



**Office for People With
Developmental Disabilities**

OPWDD CERTIFIED RESIDENTIAL OPPORTUNITIES PROTOCOL

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NYS Office for People with Developmental Disabilities**

OPWDD REGIONAL OFFICE CERTIFIED RESIDENTIAL OPPORTUNITIES PROTOCOL

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Mission

The Regional Office and the Residential Providers will partner to provide a timely response to individuals urgently seeking a residential vacancy. As the result of unfettered access to information on individuals deemed to be a Priority 1 for placement, Residential Providers will be in a position to anticipate the most appropriate individuals for available opportunities (based on individual preferences and needs) and maximize utilization of their residential resources.

Intent of Protocol

This protocol identifies the key components and expectations of the Regional Office's Certified Residential Opportunities Team and its' functions, as well as the instrumental role Residential Providers have in the process. In the 2012 Restructuring of OPWDD, the Regional Office (RO) was given enhanced responsibility for managing residential resources which are supported by OPWDD. It is anticipated that as our system moves into voluntary managed care this expectation will be extended. In addition to monitoring residential vacancies, the RO is required to approve all new admissions to residential vacancies and to be notified of internal movements. Approval from the Office of the RO Director is required in order for Residential Providers to fill a vacancy and bill for services.

Guiding Principles

While this document is primarily focused on the process to address the preferences and needs of priority one individuals who have already made an informed choice to seek a certified residential opportunity, it is important to communicate as a guiding principle that people with disabilities have the right to choose where they live. This includes consideration of settings that are not disability-specific as well as settings that afford them private living space. These choices are based upon the individual's needs and preferences as well as available opportunities, required services, and the resources available to the person for room and board.

Practices and procedures adopted by OPWDD's Regional Office must ensure consistency in approach and equity in access for all individuals in the region while optimizing use of scarce OPWDD resources.

An approach for managing certified residential opportunities is best implemented through consistent, transparent structures and processes across districts that foster a collaborative approach among stakeholders.

The Regional Office in partnership with residential providers will work to assist providers to fill vacancies expeditiously and keep provider capacity at maximum utilization.

In accordance with OPWDD Administrative Memorandum #2014-04 "Home and Community Based (HCB) Settings Preliminary Transition Plan Implementation" residential providers are expected to have mechanisms to assess satisfaction/dissatisfaction with living arrangement and provide individuals with a confidential opportunity to discuss issues or concerns regarding roommates. Revisiting choice of living arrangement with residents periodically is also expected as individual preferences may change. Residential providers/staff are also expected to provide people with opportunities to work with the provider/residence to achieve the closest optimal roommate situation. People who are unhappy with their living arrangement should receive timely support and assistance from the provider/residential staff in identifying alternative options.

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It is important that all providers/staff and circles of support members listen to people in terms of where they would like to live and who they would like to live with and make every effort to support the person to help make these choices a reality. In practice, this means considering the choice of people moving into a new home for the first time as well as the choices of those who wish to relocate from their current home, so long as any risk management needs can be adequately addressed.

The Regional Office Certified Residential Opportunities Team

In order to promote consistency and transparency in practice among all stakeholders and ensure the diverse needs of the people we serve are adequately met, a Certified Residential Opportunities Team will be established within each district. The RO Director will determine the specific composition each district's Certified Residential Opportunities Team and designate a team leader to oversee this function. Within that structure, RO Certified Residential Opportunities Team members must be designated to perform the following liaison duties:

- RO Developmental Center Liaison
- RO Aging Out Liaison
- RO Nursing Home Placement Liaison and/or PASSR Coordinator
- RO Forensics Liaison
- RO ICF Transitions Liaison

A key expectation of the RO Certified Residential Opportunities Team is to provide leadership and coordination to certified residential opportunities activities within the district as well as between districts when that is appropriate. This includes establishing and maintaining a readily available electronic District Referral and Placement Tracking Report and chairing a district-wide Access to Residential Opportunities Committee (AROC).

The Access to Residential Opportunities Committee (AROC)

Under the leadership of the Regional Office the AROC is responsible to:

- Receive and discuss urgent or unique referrals and placement need.
- Discuss and collaborate on initiatives that facilitate placement of Priority 1 individuals in available certified settings in accordance with individual preferences and needs or in non-certified opportunities if that option can be made available.
- Explore and support development of non-certified residential opportunities for all individuals, but especially for those on the Priority 2 or 3 lists who may have an extended wait time for placement in a certified residence, particularly as this relates to district-wide, regional, and statewide goals.

