

Executive Office

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To: Provider Associations
Voluntary Provider Agency Executive Directors
Regional and State Operations Directors
IBR Director

From: Leslie Fuld
Director, Incident Management Unit
Co-Chair, OPWDD Statewide Committee on Incident Review

Barbara Brundage
Director, Regulatory Affairs Unit
Co-Chair, OPWDD Statewide Committee on Incident Review

Date: September 19, 2012

Re: Timeframe requirement for completion of investigations of reportable incidents, serious reportable incidents, and allegations of abuse

Suggested distribution:

Incident coordinators
Quality assurance/Quality improvement staff
Members of standing committees
Administrators responsible for oversight of incidents

Purpose:

In the near future OPWDD plans to promulgate amendments to its 14 NYCRR Part 624 regulations pertaining to incident management. The amendments contain a variety of reforms to the incident management process, including the addition of a timeframe requirement for the completion of investigations of reportable incidents, serious reportable incidents, and allegations of abuse.

OPWDD considers that the implementation of a timeframe requirement for the completion of investigations will enhance the protections provided to individuals receiving services by improving the quality of investigations and improving the timeliness of implementation of the protective/corrective measures identified during investigations.

The purpose of this memorandum is to provide advance notice to providers of the new timeframe requirement for the completion of investigations, so that providers have sufficient time to institute changes that might be necessary for the provider to come into compliance with this requirement. OPWDD anticipates that this requirement will go into effect in the early part of 2013, possibly as early as January 1st.

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The new regulation will require that investigations be completed no later than thirty days after the initiation of an investigation, unless the provider documents an acceptable justification for an extension of the thirty-day time frame. For instance, an acceptable documented justification would be a situation in which law enforcement has requested that the provider hold off on conducting key interviews.

Providers will have thirty days starting from the effective date of the new requirement to complete investigations that were opened on or before the effective date. For example, if the effective date of this provision is January 1, 2013, providers must complete investigations opened on or before that date by January 31, 2013 (absent an acceptable justification). Providers which have a backlog of pending investigations are advised to use the advance notice afforded by this memo to reduce or eliminate the backlog in order to come into compliance with the new requirement no later than its anticipated effective date.

Note: Investigations are considered to be completed upon completion of the investigation report, which will be clarified in the new regulation.

For questions or concerns regarding the information in this memorandum, please contact OPWDD's Incident Management Unit by email at incident.management@opwdd.ny.gov.

Thank you.