, but
41 the Commissioner of Human Services may take such anticipatory
42 administrative action in advance as shall be necessary for the
43 implementation of the act.

STATEMENT

1
2
3 This bill, which is designated "Danielle's Law," requires facility or
4 agency staff working with persons with developmental disabilities or
5 traumatic brain injury to call the 911 emergency telephone service in
6 life-threatening emergencies.

7 Specifically, the bill provides as follows:

8 C A member of the staff at a facility for persons with developmental
9 disabilities or traumatic brain injury or a member of the staff at a
10 public or private agency that provides services for persons with
11 developmental disabilities or traumatic brain injury, who in either
12 case works directly with persons with developmental disabilities or
13 traumatic brain injury, is required to call the 911 emergency
14 telephone service for assistance in the event of a life-threatening
15 emergency at the facility or the public or private agency, and to
16 report that call to the Department of Human Services (DHS) in
17 accordance with policies and procedures established by regulation
18 of the Commissioner of Human Services. The facility or the public
19 or private agency, as applicable, and DHS are to maintain a record
20 of such calls under the policy to be established pursuant to this bill;

21 C DHS is to ensure that appropriate training is provided to each
22 member of the staff at a facility or a public or private agency, who
23 in either case works directly with persons with developmental
24 disabilities or traumatic brain injury, to effectuate the purposes of
25 this bill;

26 C A member of the staff at a facility or a public or private agency who
27 violates the provisions of this bill is liable to a civil penalty of
28 \$5,000 for the first offense, \$10,000 for the second offense, and
29 \$25,000 for the third and each subsequent offense, to be sued for
30 and collected in a summary proceeding by the Commissioner of
31 Human Services pursuant to the "Penalty Enforcement Law of
32 1999" (N.J.S.A.2A:58-10 et seq.);

33 C DHS is to maintain a record of violations of the provisions of the
34 bill, which will be included in the criteria that DHS considers in
35 making a decision on whether to renew the license of a facility or
36 whether to renew a contract with a public or private agency, as
37 applicable; and

38 C In addition, a health care professional licensed or otherwise
39 authorized to practice as a health care professional pursuant to Title
40 45 of the Revised Statutes who violates the provisions of this bill
41 is subject to the revocation of that individual's professional license
42 or other authorization to practice as a health care professional by
43 the appropriate licensing board in the Division of Consumer Affairs
44 in the Department of Law and Public Safety, after appropriate
45 notice and opportunity for a hearing.

46 The bill defines "life-threatening emergency" to mean a situation in

1 which a reasonable person could believe that immediate intervention
2 is necessary to protect the life of a person receiving services at a
3 facility for persons with developmental disabilities or traumatic brain
4 injury or from a public or private agency that provides services for
5 persons with developmental disabilities or traumatic brain injury, or to
6 protect the lives of other persons at the facility or agency, from an
7 immediate threat or actual occurrence of a potentially fatal injury,
8 impairment to bodily functions or dysfunction of a bodily organ or
9 part.

10 Finally, the bill takes effect on the 180th day after enactment, but
11 authorizes the Commissioner of Human Services to take anticipatory
12 administrative action in advance as necessary for its implementation.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3458

STATE OF NEW JERSEY

DATED: JUNE 9, 2003

The Assembly Health and Human Services Committee reports favorably Assembly Bill No. 3458.

This bill, which is designated "Danielle's Law," requires facility or agency staff working with persons with developmental disabilities or traumatic brain injury to call the 911 emergency telephone service in life-threatening emergencies.

Specifically, the bill provides as follows:

- C A member of the staff at a facility for persons with developmental disabilities or traumatic brain injury or a member of the staff at a public or private agency that provides services for persons with developmental disabilities or traumatic brain injury, who in either case works directly with persons with developmental disabilities or traumatic brain injury, is required to call the 911 emergency telephone service for assistance in the event of a life-threatening emergency at the facility or the public or private agency, and to report that call to the Department of Human Services (DHS) in accordance with policies and procedures established by regulation of the Commissioner of Human Services. The facility or the public or private agency, as applicable, and DHS are to maintain a record of those calls under the policy to be established pursuant to this bill;
- C DHS is to ensure that appropriate training is provided to each member of the staff at a facility or a public or private agency, who in either case works directly with persons with developmental disabilities or traumatic brain injury, to effectuate the purposes of the bill;
- C A member of the staff at a facility or a public or private agency who violates the provisions of the bill is liable to a civil penalty of \$5,000 for the first offense, \$10,000 for the second offense, and \$25,000 for the third and each subsequent offense, to be sued for and collected in a summary proceeding by the Commissioner of Human Services pursuant to the "Penalty Enforcement Law of 1999";
- C DHS is to maintain a record of violations of the provisions of the bill, which will be included in the criteria that DHS considers in making a decision on whether to renew the license of a facility or whether to renew a contract with a public or private agency, as