Each district's AROC will comprise representatives from the voluntary residential provider agencies, state operations- including state-operated Family Care as appropriate, and members of the RO Certified Residential Opportunities Team. Participation by each residential provider in a district is not considered mandatory. While a monthly timeframe is recommended, AROC meetings should occur at the frequency deemed appropriate by each district's RO.

The Residential Referral & Certified Residential Opportunities Protocol which follows prescribes uniform strategies whereby each district's Certified Residential Opportunities Team will partner with voluntary and state-operated residential service providers to:

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- Require and ensure that alternative services are explored in an effort to support an individual in the most integrated (least restrictive) setting possible based on individual preferences and needs before they are referred for an OPWDD certified vacancy.
- Implement a uniform strategy for managing existing and future residential capacity in a way that aligns with OPWDD's mission, the Transformation Agenda, and new policy initiatives.
- Ensure every possible certified vacancy is made available to serve individuals designated as a Priority 1 for residential placement on the district tracking report.

Important Note: To this end, the Priority 1 List is the ONLY list routinely shared with residential providers and the AROC Committee. The Priority 2 and Priority 3 List are only given to providers with an announced vacancy that have screened the Priority 1s and concluded that none of the Priority 1s can be served in the announced vacancy. If the RO Certified Residential Opportunities team concurs with the provider, the next set of prioritized referrals will be sent to that provider.

- Develop and maintain an electronic District Referral and Placement Tracking Report that fully supports the RO's commitment to transparency, and can be sorted by county/borough/district and region, as desired, and facilitate communication both within the RO and between the RO and various residential providers.
- Develop strategies to facilitate people with developmental disabilities to have informed choice of their living arrangement from among setting options including non-disability specific settings and an option for a private unit in a residential setting. These choices are based upon needs, preferences, and for residential settings, resources available to the person for room and board.

Residential Referral Process

Referral Criteria

Prior to referring an individual for residential placement, the service coordinator/referral source will be expected to fully explore with the individual and their family the possibility of remaining in their current home with additional supports and services, and/or the feasibility of a community placement in a non-certified residence with services and supports that are either self-directed or overseen and coordinated by a voluntary provider. This person-centered planning process is important to ensure that people have the right to choose where they live from among setting options including settings that are not disability specific. It is important that Certified Residential Opportunities Team staff query the service coordinator/referral source regarding whether the individual/family advocate has considered exploration of self-directed services as an alternative to placement and to refer the service coordinator/referral source to RO staff who work with self-directed services, as appropriate. Referral to a 24-hour supervised OPWDD-certified residence should be made only if all opportunities to support the person in a non-certified or less restrictive community based placement have been exhausted. Individuals deemed to be in crisis will be referred to the RO Crisis Team.

Individuals requesting residential services for the first time, as well as those who require a change in residence due to a change in clinical needs or personal goals that cannot be accommodated by the residential provider, are to be referred to the RO Certified Residential Opportunities Team.

The RO Certified Residential Opportunities Team is responsible to send referrals for residential services to residential providers who have a vacancy that might appropriately meet the needs of an individual referred. Residential providers will be asked to assess the appropriateness of the person referred and review their service needs consistent with a particular vacancy.

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Informed Consent of the Individual Referred

Prior to referral of an individual for residential placement in a certified setting it is the responsibility of the service coordinator/referral source to ensure that the individual and/or their family/advocate agrees to be referred for residential placement (i.e., has made an informed choice regarding residential placement) and understands that certain information about them will be shared with staff at the Regional Office as well as with staff at residential service provider agencies who may currently have, or be getting, a residential opportunity that would meet the individual's preferences and needs. This might include, but not be limited to information such as;

- their age
- their current residence
- their special needs e.g. assistance with fire evacuation , communication, ambulation
- other special supports they might require, e.g. medical support, behavior support and management, risk management strategies

An affirmation that the SC has made the individual/family aware of this, and that the individual/family has chosen and consented to a residential referral, must be documented on the residential referral form.

Residential Referral Packets are needed for all individuals who are designated as P1. Each Regional Office can determine whether they also want a complete referral packet for individuals designated as P2 and P3.

Residential Referral Packets consist of the following components:

1. Residential Referral Transmittal
2. Residential Referral form describing the individual's current service needs and situation in sufficient detail so that the appropriate priority status can be determined.
3. Most recent Individualized Service Plan (ISP), including Safeguards/Individual Plan of Protective Oversight (IPOP)
4. Most recent Physical Examination Report and/or Medical Summary (if applicable)
5. Most recent Individualized Education Plan (IEP) (if applicable)
6. Most recent Psychological Evaluation (If applicable)
7. Most recent Behavior Support Plan (BSP), including Risk Assessment (if applicable)

“Opening” a Residential Need

If the individual seeking placement resides in other than a certified living situation, a residential need has to be “opened” in the Tracking and Billing System (TABS). This is accomplished by the submission of a DDP4 which serves as supporting documentation and is submitted into the CHOICES application.

