

Guidelines for Willowbrook Residential Notification (7/9/2015)

<u>Situation</u>	<u>Reference</u>	<u>Notify Whom?</u>	<u>How?</u>	<u>When?</u>
<u>Hospital Stay [Medical] Residential Staff makes notification</u>	CP 9 Green Book	>Correspondent* >MHLS >SC and SC Supervisor >DDSO liaison >L Lehmkuhl	Phone	Immediately
Extended Hospital Stay [Medical] 7 Day Letter <u>SC makes notification</u>	633.10(a)(4)	>Correspondent* cc: R Mueller, A Ferguson, MHLS, DDSO Liaison, L Lehmkuhl	Letter** <i>DO NOT include placement response form</i>	By 7 th day in hospital
Hospital Stay [Psychiatric] Residential Staff makes phone notifications SC makes <u>written</u> notification	CP 9 Green Book	>Correspondent* >MHLS >SC and SC Supervisor >DDSO liaison > L Lehmkuhl	Phone	Immediately
		>Correspondent* cc: R Mueller, A Ferguson, MHLS, DDSO Liaison, L Lehmkuhl	Letter** <i>DO NOT include placement response form</i>	Within 24 hours of hospital admission
Emergency & time limited services, e.g., crisis intervention, intensive therapy, stabilization, unexpected respite OR Emergency Transitional Move; e.g., waiting for new home to open; closing of home due to fire, flooding, etc. <u>S C makes notification</u>	CP 9 Green Book	>Correspondent* >MHLS >SC Supervisor >DDSO liaison > L Lehmkuhl	Phone	Immediately
		>Correspondent* cc: R Mueller, A Ferguson, MHLS, DDSO Liaison, L Lehmkuhl	Letter** <i>DO NOT include placement response form</i>	Within 24 hours
Planned Permanent Placement <u>SC makes notification</u>	CP 2 Green Book	>Correspondent* >MHLS >cc: R Mueller, A Ferguson, MHLS, DDSO Liaison, L Lehmkuhl	Letter** <i>Include placement response form</i>	At least 30 days prior to proposed placement date
<i>When proposing placement from a smaller to larger home</i>	Willowbrook Permanent Injunction Para 6	>SC Supervisor >DDSO liaison >L Lehmkuhl	Phone or e-mail	When recommended by the team
Emergency Permanent Placement <u>SC makes notification</u>	CP 9 Green Book	>Correspondent* >SC Supervisor >DDSO liaison >L Lehmkuhl	Phone	Immediately
		>Correspondent* cc: R Mueller, A Ferguson, MHLS, DDSO Liaison, L Lehmkuhl	Letter** <i>Include placement response form</i>	Within 24 hours
Conversion of Residential & Day Services <u>SC makes notification</u>	633.12, as appropriate	>Correspondent* >SC Supervisor >DDSO Liaison >L Lehmkuhl	Meeting, phone, correspondence, as appropriate	When conversion plans are initiated
		>Correspondent* cc: R Mueller, A Ferguson, MHLS, DDSO Liaison, L Lehmkuhl	Letter** <i>Include conversion response form</i>	At least 30 days prior to proposed changes
Facility Expansion Residential Staff makes notification	Willowbrook Permanent Injunction	>SC Supervisor >DDSO Liaison >L Lehmkuhl, who facilitates submission of <i>Facility Expansion Request</i> with Willowbrook attorneys	Phone or email	Immediately – Expansion of homes with class members requires Willowbrook attorney approval

* The CAB Staten Island Office must be notified IMMEDIATELY by phone if CAB serves as correspondent or co-correspondent.

** WHEN SENDING LETTERS TO CAB, transmit via PAPER MAIL or **secure** email to OPWDD.CAB@OPWDD.NY.GOV

For questions or assistance regarding secure email, contact the DDSO Willowbrook liaison

Advise R Cohn of moves for class members on Attachment 1 on monitoring status OR D Blood of moves for class members on Appendix C & deemed as if at Richmond.

Paragraph 15 of the Willowbrook Permanent Injunction requires that, except in emergencies, 30 day notification will be provided prior to the transfer of any class member from any residential facility or building. This notification is to be made to the Consumer Advisory Board (CAB), Willowbrook plaintiffs' counsel, and Mental Hygiene Legal Services (MHLS), to the extent that it represents the class member. Notification shall be provided in writing through due process forms. For the purposes of Willowbrook notification, individual due process notices are sent as official correspondence by the Willowbrook case manager/service coordinator to the correspondent and interested parties.

