

HUMAN SERVICES

(a)

OFFICE OF PROGRAM INTEGRITY AND ACCOUNTABILITY

Central Registry of Offenders Against Individuals with Developmental Disabilities

Readoption with Amendments: N.J.A.C. 10:44D

Adopted New Rule: N.J.A.C. 10:44D-3.4

Proposed: August 6, 2018, at 50 N.J.R. 1694(a).

Adopted: November 21, 2018, by Carole Johnson, Commissioner, Department of Human Services.

Filed: November 30, 2018, as R. 2019 d.002, **without change**.

Authority: N.J.S.A. 30:11B-1 et seq., specifically 30:11B-4.

Effective Dates: November 30, 2018, Readoption;
January 7, 2019, Amendments and New Rule.

Expiration Date: November 30, 2025.

Summary of Public Comments and Agency Responses:

Four comments were received from Thomas Baffuto, Executive Director of The Arc of New Jersey; Valerie Sellers, CEO of New Jersey Association of Community Providers; Diane Hutton-Rose, Executive Director of 21 Plus, Inc.; and Laurie M. Tompkins, Director of Risk Management of Bancroft. The comments from Valerie Sellers and Diane Hutton-Rose were identical.

COMMENT: Two commenters remarked that N.J.A.C. 10:44D-2.2(f) “provides that once the Office of Integrity and Accountability (OPIA) and Division of Developmental Disabilities (DDD) receive an incident report, they take immediate action. The regulations require OPIA develop protocols and that may include reaching out to law enforcement. Recommendation and/or Concern: [We] respectfully request the Department publish for public comment the protocols OPIA develops under this section.” (2 and 3)

RESPONSE: The Department, and all of the entities that are required to report incidents, use Administrative Order 2:05 (AO 2:05) as the protocol for the reporting incidents. The most recent version of AO 2:05 is currently operational and available on the DHS/DDD website. The Department has determined that the version in use should be updated and will be amending it in the near future. The Department and the Office of Program Integrity and Accountability will consult with and seek input from providers, agencies, and other stakeholders about amendments to AO 2:05. The issue of when to reach out to law enforcement can be addressed and systemized in cooperation with the reporting community, so that the statutory requirements are met. The Department will seek public input when amending the AO 2:05 protocols. There is no need to amend the rules as proposed because the protocol, AO 2:05, is not part of the rules.

COMMENT: Two commenters remarked that N.J.A.C. 10:44D-3.1(b)1 through 7 “stipulate the guardians or authorized family member’s role in the investigation.” The commenters recommend and/or state their concerns as: “[We] remain concerned active participation of the parent/guardian or family member in the interview process will interfere with the objectivity of the interview process. The rules should clarify even after an interview has started that the investigator has the option of terminating the interview if the guardian is not able to comply with the rules in this section and impedes the investigation. This section should also stipulate criteria for an individual who is non-verbal, including, criteria for how the interviewer will ensure the guardian is not leading the responses.” (2 and 3)

RESPONSE: The Department feels that the rules adequately define the roles of the investigator and the parent or guardian during an interview with a victim. The rules were written to meet the statutory requirement of participation and to promote the benefits that can be gained through cooperation between a trained investigator and an individual who is intimately familiar with the victim and can assist with communications. The professional investigator remains in charge of the investigation. The rules, particularly, at N.J.A.C. 10:44D-3.1(b)5 state that “the guardian

shall allow the interview to be conducted by the investigator. The investigator shall determine the scope of the investigation and the questions to be asked of the individual. To ensure the integrity of the investigation, the guardian shall not prompt the individual or suggest answers to the individual. The guardian may explain terms and identifiers to the investigator after the individual has used the terms or identifiers.” The Department believes that the phrase “the investigator shall determine the scope of the investigation” specifically allows the investigator to terminate the interview, if cooperation is lacking once it has begun.

The Department feels that the rules adequately define the conditions under which the guardian may assist with a non-verbal victim. The rules, particularly, at N.J.A.C. 10:44D-3.1(b)4 state that “at the request of the investigator, during the interview, the guardian, may aid in the interpretation or recognition of the individual’s speech or speech patterns. ... At the request of the investigator, during the interview, the guardian may describe the meanings of gestures or symbols used by non-verbal individuals.” Further, paragraph (b)6 states, “The guardian and the investigator shall cooperate so as to avoid intimidating the individual by attempting to correct responses to questions, color or embellish responses, or interrupt the dialogue between the investigator and the individual.” The Department believes that these provisions protect the integrity of the interview process and promote understanding during the interview without allowing a guardian to prompt or provide leading responses. The Department declines to change the rule as proposed.

