

CARE FOR U PLUS

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Danielle's Law

New Jersey's Danielle's law (N.J.S.A 30:6D-5.3) requires caregivers to immediately call 911 for emergencies for individuals with developmental disabilities or traumatic brain injury that may be life threatening. Be sure to report the nature of the emergency, name, address, and telephone number of the client.

Danielle's Law was named after Danielle J. Gruskowski, who lived in a group home. Danielle died after developing a high fever and experiencing difficulty breathing. Because 911 was not called, she did not receive medical treatment in time to save her life.

Identifying Life Threatening Emergencies:

Ask yourself:

- Could this condition be potentially fatal?
- Could the condition get worse and become life threatening if you drove the person to the hospital on your own?
- Could moving the person on your own cause further injury?
- Does the person require the skills/equipment of emergency medical personnel?

Life-threatening emergencies may include:

- Unconsciousness, unusual confusion/disorientation or losing consciousness
- Difficulty breathing, not breathing, or breathing in a strange way
- Having persistent chest pain, discomfort or pressure which persists for more than 3 -5 minutes or that goes away and comes back
- Severe bleeding from a body part
- Broken bone that is showing through the skin or severe disfigurement of body part
- Severe headache with slurred speech
- Seizures that are not typical or back-to-back (3 in a row)
- Seizures lasting longer than 5 minutes
- Seizure resulting in serious injury; seizure in someone who is pregnant; seizure in someone who is diabetic; seizure in someone for the first time
- Serious injury to head, neck or back

Frequently asked Questions about Danielle's Law:

1. How can I prepare for an emergency?

Attend Training such as CPR/First Aid. Get to know each individual you support and keep a fact sheet on each individual that includes:

- List of all current medications
- List of medical conditions and medical history
- Phone number of guardians, next of kin, and physician

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2. Do I need to call 911 if I think that another staff person has called 911?

If you are **absolutely certain** that the 911 call has been made, which means that you see or hear another staff person place the call to 911, then you do not need to call 911 again yourself. However, if you have any doubt, you must call 911.

3. When a doctor or nurse is available on staff, should I check with them before calling 911?

In the event of a life-threatening emergency, you must immediately call 911. A doctor or nurse can be notified after the 911 call is made so he/she can evaluate and provide medical attention. Even if the situation is not life threatening, a doctor or nurse can still evaluate and provide medical attention.

4. Can I drive the individual to the emergency room?

If the individual has a life-threatening emergency, call 911 instead of driving to the emergency department or a doctor's office. If the situation is not life threatening, it may be appropriate to drive the person for an evaluation if your supervisor or a medical professional advises you to do so.

5. When the person, family member, or guardian doesn't want me to call 911, do I still need to call 911?

Yes. If the individual has a life-threatening emergency, Danielle's Law requires that 911 be called. Handle the refusal of the individual with sensitivity and explain that calling 911 is necessary.

6. When the individual has a DO NOT RESUSCITATE (DNR) ORDER, do I still need to call 911?

Yes. If the individual has a life-threatening emergency, even if the individual has a DO NOT RESUSCITATE ORDER, Danielle's Law requires that 911 is called. Once the call is made, the Emergency Medical professionals who respond will determine what type of medical care should be provided. Have the DNR Order available to show the Emergency Medical Service technician, and the phone number of the Hospice program, if applicable.

7. What if I don't have access to a phone?

In such an instance, yell for help to persons passing by in cars or walking by, and tell them that the individual has a life-threatening emergency and 911 must be called.

8. Is staff required to call 911 if issues related to the terminal condition of an individual at the end of life arise?

Staff does not need to call 911 for an individual receiving end-of-life care when issues arise related to the medical condition; a violation of Danielle's Law will not have occurred

9. Who will investigate situations in which a 911 call was not made in a life-threatening emergency?

The Department of Human Services' Office of Program Integrity and Accountability (OPIA) will investigate alleged violations. The Division's Risk Management staff will evaluate the investigative

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evidence and will present its findings to the Assistant Commissioner who will determine whether or not a violation has occurred.

10. Will a community care residence provider, developmental center employee, or agency staff member have the right to appeal a licensing action or fine imposed as a result of violating Danielle's Law?

Yes. The letter that a violator of Danielle's Law receives will inform him or her of the fine and the appeal process.

CHAPTER 191

AN ACT concerning staff working with persons with developmental disabilities or traumatic brain injury and supplementing Titles 30 and 45 of the Revised Statutes.

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

C.30:6D-5.1 Short title.

1. This act shall be known and may be cited as "Danielle's Law."

C.30:6D-5.2 Definitions relative to staff working with persons with developmental disabilities, traumatic brain injury.

2. As used in this act:

"Commissioner" means the Commissioner of Human Services.

"Department" means the Department of Human Services.

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

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

"Life-threatening emergency" means a situation in which a prudent person could reasonably believe that immediate intervention is necessary to protect the life of a person receiving services at a facility for persons with developmental disabilities or a facility for persons with traumatic brain injury or from a public or private agency, 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.

