



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

FROM: Leslie Fuld, Director 
Incident Management Unit
Division of Quality Improvement

DATE: April 28, 2014

SUBJECT: Revised requirement for investigation record submission for abuse/neglect (programs certified or operated by OPWDD)
Closure of significant incidents (programs certified or operated by OPWDD)

Suggested distribution:

Incident Coordinators
Incident Investigators
Quality Assurance Staff
Incident Review Committee Chairs

Investigative Record Submission

Background:

For reportable incidents of abuse/neglect where a provider agency has conducted the investigation, OPWDD requires the agency to submit the investigative records to OPWDD's Incident Management Unit (IMU) for entry into the Justice Center Vulnerable Persons Central Register (VPCR).

For investigations of abuse/neglect conducted by a provider agency, the investigative record must contain ALL of the following components:

- The fully completed OPWDD Form 158
- Copy of the notice to the subject(s) of the report (i.e., target)
- Copy of the SCR request for the subject(s)
- Full investigative report
- All documents and evidence pertaining to the investigation

For prior guidance on this requirement (including method of submission), please see the July 31, 2013, memo from Megan O'Connor-Hebert - *Updates/New information on Justice Center Implementation* at: <http://www.opwdd.ny.gov/node/4686>.

The requirement for submission of the investigative records **only applies to reports of abuse/neglect in programs certified or operated by OPWDD** (these are subject to VPCR oversight). This only applies to incidents that occurred on or after June 30, 2013.

Change in procedures for investigative record submission:

Effective immediately, OPWDD is changing its procedures concerning submission of the investigative records for abuse/neglect. OPWDD will no longer accept an incomplete submission of the investigative record (see the list of components required for submission identified previously in this memorandum). For investigative records which OPWDD has previously received from agencies, the agency will be contacted if there are missing components. All missing components will need to be provided by the provider agency. Investigative records for abuse/neglect which have not yet been submitted to OPWDD prior to the date of this memorandum will be returned to the agency if they require correction/completion and the agency will need to resubmit ALL records. To streamline the process for the provider agency and OPWDD, the provider agency should make sure that all components are complete before submitting the investigative record.

If a provider agency submitted the investigative record for past investigations which did not include a completed OPWDD Form 158, *Submission Form for Investigative Record of Abuse/Neglect*, the provider agency must submit the completed form as soon as possible. In this case, assuming that all other required components were previously submitted, OPWDD will accept submission of the completed OPWDD Form 158 alone. (Otherwise OPWDD will NOT accept submission of the completed OPWDD Form 158 without all required components.) Note that the Justice Center is unable to complete its review and render a finding for a report of abuse/neglect without submission of the information on the form. Please send the completed OPWDD Form 158 as soon as possible to: Incident.Management@opwdd.ny.gov

In addition, the OPWDD Form 158 now includes a space to include the (Justice Center) Case Serial Number. This number can be found in IRMA in the bottom right hand corner of the VPCR info link (this typically begins with the numbers 55). Older incidents may not include this number and that should also be indicated on the form.

Closure of significant incidents:

OPWDD Part 624 regulations (subdivision 624.5(m)) specify a timeframe for closure of incidents. For reportable incidents subject to VPCR oversight that are investigated by the provider agency, the regulations specify that the closure occurs when the **Justice Center notifies the agency** that it has accepted the results of the investigation. However, the Justice Center only notifies the agency that it has accepted the results of the investigation of reports of abuse/neglect. The Justice Center does not send a similar notice for significant incidents.

Effective immediately, in order to facilitate the closure of significant incidents, OPWDD is directing agencies to close significant incidents when the Incident Review Committee (IRC) has ascertained that no further investigation is necessary. OPWDD regulations will be modified to reflect this change in the future. If an agency has past significant incidents which meet these criteria (e.g. the IRC has ascertained that no further investigation is necessary), the agency should close these significant incidents as soon as possible, but not longer than 21 calendar days from the date of this memorandum.

OPWDD appreciates your cooperation with these changes in procedures and requirements. If you have any questions on these changes or any other aspect of incident management, please contact the Incident Management Unit at: Incident.Management@opwdd.ny.gov

Executive Office

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