NOTE: A Residential Referral Packet must be submitted to the Certified Residential Opportunities Team prior to the service coordinator/referral source requesting to open a residential need in TABS. Individuals currently residing in an OPWDD-certified setting, including an IRA, Family Care Home, LIT, Developmental Center, or Residential School do not require a residential need to be opened in TABS.

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Referral Review Process

The RO Certified Residential Opportunities Team receives, reviews, and processes all residential referrals. Once the Residential Referral Form is received, the RO Certified Residential Opportunities Team will review and assign a placement priority designation utilizing OPWDD's Statewide Criteria (see below). The RO Certified Residential Opportunities Team will notify the service coordinator/referral source of the priority level assigned, in writing, within 5 business days of receiving the complete referral packet.

While only the Residential Referral form is required for a placement priority to be assigned by the RO Certified Residential Opportunities Team, it is imperative that a complete referral packet on individuals designated as Priority 1's be provided by the service coordinator/referral source as these documents serve as the starting point for residential providers to use during the screening process. If pertinent information is missing, the RO Certified Residential Opportunities Team will contact the service coordinator/referral source.

It is the responsibility of the service coordinator/referral source to notify the individual/family of the prioritization given. Individuals are placed on the District Referral and Placement Tracking Report according to priority level.

Placement Priority Level Determinations

OPWDD Statewide Prioritization Criteria

Priority level determinations are made based on OPWDD Statewide Criteria found in the HCBS Waiver Agreement.

Priority 1: (Emergency)

Individuals:

Any of the following apply:

- Abusive or neglectful situation constituting imminent risk of harm
- Presents an imminent danger to self
- Presents an imminent danger to others
- Individuals with a court or legislative mandate
- Homeless or in imminent danger of being so*
*includes OPWDD eligible individuals who are ready for discharge from a hospital or ready for release from incarceration who have no home

Special Populations

- Aging Out of Residential School/CRP
- Transitioning out of Development Center
- Skilled Nursing Facility

Priority 2: (Urgent/Emergency Prevention)

Individuals

Any of the following apply:

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- Aging or failing health of caregiver/no alternate available.
- Living situation presents a significant risk of neglect or abuse.
- Medical/physical condition requires care not available in present situation.
- Presents an increasing risk to self or others.

Priority 3: (Non-urgent)

This group includes all those whose need is current but there is no danger to the health or well-being of individual or caregiver. Factors to consider would include:

- Compatibility of the individual with available services.
- Compatibility with the other consumers in a shared living situation.
- Relative need for supports for daily living.

Individuals Designated As Priority Level 1

It must be noted that, in accordance with CMS's final rules and OPWDD's commitment to support personal choice and an individual's right to reside in the most integrated setting possible, the individual's needs, choices, and compatibility with the other individuals in a shared living arrangement must be considered in the final selection process. This expectation must be part of the deliberation and decision regarding external moves and admission of Priority 1s, 2s and 3s as well as in the orchestration of internal moves.

Individuals that have been determined to be a Priority 1 are discussed in detail during the Access to Residential Opportunities Committee (AROC) meeting. Residential providers are strongly encouraged to screen all individuals designated as Priority 1s.

If an individual has been deemed a Priority 1 and the needs of the individual are particularly urgent or unique, the service coordinator/referral source may be asked to attend an AROC meeting to present the information and answer questions; this will be the exception rather than the rule. Should a provider determine that an individual presented might be served in an existing vacancy and/or is someone that the provider could serve in the future; the provider will initiate the screening process.

Should a residential provider accept any of the Priority 1 individuals, a Request for Approval for Residential Placement will be submitted to the RO Certified Residential Opportunities Team for review and approval. The residential provider will not be required to screen other Priority 1 individuals.

Special Populations Priority 1s

There are residential referrals whose priority for placement is established outside of the standard OPWDD Statewide Criteria for Placement Priority Level Designation. Individuals residing in the settings identified below are reviewed by the RO Certified Residential Opportunities Team and given a "Special Populations" designation. It is noted that these individuals are to be considered for residential placement on a par with the Priority 1s. They will be tracked on the electronic District Referrals and Placement Tracking Report in this manner. As noted previously, the service coordinator/referral source may be asked to present at the AROC meeting.