applicable; and

- C In addition, a health care professional licensed or otherwise authorized to practice as a health care professional pursuant to Title 45 of the Revised Statutes who violates the provisions of the bill is subject to the revocation of that individual's professional license or other authorization to practice as a health care professional by the appropriate State professional licensing board, after appropriate notice and opportunity for a hearing.

The bill defines "life-threatening emergency" to mean a situation in which a reasonable person could believe that immediate intervention is necessary to protect the life of a person receiving services at a facility for persons with developmental disabilities or traumatic brain injury or from a public or private agency that provides services for persons with developmental disabilities or traumatic brain injury, or to protect the lives of other persons at the facility or agency, from an immediate threat or actual occurrence of a potentially fatal injury, impairment to bodily functions or dysfunction of a bodily organ or part.

Finally, the bill takes effect on the 180th day after enactment, but authorizes the Commissioner of Human Services to take anticipatory administrative action in advance as necessary for its implementation.

This bill is identical to Senate Bill No. 2572 (Kean/Vitale), which is currently pending before the Senate.

SENATE, No. 2572

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MAY 19, 2003

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Co-Sponsored by:

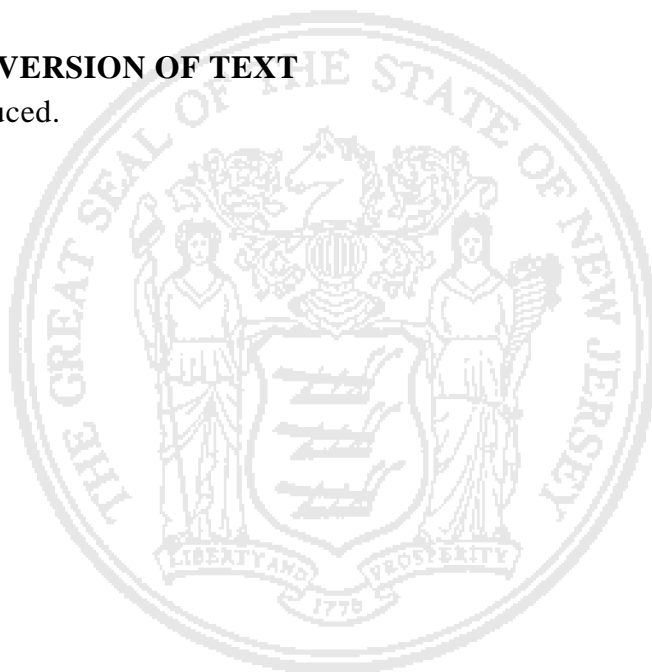
Senators Bucco, Sarlo, Baer, Geist and Palaia

SYNOPSIS

"Danielle's Law"; requires certain staff working with persons with developmental disabilities or traumatic brain injury to call 911 emergency telephone service in life-threatening emergencies.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/1/2003)

1 AN ACT concerning staff working with persons with developmental
2 disabilities or traumatic brain injury and supplementing Titles 30
3 and 45 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. This act shall be known and may be cited as "Danielle's Law."

9
10 2. As used in this act:

11 "Commissioner" means the Commissioner of Human Services.

12 "Department" means the Department of Human Services.

13 "Facility for persons with developmental disabilities" means a
14 facility for persons with developmental disabilities as defined in section
15 3 of P.L.1977, c.82 (C.30:6D-3).

16 "Facility for persons with traumatic brain injury" means a facility for
17 persons with traumatic brain injury that is operated by, or under
18 contract with, the department.

19 "Life-threatening emergency" means a situation in which a prudent
20 person could reasonably believe that immediate intervention is
21 necessary to protect the life of a person receiving services at a facility
22 for persons with developmental disabilities or a facility for persons
23 with traumatic brain injury or from a public or private agency, or to
24 protect the lives of other persons at the facility or agency, from an
25 immediate threat or actual occurrence of a potentially fatal injury,
26 impairment to bodily functions or dysfunction of a bodily organ or
27 part.

