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| **Topic:** Incident Notifications | **Department:** All programs and services |
| **Original effective date:** 7/2013 | **Last revision date:** 5/2021 |
| **Owner:** Incident Manager | **Frequency of reviews:** As needed |
| **Internal/Regulatory Reference(s) (all that apply):** OPWDD Regulation-Part 624 |
| **Related documents/Links:** Supplemental Notification Form, Notification Form, Witness Notification Form, OPWDD Form 163 |

**Policy**

People are free from abuse and neglect.

**Additional Information**

Upon discovery of a file-able incident (147 or 150), the agency is required to initiate internal and external notifications. All required notifications for the involved person shall occur within 24 hours unless otherwise noted.

Telephone notifications are to include a description of the reported event and initial/preliminary actions taken to address the reported event. Notification to family members and capable adult people supported will include additional components. Please refer to the Supplemental Notification Form for details. The Senior Administrators or their specified designees may waiver any or all notification components within the policy that are in excess of regulatory requirements.

**The following shall be notified for all events:**

* Person Supported
* Family Member (unless written notice is available indicating they do not want to be notified, the family member is the alleged abuser, or the person supported is a capable adult and has objected to the notification)
* Guardian (unless written notice is available indicating they do not want to be notified, the family member is the alleged abuser, or the person supported is a capable adult and has objected to the notification)
* Care Coordination
* Program Director/Designee
* Senior Director
* Chief Operating Officer
* Chief Executive Officer
* Vice President
* Incident Management Department
* Other programs that serve the individual, if an injury has occurred, the concern may involve the program, or impact on activities or services at the other program

For Willowbrook Class - See attached Required Willowbrook Incident Notifications

**For all intermediate and notable occurrences classified as theft or financial exploitation:**

• OPWDD- via IRMA entry

For Willowbrook Class - See attached Required Willowbrook Incident Notifications

**For all deaths:**

* OPWDD– phone call and via database entry (see contact list for number)

For sensitive / unusual deaths, a copy of the Report of Death is to be sent to the following locations when completed (**must be completed by the program nurse / designee and sent within 5 business days of the discovery of death**)

* + Arc New York - scan / e-mail (Angela Charlap)
* Juctice Center Death Reporting Line – 1-855-373-2124 (only for deaths of individuals enrolled in a certified service within the last 30 days)

For Willowbrook Class - See attached Required Willowbrook Incident Notifications

**For all reportable incidents (allegations of abuse and significant incidents):**

* OPWDD– phone call and via database entry (see contact list for number)
* Justice Center Hotline-VPCR – 1-855-373-2122

For Willowbrook Class - See attached Required Willowbrook Incident Notifications

**For allegations of abuse only:**

* Mental Hygiene Legal Service (MHLS) – fax (see contact list for number)

For Willowbrook Class - See attached Required Willowbrook Incident Notifications

**For allegations of abuse in a certified program only**, **completion of the OPWDD Form 163 and Witness Notification Form is necessary. Notification to family members ( for both the involved individual and the witness) should include discussion of the interview that may need to occur and they should be asked if there is additional information about the most effective ways to communicate with the service recipient to support the interview process. Notifications for people supported that are witnesses are required to be completed within 48 hours.**

**For all events that constitute a crime including, but not limited to allegations of physical abuse, sexual abuse, unauthorized or inappropriate use of restraint, possible criminal acts, theft of individual’s funds or property, and deaths of unknown cause or not of natural cause.** A police notification is **not** required for traffic infractions.

* Police

**For abuse involving a child under the age of 18:**

* Please refer to Allegations of abuse involving minors policy and procedure

**For medically-involved events:**

* Program nurse or designee (i.e. on-call nurse)

**For events involving accidents with agency vehicles:**

* Transportation Director

**For all events involving individual’s funds:**

* Chief Financial Officer/Controller/Designee

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| **Procedure** |
| **Task:** | **Responsible party:** |
| Will complete all required notifications and complete the Supplemental Notification Form, Event Report Notification Form and Witness / 163 forms (when necessary and in certified programs). See Completing the Notification Form Instructions. | Site Manager / Designee |
| **Supplemental Notification Form:** Prior to the family/guardian notification, the person supported (whether a capable adult or not) is to be notified of the event and that their family/guardian will be notified unless the family/guardian is the alleged abuser or the person has indicated in writing that they do not want to be notified.  | Site Manager / Designee |
| The program planning team (as defined by regulations) must make a determination for each event as to whether or not the involved person supported is a capable adult (as defined by regulations). This determination must be completed prior to the notification to the person supported and their family/guardian. * The determination and the names/titles of team members involved in the determination will be recorded on the Supplemental Notification Form.
* If notifications must be completed and all program planning team