Requiring an Admission Plan

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Because serving people designated as a “Special Population” can present unanticipated challenges, when an agency is interested in serving an individual who is being discharged from one of the settings identified below, the RO may require that the proposed residential provider, in collaboration with the RO CRO Team Liaison designated for that setting, submit an **Admission Plan** that outlines the supports and services that will be provided to the individual in order to meet their needs. An Admission Plan is particularly important when a potential provider has limited residential service experience or has limited experience providing service to individuals with highly complex needs; this collaborative effort is considered a best practice.

It is the responsibility of the RO CRO Team Liaison to initiate identification of the special needs of the individual that are likely to require specific supports and services. The Liaison will then work with representatives of the proposed residential provider to ensure a plan is developed and committed to that ensures each need is adequately addressed- including but not limited to physical plant modifications, enhanced staffing, staff training, behavior support programs, etc.

Once the Admission Plan has been developed the RO CRO Team Liaison and proposed residential provider will present the plan to the RO Certified Residential Opportunities Team Leader for review and approval. If the individual has a forensic background and/or current risk management issues, the RO Certified Residential Opportunities Team may also consult with Central Office’s Bureau of Intensive Treatment Services (BITS) and/or the Statewide Admission Committee (SAC).

The various “Special Populations” categories include:

- **Individuals Leaving Development Centers/Campus Based Programs – Priority 1**

Individuals residing in campus-based settings who require a community placement in their home district must be referred to the RO Certified Residential Opportunities Team in that home district using the above noted process.

Because serving these individuals can be so challenging, when an agency is interested in serving an individual who is being discharged from a campus-based setting, the RO may require that the proposed residential provider, in collaboration with the Regional Office Developmental Center (DC)/Forensic Liaison, submit an **Admission Plan** that outlines the supports and services that will be provided to the individual in order to meet their needs. (See above).

Elements of the Front Door processes, including initiation of the EAA Tool, completion/updating of the DDP2, and ensuring participation of the individual and/or his family/advocate in the OPWDD General Information Session are initiated by the Regional Office Intake/Service Access Staff in the district where the Developmental Center is located. The Qualified Developmental Disability Professional (QDDP) at the campus program the individual is coming from, in collaboration with the RO Certified Residential Opportunities Team, will be the point person to work with the individual to select a service coordinator/referral source vendor agency that provides service in the receiving district.

The sending district will complete the HCBS Waiver Enrollment paperwork, including completion of the LCED with physician signature, prior to the individual leaving the facility. The receiving district will assist

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the individual with MSC vendor selection, and work collaboratively to complete the EAA process in a manner that will ensure appropriate services and supports are in place for the individual at the time of their move. When the individual's 30 day post-placement review meeting is scheduled, the RO DC/Forensics liaison will be responsible to attend the meeting and to ensure that the proposed plan of supports and services has been initiated.

- **Individuals Aging Out Of Residential Schools/CRPs – Priority 1**

The Regional Office is charged with tracking, monitoring, assisting, and planning for individuals from their district who are placed in a residential school, whether that school is located within or outside their district, or out of NY State. If a need for a certified residence upon graduation is identified, a residential referral packet is to be submitted to the RO Certified Residential Opportunities Team of the district the child would like to reside in by the RO Children's Liaison from the RO the child came from. This should be done a minimum of two years prior to their graduation.

Because serving these individuals can be so challenging, when a residential provider is interested in serving an individual who is aging out of a residential school program, the RO may require that the proposed residential provider, in collaboration with the Regional Office Children's Liaison, submit a detailed **Admission Plan** that outlines the supports and services that will be provided to the individual based on their needs. (See above).

Elements of the Front Door processes, including initiation of the EAA Tool, completion/updating of the DDP2, and ensuring participation of the individual and/or his family/advocate in the OPWDD General Information Session are initiated by the Regional Office Intake/Service Access Staff in the district where the child's district of origin. The Children's Services Liaison will be the point person to work with the individual to select a service coordinator/referral source vendor agency that provides service in the receiving district. The receiving district will complete the Medicaid Service Coordination/HCBS Waiver Enrollment paperwork, including completion of the LCED with physician signature prior to the individual leaving the residential school, and work collaboratively to complete the EAA process in a manner that will ensure appropriate services and supports are in place for the individual at the time of their move.

When the individual's 30 day post-placement is scheduled, the Children's Liaison who attends the meeting to ensure that the proposed plan of supports and services has been initiated.