COMMENT: Two commenters remarked that N.J.A.C. 10:44D-3.3, Notifications, stipulates the actual records and reports of an investigation, subject to confidentiality rules, may also be provided to the guardian or other person responsible for a person’s care if the information is needed for a person’s care, treatment, assessment, supervision, evaluation of care, and the provision of information is in the best interests of the person being served. The commenters recommend and/or state their concerns as: “[We] maintain reports from an investigation should only be used for investigatory purposes and to make determinations about the incident. Access to materials beyond the summary of the investigation may be used in litigation against an individual. NJ DHS should utilize keen discretion when making determinations about the dissemination of investigative materials.” (2 and 3)

RESPONSE: In the statute, the Legislature defined the criteria that is appropriate for the release of information to a guardian, or authorized family member, following the completion of an investigation. The Office of Investigation has routinely sent written summaries to the subjects of investigations, their alleged victims, and their employers that explain the findings of their investigations. The recent legislation expands the notification to authorized family members and authorizes the Division of Developmental Disabilities to release information “necessary for the care, treatment, assessment, supervision, evaluation of care” of the individuals served where the release of that information is in the best interests of the individual. The Department appreciates the many State and Federal laws concerning the confidentiality of its clients, as well as, the importance of maintaining the integrity of its investigations; the Department intends to meet the mandates of all applicable laws. The language of the rules mirrors the language and intent of the statute. The Department declines to amend the rule as proposed.

COMMENT: A commenter remarked, “We feel that the cost of the penalty for a person employed or volunteering in a program is quite high. In combination with the low wages paid to the Direct Support Professionals, we fear the threat of these excessive fines could be another deterrent to maintaining a robust workforce. We also want to point out that because of the low earnings, many DSPs would have trouble affording such penalties. Again, we encourage the Department to think about the served individuals as well as those delivering the services when implementing this regulation.” (1)

RESPONSE: The fines contained in the rulemaking were set by the Legislature and cannot be changed by the Department. The fines would only be imposed after a court hearing, at which due process rights would apply, and only after a conviction and under applicable sentencing standards. The Department is unable to alter the proposed penalties that have been set by the Legislature by statute.

COMMENT: A commenter commented that, related to references to the term “investigating unit” and “investigating entity” in N.J.A.C.

10:44D-3.1 and 3.3; specifically, at N.J.A.C. 10:44D-3.3(a), “the investigating unit,” it is not clear what the “investigating unit” is. Is this the Department’s entity? Does “investigating entity” at N.J.A.C. 10:44D-3.1(k) include the Department’s investigating unit or the provider’s investigating unit? (4)

RESPONSE: The Department is responsible for the two duties referred to in this comment—the duty to forward unsubstantiated investigations to the Commissioner, or his or her designee, referenced in N.J.A.C. 10:44D-3.1(k) and the duty to issue a notification of investigation findings referenced in N.J.A.C. 10:44D-3.3(a). The terms “investigating unit” and “investigating entity” used here refer to New Jersey State governmental investigating units. The terms do not include elements of a provider agency that investigates incidents. The terms in the rule can include the Department of Human Services’ Office of Investigation, Department of Human Services Police, Department of Health’s investigatory units in its psychiatric hospitals, or law enforcement agencies. A provider is required to report all unusual incidents and to investigate all of those incidents that are required under Administrative Order 2:05, but a provider is not required to forward unsubstantiated investigations to the Commissioner, or his or her designee, as described in N.J.A.C. 10:44D-3.1(k); nor must a provider issue notification of its own internal investigation findings to an alleged perpetrator, victim, or victim’s guardian as described in N.J.A.C. 10:44D-3.3(a). The Department feels that clarifying that the Department, or another State investigative entity, are the only organizations affected by these references is sufficient and declines to change the rule.

Federal Standards Statement

The rules readopted with amendments and a new rule are not subject to any Federal requirements or standards; therefore, a Federal standards analysis is not required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 10:44D.

Full text of the adopted amendments and new rule follows:

SUBCHAPTER 1. GENERAL PROVISIONS

10:44D-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

...
 “Authorized family member” means a relative of the individual with a developmental disability authorized by the individual’s guardian or by the individual, if the individual does not have an appointed guardian, to receive information pursuant to this section.

