



Executive Office

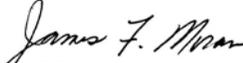
44 Holland Avenue
Albany, NY 12229-0001

TEL: 518-473-1997
FAX: 518-473-1271
TTY: 866-933-4889

www.opwdd.ny.gov

The following information supersedes that contained in the August 3rd, 2011 memorandum entitled “Accounting for Individuals in the Care of Day Program”.

TO: Executive Directors of Voluntary Agencies
DDSO Directors

FROM: James F. Moran 
Division of Quality Management

DATE: August 12, 2011

SUBJECT: Oversight of Individuals in Our Care

The safety and well-being of individuals receiving services from the Office for People With Developmental Disabilities (OPWDD) and provider agencies is of paramount importance. DDSOs and providers must have policies and procedures in place to ensure that individuals in their care receive the appropriate level of supervision to safely meet their protective oversight needs. Moreover, in accordance with OPWDD regulations [14 NYCRR § 633.8(a) (1)], DDSOs and providers must ensure that all staff responsible are trained in these procedures. In order to effectuate these responsibilities, DDSOs and provider agencies must comply with the following:

Transportation Safety:

DDSOs and providers must have policies and procedures in place to ensure that individuals being transported arrive safely at their destination. All applicable staff must be trained on these policies and procedures, including reinforcing with staff the serious life-threatening risks of failing to follow the required procedures. Policies and procedures must include, at a minimum, the following:

- Individuals must not be left unattended in a vehicle unless their Individual Protective Oversight Plan (IPOP) specifically states that the individual has the capacity to do so in a safe and time restricted manner;
- All drivers must perform on-board inspections to ensure that no individual remains in the vehicle, including the use of an on-board back to front inspection for all mini-vans, vans and buses;
- As an alternative, or in addition to on-board inspections, electronic sensor devices may be used in mini-vans, vans and buses, designed to minimize the possibility that an individual may be inadvertently left on the vehicle;
- For every transportation trip that involves a mini-van van or bus, documentation must be maintained to confirm that the vehicle was checked to ensure that all individuals boarded and exited the vehicle as intended;
- Where electronic sensor devices are used as an alternative to on-board inspections, documentation must be maintained to confirm that such devices have been inspected, maintained and are periodically tested to ensure that they are in good working order;

- In addition to compliance with all State licensing and traffic laws, drivers and all staff accompanying individuals during transportation should be familiar with the individuals being transported and their individual protective oversight needs and take appropriate precautions when transporting these individuals;
- Drivers must use seatbelts for all passengers and the driver (including the use of wheelchair securing straps and tie downs).
- DDSOs and agencies which contract with another entity for the provision of transportation services must ensure that the transportation provider has policies, procedures and training in place consistent with the requirements set forth in this section.

Oversight of Individuals Attending Day Programs:

DDSOs and agencies must have policies and procedures in place to ensure that individuals attending day programs receive adequate protective oversight in accordance with their needs as set forth in each individual's IPOP. All appropriate staff must be trained on these policies and procedures, including reinforcing with staff the serious life-threatening risks of failing to follow the required procedures. Policies and procedures must include, at a minimum, the following:

- Attendance must be verified at the beginning of each day program to determine when an individual is absent from a scheduled program or activity and policies and procedures must be in place to determine how to verify that individual's whereabouts in the event of an unscheduled absence;
- Such policies and procedures must include a requirement that the individual's residence be contacted if an individual has an unscheduled absence from a day program and must address instances in which appropriate law enforcement authorities will be contacted in an effort to locate the individual;
- Agencies must have emergency contact information for all individuals receiving services in their programs and policies and procedures must address when such contact information should be used in an attempt to locate an individual with an unscheduled absence;
- Once it is determined that an individual's whereabouts are unknown, the provider must comply with the reporting requirements of Part 624 procedures for missing persons.

Oversight of Individuals on Community Outings:

DDSOs and providers must have procedures in place to ensure that staff are aware of the whereabouts of the individuals in their care and follow reasonable steps for ensuring the whereabouts and safety of each individual throughout the outing.

- DDSOs and provider agencies must have in place policies and procedures in accordance with this directive no later than October 1, 2011. Staff must be trained no later than November 1, 2011.