



Alliance for the Betterment of
Citizens with Disabilities

Empowering People: Providers Shaping Policies

Update the Central Registry Statute

From the beginning of the IDD human rights movement, fostered by families, families remain integral to the continuity of care in both informal and formal capacities. Indeed, familial connection (no matter the immediacy) is often a motivation to work for, lead, create, or own a community provider agency.

Home and community-based service options have continued to expand opportunities and choices for individuals. One such option during the COVID epidemic was the ability for the state to pay immediate family members for services and supports as a self-directed employee (SDE). After the pandemic, New Jersey received approval from CMS to continue this successful policy. Consequently, the Division of Developmental Disabilities standard employer quality assurance measures of mandatory training, pre-employment background checks,¹ and incident reporting became requirements for this employee subgroup.

Since the Central Registry (CR) law took effect on October 27 2010, if the NJ Department of Human Services (DHS) determines that a state funded caregiver has committed abuse, neglect, or exploitation (ANE) against a person with IDD they will be considered for placement on the CR. Placement on the registry requires that the caregiver cease all contact with the person and no longer be employed by an entity with which the State of NJ contracts, licenses, or regulates to care for persons with IDD. All employers of caregivers, including the employer of record for an individual receiving SDE are required to check the CR prior to each caregiver hire, annually, and upon receipt of an alert from DHS adding a new entry to the CR. Accordingly, the CR has become an important tool to avert the proliferation of ANE.

The CR law took effect nearly a decade before the pandemic and the expansion of caregiver employment opportunities to family members. At that time, families who took care of their loved ones did so on a voluntary basis. To prevent any confusion between paid and unpaid caregivers, the 2010 law excludes people caring for their immediate family members.

Consistent with the current requirement under the Child Abuse Record Information background check (CARI) which is also a cross-system communication, and in the best interest of the individuals we serve, all state funded caregivers should be considered for placement on the CR if DHS determines they have committed ANE against a person with IDD. Otherwise, we risk an incidence of ANE simply because an applicant's relationship to an individual they served precluded their inclusion on the CR for the agency or the employer of record to discover.

In keeping with the increased quality assurance measures intended to prevent ANE in our expanded service continuum, the CR must be aligned. We don't judge families, but we must not ignore their actions. Time to update the statute.

¹ Pre-employment background checks include fingerprinting, drug testing, and reviewing civil records which include the Child Abuse Record Information and the Central Registry.