...
 “Community-based residential program” or “residential program” means a group home or supervised apartment, which is licensed and regulated by the Department.

“Day program” means a program that is certified to provide day habilitation services or sheltered workshops for individuals with developmental disabilities.

...
 “Program” means any program that is licensed or funded by the Department for the purpose of providing services to individuals with developmental disabilities. “Program” includes, but is not limited to, a day program or a community-based, residential program.

...
 “Substantiated” means the available information obtained during the investigation of an allegation of abuse, neglect, or exploitation indicates a finding by a preponderance of the evidence that a caretaker or licensee abused, neglected, or exploited an individual with a developmental disability.

“Unfounded” means the available information obtained during the investigation of an allegation of abuse, neglect, or exploitation indicates a finding that a caretaker or licensee has not abused, neglected, or exploited an individual with a developmental disability.

“Unsubstantiated” means the available information obtained during the investigation of an allegation of abuse, neglect, or exploitation does not indicate a finding, by a preponderance of the evidence, that a caretaker or

licensee abused, neglected, or exploited an individual with a developmental disability, but there may be some indication that an individual may have been harmed or placed at risk of harm.

...

SUBCHAPTER 2. REPORTING REQUIREMENTS

10:44D-2.1 Allegations of abuse, neglect, or exploitation

(a) A case manager or case manager’s supervisor in the Department, a person employed or volunteering in a program, facility, community care residence, or living arrangement licensed or funded by the Department, or a person providing community-based services with indirect State funding to a person with a developmental disability, as applicable, having reasonable cause to believe that an individual with a developmental disability has been subjected to abuse, neglect, or exploitation by a caregiver shall report the same immediately to the Department by telephone or otherwise. Such report, where possible, shall contain the name and address of the individual with a developmental disability and the caregiver responsible for the care, custody, or control of the individual with a developmental disability, and the guardian, or other person having custody and control of the individual, and, if known, the condition of the individual with a developmental disability, the nature and possible extent of the individual’s injuries, maltreatment, abuse, neglect, or exploitation, including any evidence of previous injuries, maltreatment, abuse, neglect, or exploitation, and any other information that the person believes may be helpful with respect to the injuries, maltreatment, abuse, neglect, or exploitation of the individual with a developmental disability, and the identity of the alleged offender.

(b)-(g) (No change.)

(h) If, after an investigation by the Office of Investigations or the Division of Developmental Disabilities, there are concerns that a case manager, a case manager’s supervisor, or a caregiver failed to report an incident of abuse, neglect, or exploitation, the Department will determine if such a failure has occurred. Following a determination by the preponderance of evidence that a failure to report has occurred, the Department shall refer the matter to law enforcement officials, who shall evaluate for applicability, the following statutory penalties, as set forth in P.L. 2012, c. 69 (designated as Tara’s Law):

1. A case manager or case manager’s supervisor in the Department, who fails to report an act of abuse, neglect, or exploitation of an individual with a developmental disability while having reasonable cause to believe that such an act has been committed, shall be guilty of a crime of the fourth degree, unless the abuse, neglect, or exploitation results in the death of an individual with a developmental disability, in which case the case manager or case manager’s supervisor shall be guilty of a crime of the third degree.

2. A person employed or volunteering in a program, facility, community care residence, or living arrangement licensed or funded by the Department, or a person providing community-based services with indirect State funding to a person with a developmental disability, as applicable, who fails to report an act of abuse, neglect, or exploitation against an individual with a developmental disability while having reasonable cause to believe that such an act has been committed, is a disorderly person.

3. In addition to any penalty imposed pursuant to this section, a person convicted under this section shall be subject to a penalty in the amount of \$350.00 for each day that the abuse, neglect, or exploitation was not reported, payable to the Treasurer, State of New Jersey, which shall be used by the Department to fund the provision of food and care to individuals with developmental disabilities residing in community care residences.

(i) A case manager or case manager’s supervisor, who is charged with failure to report an act of abuse, neglect, or exploitation of an individual with a developmental disability while having reasonable cause to believe that such an act has been committed, shall be temporarily reassigned to duties that do not involve contact with individuals with developmental disabilities or other vulnerable populations and shall be terminated from employment if convicted. The Department’s actions in the determination of whether or not a failure to report occurred shall afford the case manager

or supervisor any available right of review by the Civil Service Commission.

