

P.L. 2025, CHAPTER 280, *approved January 18, 2026*
Senate, No. 3750 (*Second Reprint*)

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 injured]² 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.

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

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

7
8 2. (New section) a. In addition to the Department’s licensing
9 authority, the department may assess and collect penalties against
10 authorized providers or licensed providers for violating the
11 provisions of N.J.A.C.10:44A-1.1 et seq., or this act or rules and
12 regulations promulgated pursuant to this act. ‘In determining the
13 amount of the penalties assessed under this section, the department
14 shall consider: whether the provider has had a history or pattern of
15 repeated violations; the provider’s compliance with investigations
16 and plans of correction; and whether the provider has taken
17 adequate action to prevent future incidents.¹

18 b. Any person, firm, partnership, corporation, or association
19 operating a ¹**‘[provider-managed]’** residential setting without a
20 license when a license is required ¹or operating a day habilitation
21 program without a certification¹, shall be:

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

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

25 (3) subject to a penalty of not more than \$10,000 for the third
26 and any subsequent offenses; in addition, the division may suspend
27 payments to authorized providers for services provided in the
28 unlicensed ¹**‘[provider-managed]’** residential setting.

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

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

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

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

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

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

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

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

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

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

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

20 (1) administrative neglect ¹that results in a moderate or major
21 injury¹;

22 (2) abuse with a moderate injury;

23 (3) abuse with a major injury;

24 (4) neglect with a moderate injury;

25 (5) neglect with a major injury; or

26 (6) exploitation.

27 h. Any authorized provider or licensed provider, who fails to
28 conduct an ¹**adequate**¹ internal investigation of an allegation of
29 abuse, neglect, or exploitation of an individual with a
30 developmental disability and submit a complete report to the
31 department within 180 days of the date of the alleged incident, shall
32 be subject to a penalty of not more than \$10,000 for each internal
33 investigation the authorized provider or licensed provider fails to
34 conduct. ¹A report submitted in compliance with this subsection
35 shall, at a minimum:

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

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

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

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

42 (5) include a justification for each finding;

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

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

1 the investigation, including all findings, summaries, and actions
2 taken; and

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

4 i. Any authorized provider or licensed provider, who fails to
5 submit an **'[approved]'** plan of correction 'that addresses all cited
6 violations and concerns' to the department upon the completion of
7 an investigation closed by the Office of Investigations 'in the
8 Department of Human Services'¹, shall be subject to a penalty of not
9 more than \$10,000.

10 j. Any authorized provider or licensed provider who **'[is]**
11 demonstrates chronic noncompliance with health, safety, or quality
12 requirements over an extended period of time and across multiple
13 locations or programs may be' assigned a Quality Management
14 Team by the department 'and' may be subject to a penalty of not
15 more than \$5,000 every three months **'[that] until'** the **'[provider**
16 is assigned a]' Quality Management Team 'determines that the
17 provider has demonstrated improvement in the metrics or actions'¹.

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

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

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

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

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

44
45 4. Section 3 of P.L.2010, c.5 (C.30:6D-75) is amended to read
46 as follows:

47 3. a. (1) A case manager or case manager's supervisor in the
48 department, a person employed or volunteering in a program,

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

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

24 b. Within the department, the commissioner shall:

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

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

31 (3) initiate appropriate responses through timely and appropriate
32 investigative activities;

33 (4) alert appropriate staff; and

34 (5) ensure that findings are reported in a uniform and timely
35 manner.

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

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

1 individual with a developmental disability, in which case the case
2 manager or case manager's supervisor shall be guilty of a crime of
3 the third degree.

4 d. In addition to any penalty imposed pursuant to this section, a
5 person **【convicted】** who fails to comply with reporting obligations
6 under this section shall be subject to a civil penalty imposed by the
7 department in the amount of \$350 for each day that the abuse,
8 neglect, or exploitation was not reported, payable to the **【Treasurer**
9 **of the State of New Jersey, which shall be used by the department**
10 **to fund the provision of food and care to individuals with**
11 **developmental disabilities residing in community care residences】**
12 “Residential Facility Quality of Care Improvement Fund”
13 established pursuant to section 3 of P.L. , c. (C.) (pending
14 before the Legislature as this bill).

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

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

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

30
31 5. The Department of Human Services shall adopt, pursuant to
32 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
33 seq.), rules and regulations as necessary to effectuate the purposes
34 of this act.

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

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