

**Our House, Inc.**

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EMERGENCY CONSENT FORM

This Emergency Consent Form will authorize Our House, Inc. to:

- Secure and consent to emergency medical treatment, routine medical examinations, tests, medical surgical treatment, hospital admission, examination and diagnostic procedures, anesthetics, transfusions and operations that are deemed necessary by competent clinicians to save or preserve life and necessary to the health and safety of _____ while involved in the services of this agency. I agree to accept all fees incurred for this emergency treatment if not covered by Medicaid and/or other health insurance.
- Be released from any liability for illness or injury _____ may incur while involved in the service of this agency.
- Take _____ on any recreational or educational field trips while involved in the services of this agency, and consent to _____'s participation in appropriate activities sponsored by other agencies.
- Receive any medical, psychological, educational and/or vocational records concerning _____. I (we) understand that such information will be considered confidential and will only be used by Our House, Inc. and/or consultants contracted by OHI for the purpose of securing treatment and/or services for individuals receiving OHI services.
- Share _____ records of services and related activities with his/her interdisciplinary team members.

Guardian's Acknowledgements:

I acknowledge that **Danielle's Law** (see attached document) has been reviewed with me. I understand that Danielle's Law requires that if any individual receiving OHI services experiences a medical, life threatening emergency, the OHI staff are required to immediately call 911 even if the served individual is his/her own guardian or if a guardian/family member objects or the individual has a DNR order. I understand that Our House, Inc. staff cannot sign an EMS Patient Refusal Form.

I understand that it is Our House, Inc.'s responsibility to notify me of the incident in-person or by phone within two hours of occurrence, per **Steven Komminos Law**, of all minor, moderate, or major injuries and the name of the hospital where the served individual is being transported. I understand that I can meet the served individual at the hospital, be informed by medical professionals as to the extent of the injury and recommended treatment, and if I choose to do so, can refuse medical treatment at the hospital. I understand that should I choose to refuse medical treatment at the hospital Against Medical Advice (AMA), the served individual who is not treated at the hospital must remain in my care and control until

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.