Please reference OPWDD's *Community Placement Procedures [aka the "Green Book"]*, which reflects important notification requirements for class members, as follows:

- *CP2, Notification of Residential Placement*; provides 30 day notice to interested parties prior to the planned change of residence of a person
- *CP6, Procedures When There is an Objection to Placement*
- *CP9, Emergency and Transitional Moves: Time-Limited Services Elsewhere*; addresses immediate and unplanned change of residence of a person
- *CP10, Procedures When There Are Objections to an Individual Program Plan, Proposed Changes Thereto, or Facility Initiated Discharge*

In an emergency, "one day's notice will suffice unless circumstances are such that it is impossible to provide notice prior to the transfer, for example, in the event of a fire or other natural disaster. In such cases notice shall be provided as soon as practicable."

ALL OFFICIAL COMMUNICATION WITH CAB, BOTH VERBAL AND WRITTEN, MUST BE DIRECTED TO THE CAB STATEN ISLAND OFFICE (CENTRAL CAB). OFFICIAL COMMUNICATION INCLUDES NOTIFICATIONS REQUIRED BY THE INJUNCTION, POLICIES AND PROCEDURES, AND REGULATION.

When sending written due process notification to CAB, use paper mail or transmit via secure email to OPWDD.CAB@OPWDD.NY.GOV

For questions or assistance regarding secure email, contact the DDSO Willowbrook liaison

Please direct individual due process notices as follows:

- >**FOR CLASS MEMBERS REPRESENTED BY THEMSELVES**, send letter to class member; copy involved family (if any); Roberta Mueller, Willowbrook Attorney; Antonia Ferguson (CAB); MHLS; DDSO liaison; Lori Lehmkuhl.
- >**FOR CLASS MEMBERS REPRESENTED BY FAMILY**, send letter to family; copy class member; Roberta Mueller, Willowbrook Attorney; Antonia Ferguson (CAB); MHLS; DDSO liaison; Lori Lehmkuhl.
- >**FOR CLASS MEMBERS REPRESENTED BY CAB**, send letter to local program representative; copy involved family (if any); Roberta Mueller, Willowbrook Attorney; Antonia Ferguson (CAB); MHLS; DDSO liaison; Lori Lehmkuhl.
- >**FOR CLASS MEMBERS CO-REPRESENTED BY CAB AND SELF**, send letter to class member; copy local CAB program representative; involved family (if any); Roberta Mueller, Willowbrook Attorney; Antonia Ferguson (CAB); MHLS; DDSO liaison; Lori Lehmkuhl.
- >**FOR CLASS MEMBERS CO-REPRESENTED BY CAB AND FAMILY**, send letter to family; copy local program representative; Roberta Mueller, Willowbrook Attorney; Antonia Ferguson (CAB); MHLS; DDSO liaison; Lori Lehmkuhl.

Address information for Willowbrook Notification:

- o Beth Haroules, Willowbrook Attorney, New York Civil Liberties Union, 125 Broad Street, 19th Floor, New York, NY 10004; phone (212) 607-3300; fax: (212) 607-3318 or 3329.
- o Roberta Mueller, Willowbrook Attorney, New York Lawyers for Public Interest, 151 W. 30th Street, 11th Floor, New York, NY 10001-4007; phone (212) 244-4664; fax (212) 244-4570.
- o Antonia Ferguson, Executive Director, Consumer Advisory Board, 1050 Forest Hill Road, Staten Island, NY 10314; phone (718) 477-8800; fax (718) 477-8805.
- o Lori Lehmkuhl, OPWDD, Litigation Support Services, 44 Holland Avenue, 4th Floor, Albany, NY 12229; (518) phone 473-6026; fax (518) 473-1121.
- o Elizabeth Matthews, OPWDD Counsel, 25 Beaver Street, 4th Floor, NY, NY 10004; phone (646) 766-3203; fax (646) 766-3483.
- o For class members on Attachment 1 during Attachment 1 Monitoring Status Ronnie Cohn, Independent Evaluator, Hudson Valley DDSO, Westchester Office, 220 White Plains Road, Suite 675, Tarrytown, NY 10591. In addition for any class member on Appendix C who are deemed "as if on Richmond Complex", Ronnie Cohn with a copy to Antonia Ferguson, Executive Director, Consumer Advisory Board.