

**Quality Management**

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M E M O R A N D U M

TO: DDSO Directors  
Executive Directors of Voluntary Agencies

FROM: Sheila McBain   
Division of Quality Management

SUBJECT: Notification to Law Enforcement of Possible Crimes, Physical Abuse

DATE: March 15, 2011

The Mental Hygiene Law and OPWDD regulations require DDSO Directors and the Chief Executive Officers of Voluntary Agencies to notify law enforcement when a crime may have been committed involving an individual receiving services.

Possible crimes include physical abuse and must be reported to appropriate law enforcement officials immediately. Physical abuse which includes any incident of intentionally hitting, slapping, pinching, kicking, hurling, strangling, shoving or otherwise mishandling a person receiving services will always require that law enforcement be immediately notified.

The Part 624 Handbook provides guidance in identifying and reporting physical abuse as an allegation of abuse (see Commentary under Part 624.4(c)(1)). Additional guidance on reporting to law enforcement can be found in the Handbook Commentary at 624.6(d). The Handbook can be found on the OPWDD website at:

[http://www.opwdd.ny.gov/images/hp\\_maua\\_part624\\_handbook.pdf](http://www.opwdd.ny.gov/images/hp_maua_part624_handbook.pdf)

Please note that OPWDD will be revising the Handbook in the near future to include enhanced guidance on reporting to law enforcement.

It is imperative that DDSO Directors and Voluntary Agency Directors be diligent in making the required notifications to law enforcement of possible criminal acts of physical abuse. Please direct your staff to review your agency policy and procedures to ensure that such notifications are made immediately. Please be advised that providers who are not in compliance with applicable statutes, rules or regulations may be subject to penalties and fines.

cc: COLT  
Provider Association