- **OPWDD Eligible Individuals In Nursing Homes – Priority 1**

As part of OPWDD's commitment to comply with the Olmstead Decision, OPWDD eligible individuals who reside in a skilled nursing facility and have a Level II screening result that supports this are considered to be a "Special Population" and so are designated as Priority 1s.

The Regional Office PASRR Coordinator/Nursing Home Liaison, as designated by the RO Director, is responsible to monitor OPWDD eligible individuals admitted to a skilled nursing facility who are either anticipated to return to an OPWDD certified home or who have expressed a desire for a certified residential setting and have a Level 2 that supports this. On behalf of these individuals, the PASRR Coordinator and/or Nursing Home Liaison is responsible to complete and submit a Residential Referral Packet to the Regional

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Office Certified Residential Opportunities team for inclusion on the electronic District Referrals and Tracking Report. The PASRR Coordinator/ Nursing Home Liaison is also responsible to provide updates to the RO Certified Residential Opportunities Team about the person's status and to update referral information as needed.

The Regional Office PASRR Coordinator and/or Nursing Home Liaison is to initiate elements of the Front Door processes, including starting the EAA Tool, completion/updating of the DDP2, and ensuring participation of the individual and/or family/advocate in the OPWDD General Information Session. In addition, the PASRR Coordinator and/or Nursing Home Liaison will need to work with the individual to select a service coordination vendor agency and complete the Level of Care Eligibility Determination (LCED), including obtaining the physician signature, prior to the individual leaving the Skilled Nursing Facility. Should an individual residing in a nursing home have specialized needs that warrant it, the CRO Team Leader may determine that an **Admission Plan** is required, and assign the CRO Team Nursing Home Liaison to work with the proposed residential provider to develop an acceptable plan. (See above).

Individuals Designated As Priority Level 2

Individuals that have been reviewed and designated as a Priority 2 will be listed on the electronic District Referral and Placement Tracking Report. Individuals designated as Priority 2 will be presented for screening to Residential providers who have identified a vacancy once the RO Certified Residential Opportunities team and the Residential provider have reached agreement on the following:

- The provider's available vacancy is NOT appropriate for any of the Priority 1's based on screening results.
- It is inappropriate or unreasonable for the residential provider to expand the admission criteria/composition of the home previously identified to the RO Certified Residential Opportunities Team as having a vacancy in order to accommodate the Priority 1s.
- Internal moves within the provider agency that would shift the vacancy to another residence that could then accommodate a Priority 1 are not practical/should not be pursued at this time.

When the residential provider accepts any of the Priority 2 individuals pursuant to coming to this agreement, the provider will submit the Request for Approval to Fill a Residential Opportunity Form to the RO Certified Residential Opportunities Team. The residential provider will not be required to screen other Priority 2 individuals for the announced vacancy.

Individuals Designated As Priority Level 3

Individuals who have been reviewed and designated a Priority 3 will be submitted to the electronic District Referral and Placement Tracking Sheet. Individuals designated as Priority 3s will be presented for screening to residential providers who have identified a vacancy once the RO Certified Residential Opportunities team and the residential provider have reached agreement on the following:

- The provider's available vacancy is NOT appropriate for any of the Priority 1s or 2s based on screening results.

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- It is inappropriate or unreasonable for the Residential provider to expand the admission criteria/composition of the home previously identified to the Certified Residential Opportunities Team as having a vacancy in order to accommodate the Priority 1s or 2s.
- Internal moves within the provider agency that would shift the vacancy to another residence that could then accommodate a Priority 1 or 2 are not practical/should not be pursued at this time.

When the residential provider accepts any of the Priority 3 individuals pursuant to coming to this agreement, the provider will submit the Request for Approval to Fill a Residential Opportunity form to the RO Certified Residential Opportunities Team. The residential provider will not be required to screen other Priority 3 individuals for the announced vacancy.

Change in Priority Status/Referral Update

If significant changes occur that would impact the residential placement prioritization designated by the RO Certified Residential Opportunities Team, the service coordinator/referral source must notify the RO Certified Residential Opportunities Team in writing, clearly describing the specifics of the individual's status or situation that warrant re-review.

The service coordinator/referral source should continue to monitor the status of an individual referred to the RO Certified Residential Opportunities team and help support the individual, including ongoing exploration of generic as well as specialized services and possible living options. This should include adding new types of service or increasing the amount of service to the individual in order to attempt to prevent an out of home placement.

