




**TO:** Executive Directors, Voluntary Providers  
Directors, Developmental Disabilities State Operations Offices  
Directors, Developmental Disabilities Regional Offices  
Provider Associations

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

**DATE:** January 12, 2015

**SUBJECT: Incident Management Updates-**

- Requirement for corrective action plan (CAP) record submissions for Reportable Incidents of Abuse and Neglect-Effective January 1, 2015
- Notification to local law enforcement for Reportable Incidents of Physical and Sexual Abuse
- Initial notification to The Office for People With Development Disabilities (OPWDD) of Reportable Incidents and Serious Notable Occurrences
- Justice Center Abuse Prevention Update

**Suggested distribution:**

Incident Coordinators  
Quality Assurance Staff  
Incident Review Committee Chairs

**The Office for People With Developmental Disabilities (OPWDD) Requirement for Corrective Action Plan (CAP) Record Submissions for Reportable Incidents of Abuse and Neglect -Effective January 1, 2015**

**Background:**

For all Reportable Incidents of Abuse/Neglect where corrective actions have been identified by the agency investigator or OPWDD Office of Investigations and Internal Affairs (where applicable), the Incident Review Committee or the NYS Justice Center, OPWDD requires that the Corrective Action Plan (CAP) be submitted to OPWDD's Incident Management Unit (IMU). OPWDD has made an enhancement to Incident Report Management Application (IRMA) to automate submission of CAPs.

For CAPs submitted for abuse/neglect, the record must contain BOTH of the following components:

- The fully completed OPWDD Form 161; and
- Documentation which confirms each corrective action was implemented or addressed.

44 Holland Avenue, Albany, NY 12229-0001, TEL: 518-473-1997 FAX: 518-473-1271

25 Beaver Street, 3<sup>rd</sup> Floor, New York, NY 10004, TEL: 646-766-3468 FAX: 646-766-3473

101 West Liberty Street, Rome, NY 13440, TEL: 315-336-2300 x246 FAX: 315-571-7118

500 A Balltown Road, Schenectady, NY 12304 TEL: 518-381-2110 FAX: 518-381-2190

TTY: 866-933-4889, [www.opwdd.ny.gov](http://www.opwdd.ny.gov)

We help people with developmental disabilities live richer lives

**Purpose:**

**Effective for incidents dated January 1, 2015 or later, agencies must submit CAP records via the file upload functionality in IRMA, which is available to providers effective January 2015.** OPWDD is requiring that the submission of the CAPs be accompanied by the OPWDD Form 161, Submission Form for Corrective Action Plan of Abuse/Neglect, which is available on The OPWDD website at: [http://www.opwdd.ny.gov/opwdd\\_resources/incident\\_management/forms](http://www.opwdd.ny.gov/opwdd_resources/incident_management/forms)

The purpose of the form is to provide critical information for the Justice Center to carry out its statutory responsibilities and streamline the process by decreasing the number of follow-up communications and delays. CAP records from providers are due within 60 days of the date of the letter of determination and must include information for all corrective actions identified.

One of the items required for completion of the OPWDD Form 161 is the selection of Areas of Improvement to correspond with corrective actions. For your convenience, the list of definitions for these areas is attached to this memorandum. All appropriate categories must be selected by the agency when submitting a corrective action plan.

**On January 2<sup>nd</sup>, 2015, OPWDD announced WebEx's on January 13, 2015 to provide further guidance on this new process. Information from the WebEx will be posted on the OPWDD website in the near future. If you have any questions about the new requirement, please contact the Incident Management Unit at [IMU.CAPS@opwdd.ny.gov](mailto:IMU.CAPS@opwdd.ny.gov).**

OPWDD appreciates your cooperation and compliance with this new requirement. Please note that OPWDD's Division of Quality Improvement will verify completion of CAPs as part of their survey process.

**Notification to Local Law Enforcement of Reportable Incidents of Physical and Sexual Abuse**

**As a reminder, in accordance with 14 NYCRR Part 624.6(d)(2), all possible crimes against an individual by a custodian must be reported to appropriate law enforcement. All allegations of physical and sexual abuse are possible crimes and must be reported to local law enforcement. Reporting to law enforcement is not limited to physical and sexual abuse, other types of incidents may also be possible crimes against an individual by a custodian and therefore must be reported to law enforcement as well.**

**Initial Notification to OPWDD of Reportable Incidents and Serious Notable Occurrences**

**As a reminder, all reportable incidents and serious notable occurrences must be reported immediately to OPWDD.** Immediate entry of initial information into the OPWDD Incident Report and Management Application (IRMA) is not sufficient to satisfy this requirement. Both Voluntary Providers and State Operations Offices must notify OPWDD IMU of Reportable Incidents and Serious Notable Occurrences.

**During regular business hours:** All Reportable Incidents and Serious Notable Occurrence notifications must be made via telephone. Providers must contact their OPWDD Incident Compliance Officer. If not available, providers should call the main OPWDD IMU phone number at (518) 473-7032 for assistance.

**Other than regular business hours:** Providers must contact the OPWDD IMU off-hours notification line (toll free) at (888) 479-6763.

**Off-Hours Telephone Notification is required for:**

- All Reportable Incidents
- Incidents and Events/Situations which are egregious or sensitive in nature
- Providers may also call the off hours number if technical assistance is required from on-call IMU staff.
- If technical assistance is not needed, notifications for Serious Notable Occurrences may be made either by phone or by sending the following information to [OPWDD.Incident.Notifications@opwdd.ny.gov](mailto:OPWDD.Incident.Notifications@opwdd.ny.gov), or a message may be left on the compliance officer's voicemail. Please include the following information:
  - Name of Individual(s) receiving services
  - Name of agency reporting and area of the state (old DDSO designation)
  - Service provided and whether or not it is a certified setting
  - Classification of the Incident
  - Clear and concise description of the incident being reported including who, what, when, where, why
  - Immediate protections
  - Name and phone number of a contact person who can be reached should the IMU staff on call need to make contact about the incident being reported

**Justice Center Abuse Prevention Update**

The Justice Center has launched a new resource in its Abuse Prevention Center with a [Spotlight on Prevention](#) toolkit now available on its website. These toolkits are designed to provide useful guidance and resources based on analysis of information by the Justice Center Oversight and Monitoring staff. The first toolkit focused on Caregiver Fatigue focuses on a proactive approach to creating safe, supportive environments for people receiving services.

Attachment

cc: Central Office Leadership Team  
Willowbrook Task Force  
DQI Staff