members are not available, the available personnel (including on-call personnel) will use their best judgment in making a determination. * If a determination is made that the person is not capable AND the person objects AND there is any doubt on the part of the team, the notification can be held until members of the program planning team member verify the determination (This must be accomplished on the first business day after the event has occurred. This information will be documented within the event report paperwork).
* Please note that all other notifications must occur even if a capable adult person supported indicates they do not want the notification to occur, including police notifications when a potential crime may have been committed.
* A capable adult person supported is to be asked if they agree to their family/guardian being notified and being offered the release of a written report on the actions being taken to address the reported event and/or the status and resolution of an allegation of abuse. The agreement or objection will be documented on the Supplemental Notification Form. If a capable adult person objects to the release, but not the notification, the release will not be offered during the notification and the program planning team will be notified of the objection.
* Unless an objection as outlined above has been made, the person supported and their family/guardian will be notified as described on the Supplemental Notification Form.
 | Site Manager / Designee |
| The family/guardian notification is to occur in person or by telephone (using a cell phone whenever possible), unless the person being notified has requested notification by an alternate method.  | Site Manager / Designee |
| All notifications are to occur as soon as reasonably possible, but no later than 24 hours after occurrence or discovery of the event.  | Site Manager / Designee |
| A telephone message is not an acceptable notification. If the family/guardian can not be reached by telephone, a message may be left asking the person to contact you.  | Site Manager / Designee |
| The initial call and any attempts to reach the person are to be documented within the event report paperwork. Follow-up calls will be attempted minimally one time per day, using a cell phone whenever possible, until direct communication occurs. | Site Manager / Designee |
| If any of the offered items are requested, inform the family member/person supported that the Senior Director / Designee will contact them and notify the Senior Director / Designee of the program area from which the event is being reported (or AOD 2 during non-business hours). | Site Manager / Designee |
| Sign, title, and date the Supplemental Notification form and complete the Notification form. | Site Manager / Designee |
| **For allegations of abuse in a certified program only:** Completion of the OPWDD Form 163 and Witness Notification Form is necessary. * Notification to family members (for both the involved individual and the witness) should include discussion of the interview that may need to occur and they should be asked if there is additional information about the most effective ways to communicate with the service recipient to support the interview process.
* Notifications for people supported that are witnesses are required to be completed within 48 hours.
 | Site Manager / Designee |

**External Contact List**

**MINOR NOTABLE AND SERIOUS NOTABLE OCCURRENCES:**

OPWDD-

Phone – normal business hours (7:30am-4pm M-F): 518-388-1890 Cynthia.D.Chiarella@opwdd.ny.gov (Cynthia Chiarella). In her absence, her supervisor can be contacted: 315-331-8646 (Glen Everdyke).

Phone – after hours/weekends: 1-888-479-6763

Via database entry

**SERIOUS REPORTABLE EVENTS WHICH ARE OF AN EXTREMELY SERIOUS OR SENSITIVE NATURE MUST BE REPORTED DIRECTLY TO AN OPWDD REPRESENTATIVE. IF NO ANSWER AT THE PRIMARY NUMBER CALL 1-518-402-2840. IF NO ANSWER CALL 1-518-473-7032.**

**REPORTABLE INCIDENTS:**

Justice Center – via telephone: 1-855-373-2122 / TTY: 1-855-373-2123 – or via website:

<https://vpcr.justicecenter.ny.gov/WI/>

OPWDD-

Phone – normal business hours (7:30am-4pm M-F): 518-388-1890 Cynthia.D.Chiarella@opwdd.ny.gov (Cynthia Chiarella). In her absence, her supervisor can be contacted: 315-331-8646 (Glen Everdyke).

