



To: Provider Associations
Voluntary Provider Agency Executive Directors
Developmental Disabilities State Operations Office Directors
Developmental Disabilities Regional Office Directors
IBR Director
Commissioner's Advisory Council
OPWDD Required Regulations Mailing List

From: OPWDD Regulatory Affairs Unit

Date: June 11, 2015

Re: Emergency Regulations: Implementation of the Protection of People with Special Needs Act and Reforms to Incident Management

Effective: Thursday, June 11, 2015
Comments Due: Monday, August 17, 2015

Suggested distribution:

Administrators and Management Staff
Incident Coordinators and Investigators
Quality Assurance/Quality Improvement Staff
Qualified Intellectual Disabilities Professionals and Clinical Staff
Medicaid Service Coordination Staff

Purpose:

OPWDD filed emergency regulations effective June 11, 2015 to implement provisions of the Protection of People with Special Needs Act (PPSNA) and make reforms in incident management. The new emergency regulations replace previous emergency regulations that were effective on March 15, 2015.

Please refer to the summary and text of the emergency regulations for specific information about the new requirements. These documents can be found on OPWDD's website at: http://www.opwdd.ny.gov/regulations_guidance/opwdd_regulations/emergency.

Changes in provisions:

The new emergency regulations include the same provisions that were in the March 11, 2015

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emergency regulations and new provisions on the applicability of the regulations to services that may be certified in accordance with paragraph 16.03(a)(4) of the Mental Hygiene Law in the future. These changes can be found in subdivision 624.1(d); subparagraph 624.5(h)(4)(ii); paragraphs 624.5(o)(1) and 624.7(e)(4); and subdivision 625.1(e) of the emergency regulations.

Future information:

OPWDD will continue to post additional information and guidance on its website as it becomes available. OPWDD will also provide technical assistance to provider agencies when needed.

Information about the implementation of the Justice Center requirements and OPWDD's incident management requirements can be found at:

http://www.opwdd.ny.gov/opwdd_resources/incident_management/justice_center Provider agencies should check the website frequently for the most up to date information.

Public comments:

OPWDD does not intend to permanently adopt these emergency regulations. Therefore, the emergency regulations that were promulgated have NOT been proposed. While the State Administrative Procedure Act does not include requirements for a formal comment period on emergency regulations, OPWDD invites comments from the public on the emergency regulations to assist in the process of evaluating the requirements. OPWDD intends to permanently adopt regulations containing similar provisions at some point in the future.

Please note when developing comments that OPWDD may not have the discretion to change specific provisions of the regulations that are in conformance with the PPSNA.

Questions and comments received in response to previous emergency regulations have been especially helpful in development of guidance to the field.

The June 11, 2015 emergency regulations will expire in early September 2015.

In order to be considered in the development of the future emergency regulations, written comments about the emergency regulations should be sent no later than Monday, August 17, 2015. Comments should be addressed to:

Regulatory Affairs Unit
OPWDD
44 Holland Avenue
Albany, New York 12229
Phone: (518) 474-7700
FAX: (518) 474-7382

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Email: RAU.Unit@opwdd.ny.gov

If you have any questions about complying with the provisions of the emergency regulations or other aspects of incident management, contact the OPWDD Incident Management Unit at Incident.Management@OPWDD.ny.gov.

Thank you.