28 "Public or private agency" means an entity under contract with,
29 licensed by or working in collaboration with the department to provide
30 services for persons with developmental disabilities or traumatic brain
31 injury.

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33 3. a. A member of the staff at a facility for persons with
34 developmental disabilities or a facility for persons with traumatic brain
35 injury or a member of the staff at a public or private agency, who in
36 either case works directly with persons with developmental disabilities
37 or traumatic brain injury, shall be required to call the 911 emergency
38 telephone service for assistance in the event of a life-threatening
39 emergency at the facility or the public or private agency, and to report
40 that call to the department, in accordance with policies and procedures
41 established by regulation of the commissioner. The facility or the
42 public or private agency, as applicable, and the department shall
43 maintain a record of such calls under the policy to be established
44 pursuant to this section.

45 b. The department shall ensure that appropriate training is provided
46 to each member of the staff at a facility for persons with

1 developmental disabilities or a facility for persons with traumatic brain
2 injury or member of the staff at a public or private agency, who in
3 either case works directly with persons with developmental disabilities
4 or traumatic brain injury, to effectuate the purposes of subsection a.
5 of this section.

6

7 4. A member of the staff at a facility for persons with
8 developmental disabilities or a facility for persons with traumatic brain
9 injury or a member of the staff at a public or private agency who
10 violates the provisions of section 3 of this act shall be liable to a civil
11 penalty of \$5,000 for the first offense, \$10,000 for the second offense,
12 and \$25,000 for the third and each subsequent offense, to be sued for
13 and collected in a summary proceeding by the commissioner pursuant
14 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
15 (C.2A:58-10 et seq.).

16

17 5. The department shall maintain a record of violations of the
18 provisions of section 3 of this act, which shall be included in the
19 criteria that the department considers in making a decision on whether
20 to renew the license of a facility or whether to renew a contract with
21 a public or private agency, as applicable.

22

23 6. A health care professional licensed or otherwise authorized to
24 practice as a health care professional pursuant to Title 45 of the
25 Revised Statutes who violates the provisions of section 3 of P.L. ,
26 c. (C.)(pending before the Legislature as this bill) shall, in addition
27 to being liable to a civil penalty pursuant to section 4 of P.L. , c.
28 (C.)(pending before the Legislature as this bill), be subject to
29 revocation of that individual's professional license or other
30 authorization to practice as a health care professional by the
31 appropriate licensing board in the Division of Consumer Affairs in the
32 Department of Law and Public Safety, after appropriate notice and
33 opportunity for a hearing.

34

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

39

40 8. This act shall take effect on the 180th day after enactment, but
41 the Commissioner of Human Services may take such anticipatory
42 administrative action in advance as shall be necessary for the
43 implementation of the act.

STATEMENT

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3 This bill, which is designated "Danielle's Law," requires facility or
4 agency staff working with persons with developmental disabilities or
5 traumatic brain injury to call the 911 emergency telephone service in
6 life-threatening emergencies.

7 Specifically, the bill provides as follows:

8 C A member of the staff at a facility for persons with developmental
9 disabilities or traumatic brain injury or a member of the staff at a
10 public or private agency that provides services for persons with
11 developmental disabilities or traumatic brain injury, who in either
12 case works directly with persons with developmental disabilities or
13 traumatic brain injury, is required to call the 911 emergency
14 telephone service for assistance in the event of a life-threatening
15 emergency at the facility or the public or private agency, and to
16 report that call to the Department of Human Services (DHS) in
17 accordance with policies and procedures established by regulation
18 of the Commissioner of Human Services. The facility or the public
19 or private agency, as applicable, and DHS are to maintain a record
20 of such calls under the policy to be established pursuant to this bill;

21 C DHS is to ensure that appropriate training is provided to each
22 member of the staff at a facility or a public or private agency, who
23 in either case works directly with persons with developmental
24 disabilities or traumatic brain injury, to effectuate the purposes of
25 this bill;

