

To: Executive Directors of Nonprofit Agencies  
DDSO Directors

From: James F. Moran *James F. Moran*  
Acting Executive Deputy Commissioner

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Subject: Supporting Individuals to Achieve Personal Safety and Wellbeing

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All of us strive to achieve a sense of wellbeing in our day-to-day lives and we manage personal risk accordingly. Individuals who are supported by the Office for People With Developmental Disabilities (OPWDD) or nonprofit agencies have the same expectation. Each of us bears an important responsibility to assist individuals we serve to experience good health and safety. To that end, all providers must ensure that safeguards are developed to identify, implement and sustain the supports needed to keep people safe from harm.

OPWDD regulations [14 NYCRR § 633.10(a) (1)] require that each person has a care plan that is suited to his or her needs. This plan for safeguards may be part of an Individualized Service Plan, Plan of Protective Oversight or Comprehensive Functional Assessment. Part of assessing a person's needs includes determining adequate safeguards and oversight. Safeguards may address many areas and include topics such as:

- the level of supervision a person requires at home either generally or during specified activities such as bathing and eating and while in the community;
- a person's special dietary needs, consistency of foods and assistance while eating; and
- the assistance a person requires for medication administration.

All staff are responsible to ensure safety, and most particularly direct support professionals who are entrusted to provide day to day support to individuals. To competently implement appropriate safeguards and afford people adequate protective oversight, direct support professionals should be knowledgeable regarding care plans and provide input into how these plans are carried out. All responsible staff must be provided with comprehensive and ongoing training in the individualized needs of people in their care. OPWDD regulations [14 NYCRR § 633.8(a) (1)], note that "It is the responsibility of the agency/facility or the sponsoring agency to heighten the awareness of its employees, volunteers or family care providers to those factors which affect and/or contribute to situations that can be potentially abusive or harmful. To this end, there shall be training of employees, volunteers and family care providers to meet the needs of staff, volunteers and persons."

In order to consistently ensure people's safety, it is essential that training provides staff with a true understanding of the importance of each safeguard required. All staff must then consistently observe and provide each person's necessary safeguards. Failure to implement plans may have serious and in some instances, life-threatening consequences for the person. Historically, failures to provide appropriate safeguards have resulted in incidents such as choking and drowning. The

importance of the Direct Support Professional's role in providing this critical oversight cannot be overstated.

In addition to understanding and appropriately implementing peoples plans, it is essential these safeguarding plans are reviewed and revised whenever a risk factor is identified, or a person's needs warrant a revision (i.e. an individual who develops an acute or chronic health condition and now needs additional assistance performing activities he or she could safely perform previously). Staff training should be provided whenever a plan is modified to ensure that those responsible for its implementation are familiar with the supports they are to provide.

Ultimately, to ensure the people we serve are provided a safe and comfortable environment, all staff must take their personal responsibility in this area seriously and act whenever necessary to ensure that individual plans are being followed. Staff must also be encouraged to seek assistance if a problem is observed, a weakness identified, or to ask for clarification related to any confusion about expectations. Seemingly, small concerns may be early warning signs of larger systemic issues that, if identified early, may prevent an untoward event in the future. Working together, we can identify and correct risks in our system when they first appear in order to help people live richer lives.

cc: Provider Associations  
Commissioner's Advisory Council  
DDPC Consumer Caucus  
OPWDD Regulations Mailing List  
CQC