Incarcerated Individuals Who are OPWDD Eligible

The Regional Office is responsible to respond to requests for services for people in correctional facilities. Standard funding rates apply to these individuals when placed in a community setting. It is recommended that a Risk Assessment be completed for individuals incarcerated who are within six months of being released from prison as identified on a Department of Corrections (DOCS) TABS Match report. When a Risk Assessment indicates that a certified residence would be appropriate and the person accepts and requests it, the RO Forensic Liaison will work with the RO Certified Residential Opportunities Team to identify an appropriate residence.

The RO Certified Residential Opportunities Team/Forensic Liaison will initiate key elements of the Front Door process including starting the EAA, DDP2, the information session and will assist the individual in securing a service coordinator/referral source, if one is requested. If the individual is requesting Home and Community Based Services, the Forensic Liaison will also complete the Level of Care Eligibility Determination including obtaining the physician's signature prior to the person leaving prison.

Should an individual who has been incarcerated have specialized needs that warrant it, the CRO Team Leader may determine that an **Admission Plan** is required, and assign the CRO Team Forensics Liaison to work with the proposed Residential provider to develop an acceptable plan. The RO Certified Residential Opportunities Team may also consult with Central Office's Bureau of Intensive Treatment Services (BITS) and/or the Statewide Admission Committee (SAC).

Managing Residential Service Opportunities

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Residential Site Profiles

Maintaining current profiles of all residential resources within a district will facilitate vacancy monitoring and the Certified Residential Opportunities process; it is recommended as a best practice. In addition to enabling the RO Certified Residential Opportunities team to monitor potential opportunities, current site profiles will also assist in the process of matching residential supports with individuals in need of a residential opportunity.

Profile information should be submitted initially for all homes operated by a residential provider, on the Vacancy Announcement/Site Profile form. Profiles may then be updated whenever a new home is added to an agency's residential inventory or there is a substantive change in composition of the home's residents or the home's features.

Vacancy Announcement

For the purposes of this process, a vacancy is defined as an opportunity in a certified residential setting created when a person is discharged from a residential program or upon their death. The residential provider may notify the RO Certified Residential Opportunities Team of the desire to fill a vacancy at a particular home via e-mail if a current Site Profile has been previously submitted. Otherwise the Vacancy Announcement/Site Profile form should be completed and forwarded to the VO Certified Residential Opportunities Team.

A list of current vacancies will be maintained by the RO Certified Residential Opportunities Team. To insure accuracy, the list of vacancies will be updated routinely upon advice of the agencies, confirmed weekly among RO Certified Residential Opportunities Team members, and shared regularly at the Access to Residential Opportunities Committee (AROC) meeting.

Statewide and Regional Residential Service Opportunity Capacity Assessment

The RO will work collaboratively with its stakeholders in assessment of the current residential service opportunity capacity at the both the district and regional level. This assessment will include an examination of the total residential service opportunity capacity, the type of capacity, and the potential for new housing opportunities. A strategic plan, goals and action steps will be developed for review by OPWDD with continued engagement with its stakeholders.

Internal Moves in Voluntary Agency Operated Residential Programs

All parties to the Certified Residential Opportunities process should collaborate to ensure that new residential vacancies are utilized to serve individuals designated as Priority 1's, and to orchestrate internal moves that ultimately support this.

MHLS is to be notified by either the service coordinator or the residential provider 30 days prior to any proposed moves. Due Process applies whether or not there is objection to the move expressed by any of the parties. When the individual/family is supportive of the move and MHLS has no objection, the 30 day notice requirement may be waived. If there is a formal objection by either the family or MHLS, the individual cannot be moved prior to the objection being resolved.

An internal move, whether it impacts an existing vacancy or not, does not require formal approval by the RO Director/Designee but rather notification to the Regional Office Certified Residential Opportunities Team. This is to be done via completion and submission of the Residential Provider Notification of Internal Move(s) form. If an

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internal move, or a series of internal moves, will change the location of a vacancy that was previously announced to the Regional Office, a new Vacancy Announcement is to be submitted to the RO Certified Residential Opportunities team.

For all internal moves, the removal and enrollment of the individual from one certified residential site to another is processed via submission of the DDP 1 to the RO Certified Residential Opportunities Team. If the RO Certified Residential Opportunities team is informed of issues regarding a pending internal move by the individual/family member, Service Coordinator, or MHLS, the DDP1 will not be processed until the issue is resolved.