Phone – after hours/weekends: 1-888-479-6763

Via database entry

MHLS –(for All for Abuse/Neglect)147, preliminary assessment, and notification forms:

Fax: 530-3079 Attn: Designee

**ALLEGATIONS OF ABUSE WHICH ARE OF AN EXTREMELY SERIOUS OR SENSITIVE NATURE MUST BE REPORTED DIRECTLY TO AN OPWDD REPRESENTATIVE. IF NO ANSWER AT THE PRIMARY NUMBER CALL 1-518-402-2840. IF NO ANSWER CALL 1-518-473-7032.**

**DEATHS:**

Justice Center – via telephone: 1-855-373-2124

OPWDD-

Phone – normal business hours (7:30am-4pm M-F): 518-388-1890 Cynthia.D.Chiarella@opwdd.ny.gov (Cynthia Chiarella). In her absence, her supervisor can be contacted: 315-331-8646 (Glen Everdyke).

Phone – after hours/weekends: 1-888-479-6763

Via database entry

Required Willowbrook Incident Notifications

The Consumer Advisory Board receives notice of all incidents involving all class members. (In addition to other Part 624 notification requirements)

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| Incident Type | WillowbrookNotifications | Person to be notified | InitialNotificationmust be viaphone & within24 hours | Secondary Notificationmust be via email and within 24 hours of completion of form |
| Reportable Abuse / Neglect | Correspondent / Consumer Advisory Board (CAB) Executive Director | AntoniaFerguson | Phone(718) 477-8800 | Send the following to:opwdd.sm.cab.incidents@opwdd.ny.govOPWDD 147OPWDD 148Copies of IRC minutesCopies of 30-Day Updates must also be sent within 24 hours of the required entry into IRMA |
| OPWDD StatewideWB Liaison | Angie Francis | Phone(518) 473-6026 | 147 to: angie.x.francis@opwdd.ny.gov |
| NYCLU(Plaintiff Counsel) | Beth Haroules | Phone(212) 607-3325 | 147 to: bharoules@nyclu.org |
| ReportableSignificant | Correspondent / CAB Executive Director | AntoniaFerguson | Phone(718) 477-8800 | 147 and 148 to:opwdd.sm.cab.incidents@opwdd.ny.gov |
| OPWDD Statewide Liaison | Angie Francis | Phone(518) 473-6026 | 147 to: angie.x.francis@opwdd.ny.gov |
| NYCLU(Plaintiff Counsel) | Beth Haroules | Phone(212) 607-3325 | 147 to: bharoules@nyclu.org |
| Serious Notable Occurrences(Death and Sensitive Situations) | Correspondent/CA B Executive Director | AntoniaFerguson | Phone(718) 477-8800 | 147 and 148 to:opwdd.sm.cab.incidents@opwdd.ny.gov\*For all deaths the Report of Death must also be provided to opwdd.sm.cab.incidents@opwdd.ny.gov |
| OPWDD Statewide Liaison | Angie Francis | Phone(518) 473-6026 | 147 to: angie.x.francis@opwdd.ny.gov |
| \*Not for deathsNYCLU(Plaintiff Counsel) | Beth Haroules | Phone(212) 607-3325 | 147 to: bharoules@nyclu.org |
| \*\*For Deaths onlyNYLPI(Plaintiff Counsel) | Roberta Mueller | Phone(212) 244-4664 | 147 and Report of Death to: rmueller@nylpi.org (when under the auspices of a certified residence, the residence must send) |
| Minor NotableOccurrences | Correspondent / CAB Executive Director | AntoniaFerguson | Phone(718) 477-8800 | 147 and 148 to:opwdd.sm.cab.incidents@opwdd.ny.gov |
| OPWDD Statewide Liaison | Angie Francis | Phone(518) 473-6026 | 147 to:angie.x.francis@opwdd.ny.gov |
| NYCLU(Plaintiff Counsel) | Beth Haroules | Phone(212) 607-3325 | 147 to: bharoules@nyclu.org |
| Part 624 regulations require that all Care Managers must be notified by the agency of all reportable incidents and notable occurrences and must be provided with subsequent information as outlined in Part 624.6(h). |
| Ronnie Cohn (Ronnie.Cohn@opwdd.ny.gov), Willowbrook Independent Evaluator, must be advised of all incidents for class members who are on Attachment 1 monitoring status. Margaret Hinton (mah.willowbrookconsultant@gmail.com) must be advised of all incidents for class members on Appendix C. |
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| When a person resides in a certified residential program, MHLS must be notified of all incidents. |

**Document revision record:**

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| **Revision Date** | **Release Date** | **Reason for change** | **Approver** |
| 5/28/2021 | 5/28/2021 | Updated Willowbrook notification requirements. | D. Crosser |
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