



STATE OF NEW YORK  
**OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES**

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**MEMORANDUM**

**TO:** Executive Directors Voluntary Agencies  
DDSO Directors

**FROM:** Jan Abelseth   
Deputy Commissioner  
Division of Quality Assurance

**DATE:** June 4, 2003

**SUBJECT:** Provision of Emergency Services

The following is intended to clarify the process involved in the provision of emergency respite services in Supervised Community Residences and Individual Residential Alternatives (IRAs).

Part 686.3(a)(5)(i) requires that Community Residences not exceed maximum certified capacity without notification within 24 hours to the Office of Mental Retardation and Developmental Disabilities (OMRDD), at which time the conditions relative to the emergency respite situation is discussed and agreement reached.

Community Residences are considered to be in compliance with this requirement if they meet the following conditions:

- The Division of Quality Assurance (DQA) is notified of the emergency respite move at least 24 hours prior to the occurrence unless circumstances are such that it is impossible to provide prior notice, for example, in the event of a fire or other natural disaster. In such cases, notification must be within 24 hours of the occurrence. In emergency situations that allow for prior planning, DQA is to be notified as soon as possible of the pending occurrence, that nature of the emergency, and alternatives considered to avoid a waiver of maximum certified capacity at the facility.
- Prior notice is given to each consumer and to the family/advocate. Such notice should be given as soon as practicable.

- The emergency respite move should generally not exceed 30 days; if there is sufficient justification to exceed 30 days, an extension may be granted.
- The physical plant is appropriate; there must be a bed in a bedroom for the person(s) and the presence of the person(s) must not adversely affect the facility's compliance with applicable Life Safety Code requirements.
- There is no significant adverse impact upon the other consumers in the facility.
- DQA is kept informed if these conditions change.
- DQA may visit the facility to assess the appropriateness of the emergency respite situation.

Please ensure that your staff are aware of this process and adhere strictly in situations when it is necessary to seek a waiver to exceed maximum certified capacity for the provision of emergency services. Questions should be directed to DQA Regional Directors, Richard Jung at (518) 473-6156 or Judy Trent at (212) 229-3350 as appropriate.

Thank you.

cc: Ms. DeSanto  
Ms. Broderick  
Mr. Pezzolla  
Mr. Wolfe  
Ms. Trent  
Mr. Jung