

<p><b>SUBSTANTIATED</b>  <b>— ABUSE OR NEGLECT —</b>  <b>FOUND</b></p>	<p>State of New York  <b>OFFICE FOR PEOPLE WITH  DEVELOPMENTAL DISABILITIES</b>  <b>RESULT OF THE MHL §16.34  ABUSE/NEGLECT HISTORY CHECK</b></p>
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**One or more records of substantiated abuse or neglect were found (that met the criteria for disclosure) after a reasonably diligent search.**

1. DATE SENT

2. APPLICANT NAME

3. APPLICANT SOCIAL SECURITY NUMBER

4. APPLICANT DATE OF BIRTH

**LIST OF SUMMARY REPORTS PROVIDED**

Date abuse/neglect occurred/discovered	Name of Provider

In accordance with Section 16.34 of the Mental Hygiene Law and OPWDD regulations, you recently requested that OPWDD conduct a search of records of substantiated allegations of abuse and neglect concerning the referenced applicant. This search concerned records of allegations of abuse or neglect that occurred prior to June 30, 2013 in a program operated or certified by OPWDD.

OPWDD has completed its MHL 16.34 check concerning the applicant. This communication is OPWDD's response to your request.

OPWDD conducted the MHL 16.34 check in one of two ways.

1. The MHL 16.34 check was conducted by searching incident records based on employment/volunteer history information provided by the applicant. If the employment/volunteer history indicated that he or she previously was employed or volunteered with an agency in the OPWDD system, OPWDD requested that the named agency conduct a reasonably diligent search of its records for a substantiated allegation of abuse or neglect that involved the applicant as the subject of the report; or

2. In the event that a prior MHL 16.34 check was conducted concerning the applicant, the MHL 16.34 check may instead have consisted of a review of information obtained from the prior search.

Please be advised that one or more records of substantiated allegations of abuse or neglect concerning the applicant that met the criteria for disclosure were found. This means that the agency or agencies with which the applicant was affiliated as an employee or volunteer were able to locate one or more records of substantiated abuse or neglect after a reasonably diligent search, and that the records met the criteria for disclosure. Please note that there may have been additional reports of substantiated allegations of abuse or neglect that may not have been found and/or were not subject to disclosure. For information about the criteria for disclosure, please refer to the memorandum issued by OPWDD, *Requirements of Section 16.34 of the Mental Hygiene Law* and the *Directive to Search Abuse/Neglect History Records*. These documents are on the OPWDD website at: <http://www.opwdd.ny.gov/node/4637>.

A summary report of each substantiated allegation of abuse or neglect found that met the criteria for disclosure accompanies this notice.

Your agency is required by OPWDD regulations to review the information contained in the summary report(s) accompanying this notice and to make a decision about whether to hire or otherwise allow the applicant to have regular and substantial contact with individuals receiving services. Such decision and the rationale for the decision must be documented.

Pursuant to OPWDD requirements, the applicant was not permitted to have unsupervised contact until the agency received the results of the MHL 16.34 check. With this communication, these results have now been received. The applicant may now be permitted to have unsupervised contact with individuals receiving services, consistent with the decision made by your agency.

Note that if your agency has not yet received the results of all other required background checks, restrictions on unsupervised contact associated with the other required background checks may still apply. Other required background checks include criminal history record checks (CBC) and, for programs certified and operated by OPWDD, checks of the Statewide Central Register of Child Abuse and Maltreatment (SCR).

Keep a copy of these documents for your records:

- OPWDD's response (this Form OPWDD 155);
- all associated summary report(s); and
- documentation of your agency's decision about the applicant and rationale for the decision.

Please note that summary reports are subject to the confidentiality provisions in Section 845-b(7) of the Executive Law. This is the same provision that governs confidentiality of criminal history record information provided to you as a result of criminal history record checks.

If there are any questions regarding the information in this notice, please email OPWDD at: [mhl.check@opwdd.ny.gov](mailto:mhl.check@opwdd.ny.gov).