

**Reportable Incidents and Notable Occurrences
Amendment to Title 14 NYCRR Part 624.5(d)**

FINAL REGULATIONS

Effective Date: September 6, 2017

Subparagraph 624.5(d) is amended as follows:

(d) Reporting of reportable incidents to the Vulnerable Persons' Central Register (VPCR).

- (1) Facilities and programs that are operated or certified by OPWDD must report all reportable incidents to the VPCR. (Non-certified programs that are not State operated, and programs certified under paragraph 16.03(a)(4) of the Mental Hygiene Law that are not State operated, are not required to report to the VPCR[.]).
- (2) All custodians (see glossary, section 624.20 of this Part) in facilities or programs operated or certified by OPWDD are “mandated reporters” and are required to report reportable incidents to the VPCR[.] unless:
 - (i) he or she knows that the report has already been made by another mandated reporter; and
 - (ii) that he or she has been named in that report as a person with knowledge of the incident.
- (3) All custodians in facilities or programs operated or certified by OPWDD must submit reports of reportable incidents to the VPCR immediately upon discovery of the reportable incident.
 - (i) For purposes of this Part, “discovery” occurs when the mandated reporter witnesses a suspected reportable incident or when another party, including an individual receiving services, comes before the mandated reporter in the

Note: New material is underlined and deleted material is in [brackets].

mandated reporter's professional or official capacity and provides the mandated reporter with reasonable cause to suspect that the individual has been subjected to a reportable incident.

- (ii) Reports must be submitted by a statewide, toll-free telephone number (a "hotline") or by electronic transmission, in a manner and on forms prescribed by the Justice Center.
 - (iii) Mandated reporters shall have the rights and responsibilities established by section 491 of the Social Services Law.
- (4) Providers shall establish written protocols to ensure reports involving multiple mandated reporters are properly made and documented.