



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

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

**SUBJECT:** Updates on Justice Center Implementation for June 30, 2013

**DATE:** June 28, 2013

This memorandum serves to provide an overall communication regarding implementation of the Justice Center. In an effort to keep providers informed, there have been a number of trainings, webinars, emails and other correspondence circulated to keep state and voluntary providers informed. This memo summarizes several key changes that your organization needs to be aware of as well as the process for handling the questions that we anticipate will arise from providers in the early stages of implementation.

**-EFFECTIVE JUNE 30, 2013-**

**All Reportable Incidents (programs certified or operated by OPWDD) must be reported to the Justice Center @ 1-855-373-2122.**

**All Deaths (programs certified or operated by OPWDD) must be reported to the Justice Center @ 1-855-373-2124.**

**The OPWDD emergency regulations will be accessible @ [Implementation of the Protection of People with Special Needs Act and Reforms to Incident Management](#)**

**Initial Investigator Training:**

The Justice Center Investigative Training Presentation has been posted to OPWDD's website and can be accessed through <http://www.opwdd.ny.gov/node/4615>. NOTE: All individuals conducting investigations post June 30, 2013 must view this training and print the certificate that is generated upon completion of the training program. Only trained investigators who have also viewed this posted training should be conducting investigations for reportable incidents after June 30<sup>th</sup>. OPWDD will be offering additional investigator training utilizing the Justice Center's training curriculum to state and voluntary providers in the Summer and Fall of 2013 at the various OPWDD Regions across the state. Many agencies have inquired about previously attended Investigative training programs they have completed. Further information will follow.

**Justice Center Posters:**

OPWDD mailed Justice Center abuse reporting posters to each agency to be distributed and posted at all certified sites and other locations such as main offices, break rooms, etc. Posters are available in English and Spanish. You can contact us at [Quality.Improvement@opwdd.ny.gov](mailto:Quality.Improvement@opwdd.ny.gov) to request additional posters. Please replace all Commission on Quality of Care and Advocacy (CQC) posters or notices with the new Justice Center publications. Posters should be placed in a visible location at all certified sites.

**Pre-employment Checks- change in process:****Authorized Person Designation Forms**

As a reminder, all agencies should have submitted the Authorized Person Designation/Notarized Sworn Statement form to the Justice Center so that the background checks necessary to hire new staff, etc. can be requested. The authorized person requests CBC check, checks of the newly created Staff Exclusion List (SEL), and MHL 16.34 post June 30, 2013. If this form is not completed, an agency will be unable to hire new staff. See OPWDD website: <http://www.opwdd.ny.gov/node/4606>

**Checks of the Statewide Central Register of Child Abuse and Maltreatment (SCR)**

OPWDD also issued guidance on the new State Central Register (SCR) Check requirements. All agencies operating certified programs must ensure they are registered with the SCR so SCR inquiries can be conducted for all new applicants who will work in OPWDD operated or certified programs on or after June 30, 2013. This information is also available on OPWDD's website at: [http://www.opwdd.ny.gov/opwdd\\_resources/incident\\_management/justice\\_center/Change\\_in\\_Requirements](http://www.opwdd.ny.gov/opwdd_resources/incident_management/justice_center/Change_in_Requirements)

**Mental Hygiene Law (MHL) Section 16.34 checks**

Pursuant to a new law, MHL 16.34 checks are required for prospective employees and volunteers in the OPWDD system effective June 30, 2013. Please see <http://www.opwdd.ny.gov/node/4637> for a memorandum about the new requirements and detailed instructions. OPWDD will be conducting training in July to provide further guidance on this new requirement.

**New Incident Management off Hours On-Call system:*****During working hours***

Reportable Incidents and Serious Notable Occurrences must be reported to OPWDD immediately. During working hours (8:30 AM to 4:30 PM), agencies should notify their Incident Management Unit (IMU) Compliance Officer, or, if unable to reach them, please call the Incident Management Unit main number at (518) 473-7032. Additional contact information for the Incident Management Unit can be found on the OPWDD website at:

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

### ***During off hours***

The OPWDD Incident Management Unit will implement an on call system to receive off hours notifications and provide technical assistance to provider agencies beginning June 30, 2013. Both Voluntary Providers and State Operations Offices must notify the IMU of Reportable Incidents and Serious Notable Occurrences. Appropriate notifications to IMU can be made in the following ways:

#### ***Telephone Notification***

Incidents which rise to the level of Reportable Incidents must be reported via telephone during off hours. In addition, other incidents which are egregious or are sensitive in nature should be reported in this manner as well. Whenever technical assistance is required relative to an incident during off hours, this method should be used to reach IMU on call staff. Please call (toll free) 1-888-479-6763.

#### ***Email Notification***

Notifications of incidents which do not rise to the level of a Reportable Incident but for which immediate notification to OPWDD is required or for which technical assistance is not needed may be made by sending the information to [OPWDD.Incident.Notifications@opwdd.ny.gov](mailto:OPWDD.Incident.Notifications@opwdd.ny.gov);

### **New Investigation submission requirements:**

For reportable incidents where a provider has been delegated as the investigative agency, OPWDD requires that the investigative report and all accompanying documentation of the investigative record be submitted to OPWDD for uploading to the Justice Center Vulnerable Persons Central Register (VPCR). OPWDD will be issuing further information on this process in early July.

### **Future Updates/ Information:**

Providers should check the Justice Center's website: <http://www.governor.ny.gov/Justice4SpecialNeeds/home> and continue to check OPWDD's website for ongoing updates on Justice Center activities, including new regulations and new FAQs or Questions & Answers.

OPWDD will continue to issue written guidance and will conduct ongoing webinar and provider training sessions to provide continuous information and updates to the field.

### **New OPWDD process for handling questions/inquiries related to Justice Center Implementation:**

Please email [quality.improvement@opwdd.ny.gov](mailto:quality.improvement@opwdd.ny.gov) with any questions. We will be developing additional FAQs which we will continue to post on our website.

We appreciate your flexibility and assistance as New York State implements a new system of enhanced protection for people with disabilities.