For the special case of proposed voluntary agency internal moves which happen to cross Regional Office boundaries; a single point of contact will be established for all agencies with certified residential capacity in more than one region. For each such agency, a determination shall be made as to which Regional Office, and which District or Borough Office within that Region, is the primary locus of residential operations or management. The agency shall work with the identified Certified Residential Opportunities Team staff in that particular office to coordinate internal movement regardless of the location of the residential opportunities in question. The identified Certified Residential Opportunities Team shall have the responsibility and authority to manage, consistent with the practices described above, proposed internal movement regardless of the location of the residential opportunities in question. Any resulting relocated vacancy shall be handled in typical fashion within the Regional Office where the final vacancy occurs.

NOTE: A residential referral packet is not required for internal moves.

Internal Moves in State Operated Residential Programs

All parties to the Certified Residential Opportunities process should collaborate to ensure that new residential vacancies are utilized to serve individuals designated as Priority 1's, and to orchestrate internal moves that ultimately support this.

MHLS is to be notified by either the service coordinator or the residential provider 30 days prior to any proposed moves; internal or new admission. Due Process applies whether or not there is objection to the move expressed by any of the parties. When the individual/family is supportive of the move and MHLS has no objection, the 30 day notice requirement may be waived. If there is a formal objection by either the family or MHLS, the individual can't be moved prior to the objection being resolved.

For all internal moves, the removal and enrollment of the individual from one certified residential site to another is processed through the Certified Residential Opportunities Team by the submission of a DDP1 from the residential provider following the process outlined below.

Internal moves within State Operated Residential Programs are reviewed in standing meetings (held weekly or bi-weekly) that include at least one representative of the RO Certified Residential Opportunities Team and members of the State Operations Placement Committee. At those sessions:

- State Operations Managers will review internal opportunities, placement plans, and timelines for implementation
- Minutes of the meetings will capture each internal vacancy and the candidate(s) for that opportunity

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- Subsequent meetings will include review of completed moves, proposed placements that were declined (so the vacancy can be evaluated for use by in need of a placement opportunity), and/or the need for more time for a person/advocate to make their final decision.

As appropriate, the Regional Office representative will update the RO Certified Residential Opportunities Team, RO Director/Designee and AROC in this regard.

Screening

It is in the residential provider's interest to screen individuals who may be appropriate for their residential services on an ongoing basis and to respond to requests to screen individuals newly added to the Priority 1 list as quickly as possible in order to keep their beds at full utilization. The RO Certified Residential Opportunities Team will work collaboratively with residential providers to this end.

Because vacancies are limited and individuals with particularly urgent needs are continuously referred, there will be occasions when the RO Certified Residential Opportunities Team requests that a residential provider screen a specific individual newly added as a Priority 1 to the electronic District Referrals and Placement Tracking Report. This will be in addition to any individuals the provider may already have screened or planned to screen. Following face to face screening, the residential provider will complete the Residential Screening Report Form for all individuals screened, whether or not they are appropriate for a particular vacancy. If the provider finds an individual not appropriate for an available vacancy, specific reasons must be detailed on the Screening Report form.

Upon receipt of the Screening Report from a Residential provider, the RO Certified Residential Opportunities Team will review the findings, note agreement/disagreement and initiate follow-up discussions, if appropriate. Screening Reports may be shared at subsequent AROC meetings to assist other residential providers in evaluating options.

Placement Approval

If the screening process results in a successful match of the individual to a vacancy, the residential provider completes the Request for Approval to Fill a Residential Opportunity form and submits it to the RO Certified Residential Opportunities Team. This form, with notation of support from the RO Certified Residential Opportunities Team, is forwarded to the Office of the RO Director/Designee for final approval. Upon approval, the RO Certified Residential Opportunities Team will immediately notify the residential provider and service coordinator/referral source.

Residential providers are discouraged from directly offering a vacancy or making a specific commitment to an individual/family/advocate regarding a placement opportunity prior to receipt of formal approval from the RO.

Enrollment in TABS

Adds: For all moves and placements, whether internal or external, the residential provider must submit a DDP1 in CHOICES. A signed copy of the Request for Approval to Fill a Residential Opportunity form is to be scanned and uploaded into CHOICES as a supporting document to the DDP1. To do this, please select the following naming convention:

- Select Document Class- Service Request/Change
- Select Document Type-Registration/Program Adds

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- Select Document Sub Type- Signature Sheet

RO Staff will then process this request.

An approved Request for Approval to Fill a Residential Opportunity form must accompany the DDP1 being submitted. Without the approved form, the DDP1 will not be processed.

Removals: For all moves and placements, whether internal or external, the residential provider will notify the RO Certified Residential Opportunities Team of any removals and will submit a DDP1 in CHOICES. RO staff will then process this request.

