



## MEMORANDUM

**TO:** Executive Directors of Provider Agencies  
Provider Associations  
Developmental Disabilities State Operations Office Directors  
Developmental Disabilities Regional Office Directors

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

**DATE:** July 31, 2013

**RE:** **Updates/New information on Justice Center Implementation**

### **I. New Investigation submission requirements:**

For reportable incidents of abuse and neglect where a provider agency has been delegated the investigation, OPWDD requires that the investigative report and all accompanying documents and evidence (i.e. pictures, audio or videotape, etc) contained in the investigative record be submitted to OPWDD's Incident Management Unit (IMU) for entry into the Justice Center Vulnerable Persons Central Register (VPCR). OPWDD is working with the Office of Information Technology to develop a permanent process for provider agencies in the near future.

In the meantime, upon completion of the investigation, providers are required to submit a copy of the entire investigative record electronically as follows:

#### **1. Via E-mail: For providers who have secure email systems:**

- a. In order to transmit any HIPPA classified information via email, the sender must have a means to encrypt the email or insure that the transmission of the email is secure to OPWDD. There are a variety of different means to transmit an email securely:
  - i. TLS (Transport Layer Security) – This is a secure transmission between email system at the provider agency and the Incident Management Unit.
  - ii. Secure Email – This can be a software package or a service (i.e. ZIX) that will “package” the email in different ways, depending on the software, and send it securely.

Please note that there may be some limitations:

Size Limits of attachments -

1. Email systems may have different size limitations to attachments. OPWDD **will not receive an attachment**

**greater than 20MB.** Video and Audio files can get to be very large and exceed the 20MB limitation and as a result may need to be sent separately.

iii. Types of attachments

1. Different email systems may strip off different types of attachments based on their security protocols. **At OPWDD, the mail system will not accept an attachment if it is a .zip or .wav file type.**

If a provider stays within the parameters of being able to send a secure email and abide by the attachment limitations (size and type) they will be able to transmit securely via an email to OPWDD staff.

**2. For providers who do not have a secure email system:**

- a. Providers should email OPWDD's IMU at incident.management@opwdd.ny.gov with request to submit an investigative record through OPWDD's secure ZIX system. The IMU will email the agency in return using ZIX. This will be evident as the email will say "Secured by ZIX Corp." The agency can then respond to the email and include the investigative record as an attachment which will then be secure.

**II. Clarification on Investigative Assignments:**

As a reminder, providers must ensure that immediate safeguards are implemented to protect all individuals receiving services for all incidents. After reporting a reportable incident to OPWDD and the Justice Center, providers must ensure that evidence is secured and required notifications are completed in a timely manner. Investigations must be completed by agencies within required time frames. If the Justice Center or OPWDD's Office of Internal Investigations (OIIA) has been assigned to complete the investigation this delegation will be indicated in the Incident Report Management Application (IRMA). In cases where a provider is unsure of the investigative assignment, the Incident Management Unit should be contacted for clarification or assistance.

**III. Requirements for Reporting Deaths:**

1. All deaths of individuals receiving services from a state-operated, licensed or certified facility or program under the jurisdiction of the Justice Center must be reported to the Justice Center. In addition, known deaths of individuals who had received services from such a provider in the 30 day period preceding the death must also be reported.
2. To report a death, providers must call the Justice Center Death Reporting Line at (855) 373-2124 to make an initial report, and then follow up with the required death related information using the prescribed form within five business days. OPWDD and OMH programs will continue to be able to utilize IRMA or NIMRS to electronically submit the required information (rather than use the form).
3. The Justice Center will review all reports of deaths and may conduct its own investigation.

**4. Unless notified by the Justice Center, SOAs and providers should continue to review/investigate deaths in their programs as they have done in the past.**

5. If there is any reason to suspect abuse or neglect related to a death, this must be separately reported to the VPCR Hotline at (855) 373-2122 in accordance with the Justice Center mandated reporting requirements.

Further information about reporting deaths to the Justice Center can be found on the Justice Center's website, [www.justicecenter.ny.gov/](http://www.justicecenter.ny.gov/).

#### **IV. Justice Center – Web Intake Form**

The Justice Center has posted their web intake incident form as another avenue for custodians to make reports of reportable incidents to the Justice Center. Custodians can report incidents by calling the VPCR at 1-855-373-2122 or through submission of the web intake incident form. Please note that either method is sufficient to file a report.

Please ensure that this information is made available to all custodians. For your quick reference, the web form is available in the following locations:

1. <https://vpcr.justicecenter.ny.gov/wi>
2. [Justice Center website](#): In the forms tab, scroll down to the mandated reporting section and select “form”.

If custodians are unable to submit an incident via the web form they should always call the VPCR hotline.

#### **V. Further Resources/Information:**

1. OPWDD and the Justice Center have been working on updated Frequently Asked Questions (FAQs). This information has just been posted and will be updated periodically.

<http://www.justicecenter.ny.gov/about/faq>

[http://www.opwdd.ny.gov/opwdd\\_resources/incident\\_management/justice\\_center/faq](http://www.opwdd.ny.gov/opwdd_resources/incident_management/justice_center/faq)

OPWDD will conduct a videoconference in mid-August which will offer further guidance on the Justice Center implementation, new Incident Management requirements as well as the new Mental Hygiene Law 16.34 Supplemental Abuse registry checks.

OPWDD has been receiving a high volume of emails and calls with questions. Please utilize the resources we have posted on our website especially the new matrix on the new Part 624 requirements. We are working on a similar matrix for the Part 625 requirements and background check requirements as well.

[http://www.opwdd.ny.gov/opwdd\\_resources/incident\\_management/justice\\_center](http://www.opwdd.ny.gov/opwdd_resources/incident_management/justice_center)

2. The Justice Center website also has a number of resources for your assistance:  
<http://www.justicecenter.ny.gov/>