



To: Voluntary Agency Executive Directors
Provider Associations
OPWDD State Operations Offices
OPWDD Regional Offices
IBR

From: Kerry Delaney, Deputy Commissioner and General Counsel
Megan O'Connor, Deputy Commissioner, Division of Quality Improvement (DQI)

Date: November 15, 2012

Re: Hurricane Sandy – waiver of statutory and regulatory requirements

In response to Hurricane Sandy, individuals with developmental disabilities experienced unprecedented service disruptions. Many individuals have been displaced from their residences and programs, and providers serving these individuals have been severely impacted by Hurricane Sandy. OPWDD recognizes the efforts of everyone in our system to ensure the health and safety of the individuals in our care during these difficult times.

OPWDD also recognizes that full compliance with statutory and regulatory requirements may not be possible in all instances for providers and their staff who worked heroically to meet basic health and safety needs during this disaster. OPWDD has been working on several fronts to identify and provide relief from standards that may not have been met because of Hurricane Sandy.

State Laws and Regulations

Governor Cuomo has issued a number of Executive Orders pertaining to Hurricane Sandy. These Executive Orders can be found on Governor Cuomo's website at:

<http://www.governor.ny.gov/sl2/ExecutiveOrderindex>.

Executive Order #71, *Temporary Suspension and Modifications of Statutes and Regulations Regarding Services Provided to Individuals with Developmental Disabilities, Mental Illnesses and Alcohol and Substance Abuse Disorders* is of special interest to providers in the OPWDD system. The Executive Order can be found at <http://www.governor.ny.gov/executiveorder/71>.

Executive Office

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This Executive Order recognizes the service disruptions within the OPWDD system that occurred due to Hurricane Sandy and relieves providers in impacted areas from full compliance with certain statutory and regulatory requirements which may impede the ability of providers to furnish necessary services during the disaster.

The Executive Order temporarily suspends or modifies specified provisions of New York State Law and OPWDD regulations. Please refer to the text of Executive Order #71 for a list of those provisions.

Federal Regulations

OPWDD has also been working with the NYS Department of Health (DOH), other State agencies and the Centers for Medicare and Medicaid Services (CMS) toward obtaining a waiver of certain federal requirements in response to Hurricane Sandy. We expect that agreement will be reached in the near future.

OPWDD Directives

OPWDD also plans to issue in the next few weeks a waiver of various requirements found in Administrative Memoranda and other guidance documents in response to Hurricane Sandy.

Information Session

OPWDD will notify providers as further information becomes available regarding the waiver of requirements and we plan to hold a session for providers about these waivers during the week of November 26, 2012. We will provide you with additional information on this session as it becomes available.

Records

Providers should develop an inventory of records which were destroyed or damaged in Hurricane Sandy. More details will be forthcoming on where and when to submit this information.

If you have any questions about Executive Order #71 or this topic, please contact one of the Directors in the DQI NYC office at 212-229-3350.

Thank you.

cc: Central Office Leadership Team