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

C.30:6D-5.3 Responsibilities of staff at facility for persons with developmental disabilities, traumatic brain injury.

3. a. A member of the staff at a facility for persons with developmental disabilities or a facility for persons with traumatic brain injury or a member of the staff at a public or private agency, who in either case works directly with persons with developmental disabilities or traumatic brain injury, shall be 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, in accordance with policies and procedures established by regulation of the commissioner. The facility or the public or private agency, as applicable, and the department shall maintain a record of such calls under the policy to be established pursuant to this section.

- b. The department shall ensure that appropriate training is provided to each member of the staff at a facility for persons with developmental disabilities or a facility for persons with traumatic brain injury or member of the staff at 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 subsection a. of this section.

C.30:6D-5.4 Violations, penalties.

4. A member of the staff at a facility for persons with developmental disabilities or a facility for persons with traumatic brain injury or a member of the staff at a public or private agency who violates the provisions of section 3 of this act shall be 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 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

C.30:6D-5.5 Record of violations.

5. The department shall maintain a record of violations of the provisions of section 3 of this act, which shall be included in the criteria that the department 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.

C.45:1-21.3 Violation of the responsibility to make 911 call, forfeiture of license, authorization to practice.

6. 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 section 3 of P.L.2003, c.191 (C.30:6D-5.3) shall, in addition to being liable to a civil penalty pursuant to section 4 of P.L.2003, c.191 (C.30:6D-5.4), be subject to 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.

C.30:6D-5.6 Rules, regulations.

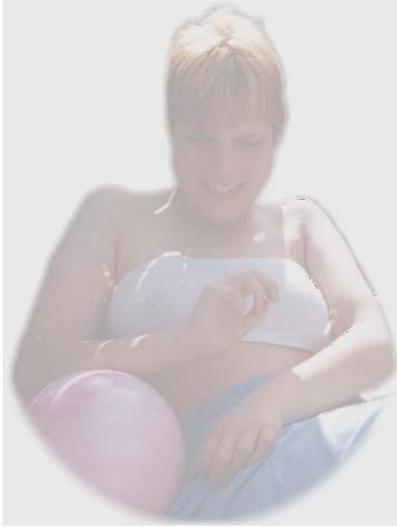
7. The Commissioner of Human Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations necessary to effectuate the purposes of this act.

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

Approved October 26, 2003.

Danielle's Law "A Future of Caring and Sharing"

Danielle J. Gruskowski
December 6, 1969 – November 5, 2002



Danielle Jeniese Gruskowski, a life long resident of Carteret and the inspiration for Danielle's Law, was born December 6, 1969, to Diane and Doug Gruskowski. Danielle was a beautiful baby girl who was welcomed into this world by a family that was excited to have their first child and very first grandchild. Danielle had two younger brothers, Douglas and Derek. Difficulty came at an early age. Danielle was developmentally disabled, non-verbal, non-ambulatory and was diagnosed with Rett Syndrome, a neurological disorder seen primarily in females. Rett Syndrome causes a delay or regression in development, including speech, hand skills, and coordination.

Danielle needed total care and help with daily activities. Despite her disability, she led a full and active life as a member of her family and of the Carteret community. In 1972, Danielle was a founder of the Carteret Specials, a unique group dedicated to enriching the lives of local children with special needs. The group is still active today.

At age 28, Danielle moved to a group home in nearby Edison, in the hope that the greater independence of adult living would benefit her in positive ways. Instead, on November 5, 2002, Danielle died tragically and needlessly at the age of 32. Although Danielle had been running an extremely high fever all night and was having difficulty breathing, no one at the facility called 911 to get her the help she most desperately needed. By the time Danielle was driven to a doctor's office the next morning, it was too late to revive her.

On May 18, 2003, family, friends and legislators gathered at a Dedication Ceremony at the Carteret Library to honor the memory of Danielle. A plaque hangs on the wall of the library so that the legacy of Danielle lives on and she will continue to be an inspiration to others.

Danielle's Law (A3458/S2572) was signed on October 26, 2003 by Governor James E. McGreevey during a very moving ceremony in Carteret. The law requires staff members working directly with people with developmental disabilities or traumatic brain injury to call 911 in life-threatening emergencies. Had the requirements of Danielle's Law been in place in November 2002, her caregivers would have been required to call 911 and Danielle's death might have been prevented.

Many lives will be saved because of Danielle's Law. Families who have loved ones that are developmentally disabled, especially the voiceless and helpless like Danielle, are forever grateful. Our family was amazed how much you can learn about life from someone who said so little and who was so helpless. Maybe that's a lesson for us all.

My family and I felt privileged to have Danielle as part of our loving family and we are so very grateful that God entrusted one of his "own" very special angels to our care. We miss Danielle very much and she will remain in our hearts forever. We were certainly blessed by a little girl named Danielle Jeniese Gruskowski.

Diane Gruskowski (Danielle's Mom)

