

Sample #1

Letter Format When Advising of the Availability of the Consumer Advisory Board (CAB)
On behalf of Willowbrook Class Members who are fully represented by family
This letter is to be adapted to suit the recipient and situation, but must contain all the information herein

*USE YOUR AGENCY LETTERHEAD
DO NOT INCLUDE THIS HEADER AS PART OF CORRESPONDENCE*

Date sent [not date drafted]

Dear [Correspondent]:

I am writing to advise you of the availability of the Consumer Advisory Board (CAB), which advocates for Willowbrook class members. With the signing of the Willowbrook Consent Judgment, the CAB was designated to act “in loco parentis” (in place of the parent) for Willowbrook class members who have no involved family. In addition, the CAB is available to provide co-representation for family members who are unable to provide “active representation,” as required by the Willowbrook Permanent Injunction, i.e., participation with the program team in planning and evaluating the individual development plan and/or visits at least annually.

If you believe that assistance from the CAB would be a benefit for your (state relationship), please return the enclosed form, which details your options for representation, co-representation, or no participation by the CAB. Co-representation would provide the CAB with the power to advocate on behalf of (class member name), by attending case conferences and ensuring that his/her rights are not violated. You, however, retain the responsibility for signing all necessary documents and consent forms. If you select full representation by the CAB, local staff will attend case conferences and advocate for (class member name), and also sign documents on behalf of your (state relationship). You would in no way be giving up any of your rights as family, and may revoke your choice at any time.

If you have any questions or concerns, please contact me at (phone number). Your prompt response would be most beneficial to (class member name).

Thank you for your cooperation in ensuring active representation for (class member name).

Sincerely,

Service Coordinator/Case Manager

Enclosures: Active Representation Response Form
Responsibilities of Correspondent as described in OMRDD Policies and Procedures
Willowbrook Active Representation as defined in the Willowbrook Permanent Injunction
“Actively Involved” as defined in OPWDD regulation 14 NYCRR section 633.11

Cc:
Residential program designee
Day program designee
[Others as appropriate]
Antonia Ferguson, Consumer Advisory Board
Service Coordinator Supervisor
DDSO Willowbrook Liaison

ACTIVE REPRESENTATION RESPONSE FORM

Class Member Name: _____

Date of Birth: _____

PLEASE CHECK ONE:

___ The Consumer Advisory Board (CAB) will act as the correspondent for my relative and will review and respond to issues of care and treatment which require written consents, including but not limited to: movements, release of information participation in activities (i.e., Special Olympics), routine medical and dental care, behavior management, including medication, etc. Effective November 22, 2005, the CAB may consent to surgery and general anesthesia when there is no other appropriate surrogate decision maker. Effective June 1, 2010, the CAB may serve as a surrogate to make an end-of-life decision when there is no other appropriate surrogate decision maker.

I understand that by signing my name to this request, I am in no way forfeiting my rights and entitlements as a correspondent, and that I may at any time request information (written or verbal) regarding my relative's care and the services he/she is receiving.

___ The Consumer Advisory Board will act as the correspondent for my relative and evaluate issues of care and treatment through participation in case conferences and visits to day and residential programs. I wish to continue receiving invitations, notices of movement, and will sign consents.

___ At this time, I will continue to serve as the correspondent for my relative. I will fulfill the responsibilities of the correspondent as described in the OMRDD Policies and Procedures, and Active Representation as defined in the Willowbrook Permanent Injunction. I understand that at any time I may seek the assistance of the Consumer Advisory Board.

Signature: _____ Date: _____

Relationship: _____

Address: _____

Telephone: Home _____ Business _____

Responsibilities of Correspondent
as described in OMRDD Policies and Procedures

Correspondent – Someone (not on the staff of the facility) who assists a person in obtaining necessary services, participates in the person’s program planning process as a member of the person’s program planning team, and who receives notification of certain significant events in the life of that person. The fact that a correspondent is providing advocacy for a person as a correspondent does not endow that party with any legal authority over the person’s affairs.

1. In the first instance, a correspondent would be the parent, legal guardian or committee listed in the person’s Individual Program Plan. If parents are deceased or their whereabouts cannot, with due diligence be ascertained, or they have failed to designate an appropriate representative, and there is no guardian or committee, then, for other than Willowbrook class members, the correspondent may be defined as the relative or other party, if any, in closest relationship with the person who has, at least once within the previous year, manifested interest in the person by communication with the facility regarding the person, or by visiting that person.
2. If none of the above can be located, or if such person or parties refuse to participate in the program planning process for the person, the chief executive officer is to designate another party to be the person’s correspondent, unless the person is a Willowbrook class member. For Willowbrook class members, regardless of present location, the correspondent in this instance will be a member of the Consumer Advisory Board established by the Willowbrook Consent Judgment.

Willowbrook Active Representation
as defined in the Willowbrook Permanent Injunction

Active Representation is generally defined as participation with the interdisciplinary team in planning and evaluating the individual development plan and/or visits between the correspondent and the individual class member at least annually. Merely signing consent forms sent through the mail or receiving phone calls initiated by facility staff with no other involvement does not constitute active representation.

Actively Involved
as defined in OPWDD regulation 14 NYCRR section 633.11

Significant and ongoing involvement in a person's life so as to have sufficient knowledge of the person's needs.