

Topic: Incident Notifications	Department: All programs and services
Original effective date: 7/2013	Last revision date: 5/11/2023
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 waive 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)

- Justice 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

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
<p>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.</p> <ul style="list-style-type: none"> - 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	Site Manager / Designee

Senior Director / Designee of the program area from which the event is being reported (or AOD 2 during non-business hours).	
Sign, title, and date the Supplemental Notification form and complete the Notification form.	Site Manager / Designee
<p>For allegations of abuse in a certified program only: Completion of the OPWDD Form 163 and Witness Notification Form is necessary.</p> <ul style="list-style-type: none"> - 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): 518-388-3816 (Gina Winkler).

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): 518-388-3816 (Gina Winkler).

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): 518-388-3816 (Gina Winkler).

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)

Incident Type	Willowbrook Notifications	Person to be notified	Initial Notification must be via phone & within 24 hours	Secondary Notification must be via email and within 24 hours of completion of form
Reportable Abuse / Neglect	Correspondent / Consumer Advisory Board (CAB) Executive Director	Antonia Ferguson	Phone (718) 477-8800	Send the following to: opwdd.sm.cab.incidents@opwdd.ny.gov <ul style="list-style-type: none"> • OPWDD 147 • OPWDD 148 • Copies of IRC minutes • Copies of 30-Day Updates must also be sent within 24 hours of the required entry into IRMA
	OPWDD Statewide WB Liaison	Angie Francis	Phone (518) 473-6026	147 to: angie.x.francis@opwdd.ny.gov
Reportable Significant	NYCLU (Plaintiff Counsel)	Beth Haroules	Phone (212) 607-3325	147 to: bharoules@nyclu.org
	Correspondent / CAB Executive Director	Antonia Ferguson	Phone (718) 477-8800	147 and 148 to: opwdd.sm.cab.incidents@opwdd.ny.gov
Serious Notable Occurrences (Death and Sensitive Situations)	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
	Correspondent/ CA B Executive Director	Antonia Ferguson	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
Minor Notable Occurrences	*Not for deaths NYCLU (Plaintiff Counsel)	Beth Haroules	Phone (212) 607-3325	147 to: bharoules@nyclu.org
	**For Deaths only NYLPI (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)
	Correspondent / CAB Executive Director	Antonia Ferguson	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.

Under paragraph 9 of the Permanent Injunction, CAB is permitted access to information available under Jonathan’s Law. When a person resides in a certified residential program, MHLS must be notified of all incidents.

Revision Date	Release Date	Reason for change	Approver
5/28/2021	5/28/2021	Updated Willowbrook notification requirements.	D. Crosser
7/21/2022	7/21/2022	Updated OPWDD contact information.	Deanna Crosser
12/5/2022	12/5/2022	Updated OPWDD contact information.	Deanna Crosser
5/9/2023	5/9/2023	Updated OPWDD contact information.	Deanna Crosser
5/11/2023	5/11/2023	Updated Willowbrook cheat sheet table.	Deanna Crosser