

Executive Office

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MEMORANDUM

TO: DDSO Directors/IBR Director
FROM: James Moran, Acting Executive Deputy Commissioner
DATE: February 15, 2011
RE: *Revised Critical and Significant Event Notification Protocol*

This memorandum is intended to reiterate the important role the Districts play in safe-guarding individuals' health and well-being by managing critical and significant events in accordance with NYSCR Part 624, CFR 483 and policies and procedures that ensure immediate notification of such events and the protective measures and systemic corrective actions that prevent recurrence. Each District, in conjunction with the Division of Service Delivery and Integrated Solutions (SDIS) and Division of Quality Management (DQM), must have an effective system of communication in order to provide timely notification to all appropriate entities thereby ensuring assistance should additional resources become necessary allowing for an enterprise-wide response to those events having state-wide impact.

The following protocols provide an **update** to the existing practice of communicating critical and significant event notifications:

1. **MOST CRITICAL EVENTS:** Requires *immediate* notification, i.e. by telephone within two hours of District's awareness of those critical events that suggest a **serious** breakdown of our system's obligations to protect the well-being of individuals. These are the most serious events of which OPWDD should be aware and may require a reaction and/or statement from the Commissioner. Moreover, these events may require OPWDD leadership to notify the Governor's Office. Within 48 hours of telephone notification, the electronic report should also be submitted.
2. **HIGHLY SIGNIFICANT EVENTS:** This second tier of notifications may be made electronically to the appropriate Regional Associate Commissioner or Suzanne Sennett for IBR within 48 hours of awareness of the event.

Definitions and examples of the above are provided in the information that follows. These updates are effective immediately.

In addition, we have further streamlined this communication process and have worked with staff from Information Management Solutions (IMS) to create a more consistent and efficient means of transmitting a *new Critical and Significant Event Report* form (see attached), previously known as "Appendix B" or the "14-Point" Report.

This new form, which must be utilized immediately, provides the Districts with an electronic template that employs a fillable PDF format for greater ease of use. District staff who are completing this form are asked to attach it and submit via email using the new system distribution list addresses below:

- **OPWDD.DL.COF.UPSTATE.EVENT** for all events occurring in the upstate districts
- **OPWDD.DL.COF.DOWNSTATE.EVENT** for downstate districts, and
- **OPWDD.DL.IBR.EVENT** for IBR.

Category 1: MOST CRITICAL Events

Within two hours of awareness of the event, report by telephone (see Contact Information) for both state and voluntary operated agencies, **critical** events that may indicate a serious breakdown in our system's obligations to ensure the safety, health, and well-being of people with developmental disabilities. These events result in substantial harm or risk of harm to individuals that require immediate and significant interventions by OPWDD providers and/or outside agencies. This telephone notification should be followed by electronic submission (see Matrix). **It is also requested that follow-up information or disposition of the event be received for any Category 1 events. Please send these updates via email to either the UPSTATE, DOWNSTATE or IBR EVENT distribution lists indicated above.**

Events in this category include, but are not limited to:

- **Sudden and untoward deaths.** Example: A person with a developmental disability dies due to accident, neglect, wrongful act, or suicide.
- **Events with potential for public or media attention.** Example: A residence catches fire and the persons with developmental disabilities who reside there must be relocated.
- **Disappearance of a person** who is considered at risk based on age or survival abilities or who may pose a risk to the community. Example: A person with a developmental disability who has a history of sexually offending behavior elopes or who has no community survival skills goes missing.
- **Serious criminal acts against or by a person with a developmental disability or staff.** Example: Major felony involvement - rape, homicide, assaults requiring hospitalization or similar events likely to attract press coverage.

Category 2: HIGHLY SIGNIFICANT Events

Within 48 hours of awareness report electronically state and voluntary agency **significant** events that may warrant OPWDD Leadership awareness.

Events in this category include, but are not limited to:

- **Notable or significant neglect or physical abuse** of a person with a developmental disability that is particularly egregious in nature or that result in significant harm requiring medical attention beyond first aid. Example: Events that endanger someone's safety or allegation of serious assault (generally not a single slap, push, kick, etc.).
- **Serious sexual abuse of a person** with a developmental disability. Example: Persons with developmental disabilities, one or both of whom are non-consenting, are found engaging in sexual intercourse. This does not include person to person touching while clothed.
- **Serious injuries resulting in inpatient hospitalization** to a person with a developmental disability or staff. Example: A person with a developmental disability falls from a shower chair resulting in a broken hip or a staff is assaulted by a person with a developmental disability resulting in inpatient treatment.

- **SCIP-R interventions that result in injuries that require medical attention beyond first aid.**
Example: A SCIP-R technique is used and the person with a developmental disability is taken for an x-ray which reveals a fractured rib.
- **Criminal acts against or by a person with a developmental disability that result in police involvement.** Example: A person with a developmental disability is the victim of armed robbery, which the police are investigating, but the individual was not physically harmed. Incidents involving lesser, non-felony events would not typically need to be reported; i.e., an individual given an appearance ticket for shoplifting.
- **Criminal charges against employees.** Example: An allegation of assault with police involvement or off duty charges, such as felony assault or child abuse. Minor crimes such as a small amount of cash missing from petty cash need not be reported here.

TYPE OF EVENT	NOTIFICATION
<p style="text-align: center;">Category 1 Most Critical Events</p>	<p>Immediate notification <i>by telephone</i> within two hours of the awareness of the event to:</p> <p style="text-align: center;">Suzanne Sennett, Deputy Commissioner for IBR; Jim Whitehead, Associate Commissioner for Upstate DDSOs; Jill Gentile, Associate Commissioner for Downstate DDSOs</p> <p>If unavailable, see attached <u>Contact Information for Critical and Significant Events</u> and electronically submit reporting form by close of business that day or, if after hours, at the beginning of the next business day to:</p> <p>IBR: OPWDD.DL.IBR.EVENT Upstate: OPWDD.DL.COF.UPSTATE.EVENT Downstate: OPWDD.DL.COF.DOWNSTATE.EVENT</p>
<p style="text-align: center;">Category 2 Highly Significant Events</p>	<p>Electronically submit reporting form within 48 hours of awareness of the event to:</p> <p>IBR: OPWDD.DL.IBR.EVENT Upstate: OPWDD.DL.COF.UPSTATE.EVENT Downstate: OPWDD.DL.COF.DOWNSTATE.EVENT</p>

Attachments:

**cc: Acting Commissioner Chmura
 COLT Members
 DDSO Incident Management Liaisons
 Virginia Leone
 Kelly McGuirk
 Sara Mangan
 Don Martin
 Chris Nemeth
 Lisa Stegeland**