



ADMINISTRATIVE MEMORANDUM #2014-03

To: Executive Directors of Voluntary Agencies
DDRO and DDSOO Directors

From: Robert Valla, Acting Deputy Commissioner *R. Valla*
Division of Workforce and Talent Management

Megan O'Connor-Hebert, Deputy Commissioner *Megan O'Connor-Hebert*
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Subject: **Service Provider Implementation of the National Alliance for Direct Support Professionals (NADSP) Code of Ethics, NYS DSP Core Competencies and NYS DSP Performance Evaluations**

Start Date (Implementation Begins): July 1, 2014

Effective Date (Full Implementation): March 31, 2017

Date: July 1, 2014

Suggested Distribution: Direct support professionals (DSPs), voluntary and state administrative staff, education and training staff, supervisors, quality improvement personnel, and organized labor.

Applicability: This communication pertains to all OPWDD state-operated and voluntary-operated services and supports that employ DSPs.

Purpose: The intent of this Administrative Memorandum (ADM) is to explain the background of this initiative, define DSP, make reference to related documents, offer assistance, and advise all service providers when to begin implementing the NADSP Code of Ethics, NYS DSP Core Competencies, and the NYS DSP Performance Evaluations. Provider experience with piloting and adopting these organizational culture initiatives demonstrates that full implementation by an organization requires about eighteen months of concerted effort. The requirements of implementation are:

- July 1, 2014: implement the practice of the NADSP Code of Ethics and the NYS DSP Core Competencies;
- April 1, 2016: begin using the NYS DSP Performance Evaluations as the evaluation tools for DSPs;

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- March 31, 2017: complete NYS DSP Performance Evaluations for DSPs according to the provider's written promulgated policy (e.g., some providers complete annual evaluations during a certain month of the year; other providers complete annual evaluations on each employee's anniversary date of hire; similarly, employee probation may be defined as three months or six months). A policy or practice of no written evaluations or untimely written evaluations is unacceptable.
- April 1, 2017: OPWDD's Division of Quality Improvement will begin verifying the implementation of the NADSP Code of Ethics, the NYS DSP Core Competencies and the NYS DSP Performance Evaluations according to protocols they will develop on or after October 2016.

Background: Service providers are improving their organizational culture by focusing on person-centered supports and outcomes across the spectrum of services and changing their emphasis from congregate services to more individualized supports. Accomplishing this shift requires greater attention to ethical practices and high levels of competency. To this end, OPWDD adopted the National Alliance for Direct Support Professionals (NADSP) Code of Ethics, established a set of DSP Core Competencies based on nationally validated community support skill standards, and prepared DSP Performance Evaluations that parallel the DSP Core Competencies.

Competency-based performance includes three inter-woven concepts: nationally validated knowledge (i.e., knowing what to do), skills (demonstrating the ability to perform as expected), and ethics (principles upon which the knowledge and skills are based). The intersection of knowledge, skills and ethics is the home of quality. All three guide DSPs to enable people with disabilities to enjoy meaningful relationships with friends, family and others in their lives; experience health, safety and personal growth; live in the home of their choice; and productively participate in their communities.

The NADSP Code of Ethics has nine nationally validated tenets which are incorporated into the Core Competencies. Although the Justice Center for the Protection of People with Special Needs has a Code of Conduct that shares language commonality with the NADSP Code of Ethics, the two codes are distinct and different from each other and should be treated as such.

The NYS DSP Core Competencies are comprised of seven goals, twenty three competencies, and sixty skills. Within the Core Competencies' document, there are examples of tasks that illustrate each of the skills. These tasks are not skills; rather, they are illustrative of the skills. Feedback from providers who piloted the competencies state-wide suggested allowing an ability to modify tasks within goals four through seven. As a result, providers are allowed the flexibility to include example tasks that are relevant to their specific array of services.

The NYS DSP Core Competencies and the NYS DSP Performance Evaluations provide standardized expectations that focus on people-first services and advance the profession of direct support. Both present an

opportunity for portability of skill transfer for DSPs and ground-breaking occupational recognition by the NYS Department of Labor.

Who is a Direct Support Professional?

Direct support professional (DSP) is an umbrella term that includes many different titles and functions; for example: direct care, direct support worker/specialist/assistant/counselor, habilitation specialist, residential counselor, activities of daily living specialist, relief staff, apartment worker, developmental disabilities specialist, job coach, employment specialist, community bridge-builder, paid friend/neighbor, family care provider, family support services aide, community companion, personal assistant, etc. A person who performs one of these or similar functions for a salary, stipend, or payment for services rendered is considered a DSP.

Thousands of New Yorkers who have developmental disabilities rely on DSPs for help with life's essential activities such as getting out of bed, getting dressed, going to the bathroom, finding a job, getting to work, working effectively at a job, participating in recreational, educational, cultural, spiritual and civic functions, refining socialization skills, exercising choice and self-determination, enjoying relationships with friends and family, implementing daily practices that promote positive behavioral and physical health, remaining safe from harm, refraining from harming others, maintaining a comfortable home, communicating and expressing oneself effectively, moving around and using transportation purposefully, learning something new and practical, retaining important skills, engaging in and contributing to the community.