26 C A member of the staff at a facility or a public or private agency who
27 violates the provisions of this bill is liable to a civil penalty of
28 \$5,000 for the first offense, \$10,000 for the second offense, and
29 \$25,000 for the third and each subsequent offense, to be sued for
30 and collected in a summary proceeding by the Commissioner of
31 Human Services pursuant to the "Penalty Enforcement Law of
32 1999" (N.J.S.A.2A:58-10 et seq.);

33 C DHS is to maintain a record of violations of the provisions of the
34 bill, which will be included in the criteria that DHS considers in
35 making a decision on whether to renew the license of a facility or
36 whether to renew a contract with a public or private agency, as
37 applicable; and

38 C In addition, a health care professional licensed or otherwise
39 authorized to practice as a health care professional pursuant to Title
40 45 of the Revised Statutes who violates the provisions of this bill
41 is subject to the revocation of that individual's professional license
42 or other authorization to practice as a health care professional by
43 the appropriate licensing board in the Division of Consumer Affairs
44 in the Department of Law and Public Safety, after appropriate
45 notice and opportunity for a hearing.

46 The bill defines "life-threatening emergency" to mean a situation in

1 which a reasonable person could believe that immediate intervention
2 is necessary to protect the life of a person receiving services at a
3 facility for persons with developmental disabilities or traumatic brain
4 injury or from a public or private agency that provides services for
5 persons with developmental disabilities or traumatic brain injury, or to
6 protect the lives of other persons at the facility or agency, from an
7 immediate threat or actual occurrence of a potentially fatal injury,
8 impairment to bodily functions or dysfunction of a bodily organ or
9 part.

10 Finally, the bill takes effect on the 180th day after enactment, but
11 authorizes the Commissioner of Human Services to take anticipatory
12 administrative action in advance as necessary for its implementation.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2572

STATE OF NEW JERSEY

DATED: JUNE 9, 2003

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 2572.

This bill, which is designated "Danielle's Law," requires facility or agency staff working with persons with developmental disabilities or traumatic brain injury to call the 911 emergency telephone service in life-threatening emergencies.

Specifically, the bill provides as follows:

- C A member of the staff at a facility for persons with developmental disabilities or traumatic brain injury or a member of the staff at a public or private agency that provides services for persons with developmental disabilities or traumatic brain injury, who in either case works directly with persons with developmental disabilities or traumatic brain injury, is required to call the 911 emergency telephone service for assistance in the event of a life-threatening emergency at the facility or the agency, and to report that call to the Department of Human Services (DHS) in accordance with policies and procedures established by regulation of the Commissioner of Human Services. The facility or the agency, as applicable, and DHS are to maintain a record of such calls;
- C DHS is to ensure that appropriate training is provided to each member of the staff at a facility or agency, who works directly with persons with developmental disabilities or traumatic brain injury, to effectuate the purposes of this bill;
- C A member of the staff at a facility or agency who violates the provisions of this bill is liable to a civil penalty of \$5,000 for the first offense, \$10,000 for the second offense, and \$25,000 for the third and each subsequent offense, to be sued for and collected in a summary proceeding by the Commissioner of Human Services;
- C DHS is to maintain a record of violations of the provisions of the bill, which will be included in the criteria that DHS considers in making a decision on whether to renew the license of a facility or whether to renew a contract with an agency, as applicable; and
- C In addition, a health care professional licensed or otherwise authorized to practice as a health care professional pursuant to Title 45 of the Revised Statutes who violates the provisions of this

bill is subject to the revocation of that individual's professional license or other authorization to practice as a health care professional by the appropriate licensing board in the Division of Consumer Affairs in the Department of Law and Public Safety, after appropriate notice and opportunity for a hearing.

The bill defines "life-threatening emergency" to mean a situation in which a reasonable person could believe that immediate intervention is necessary to protect the life of a person receiving services at a facility for persons with developmental disabilities or traumatic brain injury or from a public or private agency that provides services for persons with developmental disabilities or traumatic brain injury, or to protect the lives of other persons at the facility or agency, from an immediate threat or actual occurrence of a potentially fatal injury, impairment to bodily functions or dysfunction of a bodily organ or part.

Finally, the bill takes effect on the 180th day after enactment, but authorizes the Commissioner of Human Services to take anticipatory administrative action in advance as necessary for its implementation.

This bill is identical to Assembly Bill No.3458 (Gregg/Munoz), which was reported by the Assembly Health and Human Services Committee on this date.