(j) A physician examining or treating an individual with a developmental disability residing in a community care residence or the chief executive officer, or designee, of a hospital or similar institution to which the individual has been brought for care or treatment, or both, is empowered to take the individual into protective custody when the individual has suffered serious physical injury or injuries, or the individual's condition constitutes a life-threatening emergency, as defined in section 2 of P.L. 2003, c. 191 (N.J.S.A. 30:6D-5.2), and the most probable inference from the medical and factual information supplied is that the injury or condition was inflicted upon the individual by another person by other than accidental means, and the person suspected of inflicting, or permitting to be inflicted, the injury upon the individual is a licensee or alternate of a community care residence where the individual resides and to whom the individual would normally be returned.

(k) The physician or the chief executive officer, or designee, of a hospital or similar institution taking an individual with a disability into protective custody shall immediately report the action and the condition of the individual with a developmental disability to the Department by calling its emergency telephone service (1-800-832-9173).

(l) A physician or chief executive officer, or his or her designee, who fails to comply with the provisions of this section, shall be subject to a penalty of \$500.00. The penalty shall be sued for and collected in a summary proceeding by the Commissioner pursuant to the Penalty Enforcement Law of 1999, P.L. 1999, c. 274 (N.J.S.A. 2A:58-10 et seq.).

10:44D-2.2 Reporting allegations

(a)-(e) (No change.)

(f) Upon receipt of a report pursuant to the Central Registry, the Office of Program Integrity and Accountability in coordination with the Division of Developmental Disabilities (Division), shall take immediate actions as shall be necessary to ensure the safety of the individual with a developmental disability. The units within the Office of Program Integrity and Accountability and the Division shall develop protocols for, and are authorized to request, appropriate assistance from local and State law enforcement officials or contact Adult Protective Services to provide assistance in accordance with the provisions of P.L. 1993, c. 249 (N.J.S.A. 52:27D-406 et seq.).

SUBCHAPTER 3. INVESTIGATIONS

10:44D-3.1 Responsibilities of the Office of Investigations

(a) The Office of Investigations shall investigate incidents occurring in community programs or facilities licensed, contracted, or funded by the Department of Human Services, or State-operated developmental centers that serve individuals with developmental disabilities.

(b) The Office of Investigation shall notify the guardian when an investigation of an incident involving an individual has been initiated, as set forth in P.L. 2017, c. 238 (designated as Stephen Komminos' Law). If there is no guardian, an authorized family member of the individual may be notified, unless the individual has expressly excluded the family member.

1. The guardian or family member, as appropriate, may submit information pertinent to the investigation for consideration by the investigators.

2. The guardian may attend the investigative interview of the individual and may terminate the interview, unless attendance or termination would impede the investigation.

3. Scheduling the participation of the guardian shall not impede the timely arranging of an interview. The guardian shall sign a confidentiality agreement limiting disclosure of information concerning other individuals obtained during the interview and agree to protect the confidentiality of any information obtained concerning other individuals. The interview shall not be recorded.

4. At the request of the investigator during the interview, the guardian may aid in the interpretation or recognition of the individual's speech or speech patterns. The guardian may present documentation prior to the interview of previous relevant incidents. The guardian may identify the familiar names of persons mentioned by the individual during the interview. At the request of the investigator during the interview, the

guardian may describe the meanings of gestures or symbols used by non-verbal individuals.

5. The guardian shall allow the interview to be conducted by the investigator. The investigator shall determine the scope of the investigation and the questions to be asked of the individual. To ensure the integrity of the investigation, the guardian shall not prompt the individual or suggest answers to the individual. The guardian may explain terms and identifiers to the investigator after the individual has used the terms or identifiers.

6. The guardian and the investigator shall cooperate, so as to avoid intimidating the individual by attempting to correct responses to questions, embellish responses, or interrupt the dialogue between the investigator and the individual. The guardian and the investigator will avoid distracting the individual from concentrating on the interview. The investigator will provide the guardian with an opportunity to write down any concerns or questions generated during the interview. At the conclusion of the interview, the investigator will afford the guardian the opportunity to review and discuss those concerns or questions.

7. The guardian and the investigator shall cooperate to provide necessary support to the individual, facilitate communications among all participants, and to maintain the integrity of the interview as an ordered question and answer process to determine the individual's perception of the incident.

(c)-(d) (No change.)

