



TO: Executive Directors of Voluntary Agencies
DDSOO Directors
DDRO Directors
Provider Associations
Registered Providers

FROM: Megan O'Connor-Hebert
Deputy Commissioner
Division of Quality Improvement

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SUBJECT: **Supporting Individuals to Safely Access Community Activities**

Note: This alert supersedes the August 12, 2011 memorandum titled "Oversight of Individuals in Our Care"

OPWDD's vision for people with developmental disabilities includes full and meaningful participation in their communities. While agencies provide supports and services to individuals so they can access and enjoy resources their communities offer, the agencies must ensure that the individuals are provided with safeguards and supervision in accordance with their needs. Agencies must be particularly mindful about safety before, during, and after transportation to and from community activities, when individuals may be at increased risk for wandering, injury, or other harm. These risks can be mitigated when providers implement formal procedures that identify staff responsibilities and person-specific safeguards and supports, as needed, for each individual involved in the activities.

OPWDD expects agencies, including State-operated and voluntary-operated service providers, and contracted transportation providers (registered providers), to comply with the following community travel guidelines, which are applicable to routine and non-routine travel involving individuals receiving services:

General Transportation Safety:

OPWDD operated, certified, and funded services and contracted transportation providers must implement procedures that ensure individuals receiving services arrive safely at their intended destinations. These procedures must include, at minimum, the following safeguards:

- Each individual must be supervised, inside any vehicle, in accordance with safeguards and supports identified in his or her service plan. No individual should be left unattended in a

vehicle unless there is documentation that explicitly identifies circumstances in which the individual may be left unattended.

- There must be a procedure for in-vehicle inspection to verify that no individual remains inside the vehicle after a trip is completed. The procedure must identify the person responsible for the inspection (e.g., the driver) and include at least one of the following safe practices:
 - Use of a procedure involving opening of car doors to ensure individuals exited from all seating areas inside passenger cars; or
 - Use of an on-board back to front inspection to ensure that all passengers exited mini-vans, vans, and buses; and/or
 - Use of electronic sensor devices installed in mini-vans, vans, and buses to minimize the possibility that an individual is left inside the vehicle.
- For every trip that involves use of a mini-van, van, or bus, there should be documentation to verify that the vehicle was checked to ensure that all individuals boarded and exited the vehicle, as intended.
- Where electronic sensor devices are used as an alternative to on-board inspections, there should be documentation to verify that the devices are inspected, maintained, and periodically tested to ensure that they are in good working order.
- Drivers and staff who accompany individuals during transportation, including those employed by contracted transportation vendors, must be familiar with each individual's need for supervision and safeguards, including wheelchair safety needs and use of special equipment.
- Drivers and all passengers must wear seatbelts. Drivers and staff who accompany individuals during transportation must ensure that all passengers are secured in their seats with seatbelts and/or with devices intended to secure wheelchairs, where applicable.
- Agencies that contract with other entities for transportation services must ensure that the transportation providers have policies and procedures, including staff training requirements, consistent with the safety measures identified in this document.
- Drivers must comply with all State licensing and traffic laws.

Additional Residential Program Responsibilities:

OPWDD operated and certified residential facilities must implement procedures to ensure that individuals who reside in those facilities, and require transportation to routine and non-routine community activities (e.g; day programs, work locations, and social, leisure, and recreational activities), receive supports and supervision they need to arrive safely at their intended destinations and return safely home to their residences. In addition to the **General Transportation Safety** guidelines described in this document, residential program transportation safety procedures must also include:

- Documentation available to facility staff that identifies the type, schedule, and provider of transportation for each individual receiving services, including:
 - the name of the entity providing the transportation (e.g., the residential services provider, a day services provider, a contracted transportation vendor, a public transportation service, a family member or friend), and a phone number/contact information needed to contact the transportation provider;
 - the dates and times or routine schedule for the transportation use;
 - identifying information about the travel destination;
 - the name and/or title of any person who must accompany the individual during transportation; and
 - information on specific supports (e.g., equipment or assistance) or supervision the individual needs to identify and safely board the correct vehicle; to travel safely inside the vehicle; and to exit safely upon arrival at the destination.
- Staff training to ensure that all staff members involved in transportation, including supervisors and substitute staff, are familiar with general, facility-specific, and individual-specific transportation safety procedures.
- Staff deployment plans to ensure sufficient trained staff are available to meet the individuals' transportation safety needs.
- Mechanisms, including assignment of oversight responsibilities, to ensure that general, facility-specific, and individual-specific transportation safety procedures are consistently implemented, across all appropriate shifts of staff, and to ensure that the procedures are updated in a timely manner, as needed.

Additional Non-Residential Provider Responsibilities:

OPWDD operated, certified, and funded programs and services, other than residential services, must also implement procedures to ensure that individuals are provided with needed safeguards when the program or service is responsible for the transportation of the individuals receiving services. Most day services are funded to provide individuals with to/from transportation and transportation to community locations during service provision and are required to provide individuals with safeguards and supports in accordance with their needs.

In addition to the **General Transportation Safety** guidelines described in this document, day program transportation safety procedures must also include the same documentation, staff training, staff deployment plans, and oversight identified as **Additional Residential Program Responsibilities**, and include specific attention to protections during arrivals and departure from certified sites and/or other service delivery locations as follows.

- **Attendance.** Procedures must include means to verify attendance at the beginning of service provision and upon arrival at any new service location during service provision. A staff member must be assigned responsibility to take attendance upon individuals' arrival at each service location.
- **Absences.** Procedures must include means to verify the whereabouts of each individual who is unexpectedly absent from the program site or service location. These procedures must include:
 - a requirement for contact with an individual's residence, or family or other responsible party if the individual does not reside in a residential program, when the individual has an unexpected absence from the day service;
 - a protocol for contacting law enforcement in an effort to locate an individual who is unexpectedly absent from the day service; and
 - means to determine when an unexpected absence must be reported as a "missing persons" or "unauthorized absence" incident in accordance with 14 NYCRR Part 624 or as an event or situation that must be reported in accordance with 14 NYCRR Part 625.
- **Contact information.** Procedures must require day services providers to maintain up-to-date contact information for each individual receiving services. The procedures should identify the circumstances, beyond those required for reporting incidents, events, and situations in accordance with Parts 624 and 625, when contacts must be used to locate an individual receiving services. These procedures should include individualized responses to absences because some individuals may travel independently and may not be considered at risk when absent from or late for services.

Transportation safety can be particularly challenging during the busy morning and afternoon transitional times when many individuals, using varied types and sources of transportation, leave or arrive at a service location site at the same time. Clear expectations and effective communication among support staff and service providers are necessary to optimize transportation safety. Regular monitoring and supervision are also necessary to ensure that transportation safety procedures are implemented as intended and updated as needed in accordance with individuals' transportation safety needs.