Additional Required Notifications

Mental Hygiene Legal Services (MHLS) Notification

Notification of MHLS by the residential provider is necessary when an individual is proposed to move from one certified residential site to another location, including another certified site. The residential provider copies MHLS on the 30 day notification letter sent to the individual prior to any proposed moves from a certified site. The notification of due process applies whether or not there is objection to the move expressed by any of the parties. Following the issuance of the notification letter, if the individual/family is supportive of the move, and MHLS has no objection, the 30 day notice period may be waived and the individual may be moved. If there is a formal objection, the individual cannot be moved prior to the objection being resolved.

Willowbrook CAB Notification

Whenever a proposed placement or planned internal move involves an individual covered by the Willowbrook Consent Decree, the protocol outlined in the attached memorandum, Residential Notification of Due Process for Willowbrook Class (John Gleason and Sally Berry 2/20/14) must be adhered to.

Director To Director Requests

Individual requests for residential placement outside the catchment area of the region where the individual currently resides, require the Director of that region to send a letter to the Director of the requested region formally seeking consideration. The region where the person currently resides is to initiate this process. If the request is between districts within the same region, the Certified Residential Opportunities Team will facilitate this request between Deputy Directors with advisement to the RO Director. All such referrals are to be tracked by the RO Certified Residential Opportunities Teams.

Referrals into Intensive Treatment Options (ITO)

There may be occasions where individuals are best supported by admission into a time-limited Intensive Treatment Option (ITO). ITOs provide a highly structured service environment with the benefit of input by experts in the area of treatment for challenging behaviors. The goal of delivering specialized needs-focused and time-limited active treatment services is to enable individuals to return in a specified time period to the most integrated

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community setting that meets their needs and provides opportunities to the individual for continued growth and success. As OPWDD's remaining campus based services are reduced to the levels approved by CMS, and increasingly serve only the most challenging individuals, a central admissions review process is required for all individuals referred for campus based services - regardless of the facility being requested or the reason that admission is being sought. A cornerstone of this intensive program service is the ongoing involvement of both the home RO and the residential provider with the ITO Team serving the individual from the time the person is admitted. Regular participation in treatment team meetings will assist the RO and the provider in planning for the individual's return to community placement as soon as it is determined that the specialized treatment is no longer needed.

The following outlines the process and procedure that must be followed to facilitate a referral to the Central Admissions review committee:

- In order for a referral to be given consideration, approval must be given by the RO Director.
- Upon approval, the RO Certified Residential Opportunities Team/Forensic Liaison, in collaboration with the Bureau of Intensive Treatment Strategies (BITS) coordinates the referral to the central admissions committee and gathers required documentation.
*See also the State-wide campus admissions procedures.
- The RO staff and residential provider will participate in pre-placement as well as the initial 30 day review along with any subsequent meetings, and keep all parties apprised of issues that may impact the individual's readiness to return to the residential provider.

If a residential provider has an individual that is felt to be in need of this type of time limited placement, the provider is to contact the RO Certified Residential Opportunities Team Leader/Designee to discuss the matter. Due to the limited number of intensive treatment options available in NY State, referrals must be a last resort, and not all referrals will be accepted.

If a request for ITO placement is not honored, the RO staff must work with the provider to continue to explore every possible support that can be put in place to appropriately serve the individual. A provider who is not in agreement with the Team Leader's decision or the assistance they receive from RO staff, may contact the Office of the RO Director, in writing via e-mail.

Dispute Resolution

The following process is to be followed in instances when a residential provider strongly disagrees with and wishes to appeal a decision or action taken by the RO Certified Residential Opportunities Team:

Within two business days of receiving feedback/results from the RO Certified Residential Opportunities Team that the residential provider wishes to appeal, the residential provider develops a written request for reconsideration that briefly but fully explains the central issue, the decision made by the RO Certified Residential Opportunities Team and the specific reasons for asserting that the decision should be modified. The written request should be advanced to the RO Director via e-mail.

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The RO Director or designee has three business days to obtain necessary information and render a decision in writing, via e-mail, that copies all relevant parties. If the RO Director schedules a meeting with both parties in an attempt to resolve the matter in a mutually satisfactory way, the timeframe for the required response from the Director will be extended by one business day following the meeting.

If the residential provider is not satisfied with the RO Director's decision and wishes to appeal further, or to complain about the RO's handling of the Certified Residential Opportunities process and/or other placement issues, a written appeal/complaint may be made to the RO Associate Commissioner within three business days of receiving the RO Director's denial.