(e) The investigating unit shall work collaboratively with law enforcement personnel in the investigation of the allegations. The guardian of the individual with a developmental disability shall also be authorized to request appropriate assistance from local and State law enforcement officials.

(f) No information received in potential Central Registry investigations shall be considered as a public or government record within the meaning of P.L. 1963, c. 73 (N.J.S.A. 47:1A-1 et seq.) or P.L. 2001, c. 404 (N.J.S.A. 47:1A-5 et seq.). Information shared with a guardian in connection with attendance at an investigative interview pursuant to (b) above, or under circumstances described in (e) above is for the private use of the guardian or law enforcement unit, remaining covered by Federal and State privacy and medical information laws.

(g) (No change.)

(h) Upon the initiation of an investigation, the Department shall:

1. Ensure that any communication concerning the alleged abuse, neglect, or exploitation of an individual with a developmental disability between a caregiver, case manager of the caregiver, the case manager's supervisor, or other staff at the Division of Developmental Disabilities is identified, safeguarded from loss or destruction, and maintained in a secure location; and

2. Contact the Office of the Attorney General, which shall determine whether to participate in the investigation.

(i) The Office of Investigations shall issue a written report within 30 days of the completion of the investigation that includes the conclusions of the unit, the rationale for the conclusion, and a detailed summary of any communication secured pursuant to the investigation. The report shall also include an assessment of the role of any case manager of a caregiver or the case manager's supervisor, if applicable, in the allegation of abuse, neglect, or exploitation and a recommendation about whether any civil or criminal action should be brought against the case manager or supervisor. The report shall be made part of the record for review in any civil or criminal proceeding that may ensue, pursuant to the requirements of N.J.A.C. 10:41-3.2.

(j) The Office of Investigations shall retain a record of all unsubstantiated incidents, as set forth in P.L. 2012, c. 69 (designated as Tara's Law).

(k) The Office of Investigations, the Department, or other investigating entity shall also forward to the Commissioner, or the Commissioner's designee, all unsubstantiated incidents of abuse, neglect, or exploitation of an individual with a developmental disability, as set forth in P.L. 2012, c. 69 (designated as Tara's Law).

10:44D-3.3 Notification of findings

(a) The investigating unit shall, by way of a written summary, notify the alleged perpetrator, and as applicable, the alleged perpetrator's

employer of the findings of its investigation. The investigating unit shall also notify, as appropriate, the alleged victim, and, as applicable, the alleged victim's guardian, or authorized family member, of the findings of its investigation.

1. The written summary of the investigation shall be provided to the guardian of the individual with a developmental disability who is the subject of the alleged abuse, neglect, or exploitation; however, the actual records and reports of an investigation, subject to confidentiality rules, shall also be provided to a guardian or other person who is responsible for the welfare of the individual with a developmental disability if the information is needed in connection with the provision of care, treatment, assessment, evaluation, or supervision to the individual; and the provision of information is in the best interests of the individual with a developmental disability, as determined by the Division of Developmental Disabilities, as set forth in P.L. 2017, c. 238 (designated as Stephen Komminos' Law).

i. The written summary of an investigation of an alleged incident of abuse, neglect, or exploitation shall include, but need not be limited to:

- (1) The name of the individual with a developmental disability who is the subject of the alleged abuse, neglect, or exploitation;
- (2) The date of the incident, or the date the incident was reported if the incident date is unknown;
- (3) Whether the incident is an allegation of abuse, neglect, or exploitation;
- (4) The incident number;
- (5) A summary of the allegation of abuse, neglect, or exploitation;
- (6) A finding that the incident is substantiated or unsubstantiated;
- (7) The rationale for the finding and, if the incident is substantiated, a description of the action or inaction that precipitated the finding;
- (8) If known at the time of issuing the summary, whether or not criminal charges against the alleged offending caregiver are pending; and
- (9) Whether remedial action was taken.

ii. If there is no guardian of the individual with a developmental disability who is the subject of the alleged abuse, neglect, or exploitation, the written summary shall be provided to an authorized family member who requests such summary, unless the individual has expressly prohibited the family member from receiving such summary.