DSPs are distinct from clinicians, service coordinators, administrators, frontline supervisors, managers, maintenance and clerical personnel, even though DSPs may perform some functions related to these job titles. DSPs are also distinct from natural supports and volunteers who provide some level of assistance to persons with developmental disabilities without monetary compensation from public sources.

New York State's Consolidated Fiscal Reporting (CFR) defines DSPs under the rubric of "Direct Care Staff" within the following Code numbers: 201, 202, 207, 254 and 290. The definitions of these code numbers are available in large type at:

http://www.opwdd.ny.gov/opwdd_regulations_guidance/adm_memoranda/NYS_CFR_Appendix_R.

Implementation of Code of Ethics, DSP Competencies and Performance Evaluations:

Service Providers shall implement the NADSP Code of Ethics, the Core Competencies and Performance Evaluations for DSPs as outlined above under the heading entitled "Purpose." The requirements to implement the practice of the NADSP Code of Ethics, the NYS DSP Core Competencies and the NYS DSP Performance Evaluations shall pertain in years subsequent to April 1, 2017 according to DQI protocols.

The NADSP Code of Ethics (<http://www.opwdd.ny.gov/code-of-ethics/home>) is incorporated in the DSP Core Competencies and the Initial and Annual Performance Evaluations, specifically in Goal 3, Competency Area N where all nine tenets are addressed.

The NYS DSP Core Competencies

(http://www.opwdd.ny.gov/opwdd_careers_training/training_opportunities/core_competencies/dsp-competency-document) are arranged by goals, competencies, skills, and example tasks.

The NYS DSP Initial Performance Evaluation

(http://www.opwdd.ny.gov/opwdd_careers_training/training_opportunities/core_competencies/resources-tools) shall be completed at the end of a DSP's probationary period or traineeship as defined by the service provider's written policy as outlined above under the heading entitled "Purpose." DSPs, who have successfully completed their probationary period evaluation in a prior system of evaluation, will not be required to repeat that evaluation in the form of the NYS DSP Initial Performance Evaluation.

The NYS DSP Annual Performance Evaluation

(http://www.opwdd.ny.gov/opwdd_careers_training/training_opportunities/core_competencies/resources-tools). This evaluation shall be completed on an annual basis according to a provider's written promulgated policy as outlined above under the heading entitled "Purpose."

The NYS DSP Performance Evaluation by Individuals / Family Members / Advocates

(http://www.opwdd.ny.gov/opwdd_careers_training/training_opportunities/core_competencies/resources-tools) is designed to serve as an optional complement to the Initial and Annual Performance Evaluations. For DSPs who often function in settings where a supervisor is not present, this tool may serve as the principal evaluation tool complemented by supervisory input.

Regional Centers for Workforce Transformation (RCWT):

In cooperation with and funding from our partners at the NYS Developmental Disabilities Planning Council, OPWDD formed six RCWT that provide assistance to service providers in incorporating the NADSP Code of Ethics, the NYS DSP Core Competencies and NYS DSP Performance Evaluations into agency practice. They are currently assisting providers with organizational readiness, training, and helping with the gap analysis between current practices and near-future expectations. They harvest, share and advance regional leading practices in DSP development.

The Centers, which coincide geographically with existing Developmental Disabilities Regional Offices, have been operational since September 1, 2013. Each of the Regional Centers has a lead entity and a lead person who can be reached for both participation and assistance. On September 1, 2014, some of the contact information below may change. OPWDD will apprise the field of any changes that may occur.

1. Region 1: Person Centered Services of Western New York (PCSWNY); contact Wendy McCarthy at ddawny@ddawny.org
2. Region 2N: Franklin County Community Services (FCCS); contact Suzanne Lavigne at SuzanneLavigne@citizenadvocates.net

3. Region 2C-S: Madison-Cortland ARC (M-C Arc); contact Christine Evans at Chris.Evans@madisoncortlandarc.org
4. Region 3: Rehabilitation Research and Training Institute (RRTI, a NYSRA affiliate); contact Perry Samowitz at Perry@nyrehab.org
5. Region 4: Interagency Council of Developmental Disabilities Agencies (IAC); contact Hope Levy at Hope@iacny.org
6. Region 5: New York State Association of Community and Residential Agencies (NYSACRA); contact Kathleen Brown at KBrown01@familyres.org or Barry Donowitz at BDonowitz@familyres.org

DOI Review Process:

OPWDD's Division of Quality Improvement will develop after October 2016 a review to assess the practice of the NADSP Code of Ethics, DSP Core Competencies, and Performance Evaluations.

If you have any questions regarding this ADM, please contact Regis Obijiski, Deputy Director of Workforce Transformation at 518-486-5590 or regis.m.obijiski@opwdd.ny.gov.