10:44D-3.4 Compilation of data by the Office of Investigations

(a) The Office of Investigations shall compile data about any investigation conducted as a result of a report made pursuant to section 3 of P.L. 2010, c. 5 (N.J.S.A. 30:6D-75), concerning abuse, neglect, or exploitation of an individual with a developmental disability residing in a community care residence, and shall issue an annual report as provided in this section. The report, which shall be made available on the website of the Department and contain non-identifying information, shall, at a minimum, include:

1. The number of individuals with developmental disabilities residing in community care residences who were the subject of an allegation of abuse, neglect, or exploitation and the number of substantiated, unsubstantiated, and unfounded allegations;
2. The number of deaths, if any, of individuals with developmental disabilities who were residing in community care residences and were the subject of a report of abuse, neglect, or exploitation and the cause of death;
3. The number of case managers or case managers' supervisors who have been reassigned or terminated, or both, as a result of an investigation of abuse, neglect, or exploitation of an individual with a developmental disability residing in a community care residence; and
4. The number of case managers or case managers' supervisors against whom a civil or criminal action has been brought as a result of an allegation of abuse, neglect, or exploitation of an individual with a developmental disability residing in a community care residence.

SUBCHAPTER 5. DEPARTMENT REVIEW

10:44D-5.1 Central Registry of Offenders Against Individuals with Developmental Disabilities Review

(a) The Commissioner, or the Commissioner's designee, shall decide whether to place the names of a caregiver who has been found to be a substantiated perpetrator of abuse, neglect, or exploitation on the Central

Registry of Offenders Against Individuals with Developmental Disabilities.

1. As soon as possible, and no later than 14 business days after receipt of the completed investigation report of the incident of abuse, neglect, or exploitation, the Commissioner, or the Commissioner's designee, shall review the incident.

2. The offending caregiver of a substantiated incident shall be included on the Central Registry as expeditiously as possible.

3. The decision of the Commissioner, or the Commissioner's designee, shall be deemed to be the departmental finding.

(b) The Commissioner, or the Commissioner's designee, shall notify the individual, who has been substantiated as a perpetrator of abuse, neglect, and/or exploitation, of the intention to place or not place him or her on the Central Registry of Offenders Against Individuals with Developmental Disabilities. The notification will include the perpetrator's name, address, the Unusual Incident Report number issued by the Critical Incident Management Unit, date upon which the decision was made, brief description of the incident and findings, and, in the case of placement on the Central Registry, a summary of the right to appeal procedures. Copies of the notification will be sent to the perpetrator's employer and the contracting or licensing unit providing funding to the perpetrator.

1. The Commissioner, or the Commissioner's designee, shall also notify the guardian of the individual with a developmental disability who was the subject of the abuse, neglect, or exploitation of the caregiver's inclusion on the Central Registry, as set forth in P.L. 2017, c. 238 (designated as Stephen Komminos' Law). The Commissioner, or the Commissioner's designee, shall designate staff to notify the individual of any action taken by the Department to remediate a condition that may have contributed to the occurrence of the abuse, neglect, or exploitation of the individual. If the individual with a developmental disability has no guardian, notification pursuant to this subsection shall be given to an authorized family member who requests such notification, unless the individual has expressly prohibited the family member from receiving such notification.

(c) Forty-five calendar days after having mailed notification of the Commissioner's intent to place a person on the Central Registry to the substantiated perpetrator's best, last known address, that person shall be placed on the Central Registry, unless that person properly requests an informal hearing or a hearing before the Office of Administrative Law, as described in N.J.A.C. 10:44D-6.1 and 6.2.

(d)-(e) (No change.)

SUBCHAPTER 7. REGISTRY CHECKS

10:44D-7.2 Out-of-State facilities Central Registry of Offenders Against Individuals with Developmental Disabilities background checks

(a) Each out-of-State facility that contracts with the Division of Developmental Disabilities to provide services for New Jersey residents shall meet the requirements of N.J.A.C. 10:44D-3.1; and also shall perform a background check of any similar registry in effect within the facility's jurisdiction.

(b) A licensed provider in another state shall be permitted access to the Central Registry. A facility that is duly licensed under another state's authority to provide services to individuals with developmental disabilities may make a written request of the Office of Program Integrity and Accountability concerning whether or not a particular individual, who they believe may have provided services to individuals with developmental disabilities within the State of New Jersey, has been placed on the Central Registry of Offenders Against Individuals with Developmental Disabilities.

1. The non-New Jersey facility shall provide the name, last four digits of the Social Security number, date of birth, and the time frame in which the individual to be checked may have worked with individuals with developmental disabilities in New Jersey.

2. In the request, the facility shall also provide information about the licensing its state has granted the facility to provide services to individuals with developmental disabilities.