

Executive Office

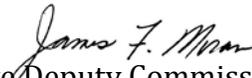
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ADMINISTRATIVE MEMORANDUM - #2011-03

To: Provider Associations
Voluntary Provider Agency Executive Directors
DDSO Directors
IBR Director
Commissioner's Advisory Council
OPWDD Required Regulations Mailing List

From: James F. Moran 
Acting Executive Deputy Commissioner

Date: October 18, 2011

Re: Required Format for Reporting Incidents and Allegations of Abuse

Effective: November 1, 2011

Suggested distribution:

Agency administrators
Incident coordinators/incident management staff
Quality assurance staff

Background:

Existing requirements in OPWDD's 14 NYCRR Part 624 regulations specify that an initial incident report of any serious reportable incident or initial allegation of abuse report for an allegation of abuse shall be sent to the DDSO in the form and format specified by the commissioner, within 24 hours of occurrence or discovery. Additionally, the regulations and corresponding guidance in [The Part 624 Handbook](#) and on the [incident management page](#) on OPWDD's website identify timeframes for reporting information pertaining to an incident/ allegation of abuse.

OPWDD Commissioner Courtney Burke issued a [letter](#) on June 3, 2011 requiring the use of OPWDD's Incident Report and Management Application (IRMA) for reporting all serious reportable incidents and allegations of abuse. Training on IRMA began in early June and is now complete.

Applicability and effective date:

This Administrative Memorandum (ADM) applies to all reportable incidents, serious reportable incidents, and allegations of abuse as defined in 14 NYCRR Part 624.

The requirements in this ADM are effective November 1, 2011.

Requirements apply to incidents and allegations of abuse which are open on or after November 1, 2011 regardless of when they occurred or were discovered. In addition, the requirements apply to any further actions taken with regard to incidents and allegations of abuse which are closed.

In the event that the IRMA data entry required by this ADM has not been made concerning information generated prior to November 1, 2011, data entry of that information must be made no later than the close of business on November 8, 2011.

This ADM supersedes any requirements for reporting which were included in the June 3, 2011 [memorandum](#) on “Required Use of the Incident Report and Management Application” and directives that previously designated completion of Form OPWDD 147 as the sole means of filing an initial incident report or allegation of abuse.

Reporting serious reportable incidents, allegations of abuse and all deaths:

OPWDD is designating completion of specified fields in IRMA as the “form and format specified by the Commissioner” for submission of the initial incident report or initial allegation of abuse report. This applies to serious reportable incidents, allegations of abuse, and all deaths (whether classified as a reportable or serious reportable incident). The entry of designated data into IRMA within 24 hours of occurrence or discovery is required for these events or situations in order for the agency to be in compliance with Part 624 requirements. However, providers which are unable to enter data into IRMA within 24 hours of occurrence or discovery due to weekend or holiday may defer data entry until no later than the close of the next business day. In this event, Form OPWDD 147 must be completed and submitted to the DDSO within 24 hours of occurrence or discovery. (Form OPWDD 147 is available on the [incident management page](#) on OPWDD’s website.)

Business days are calendar days except for Saturday, Sunday, and public holidays. New York State General Construction Law Section 22 defines public holidays as: New Year’s Day, Dr. Martin Luther King, Jr. Day, Lincoln’s Birthday (Feb. 12), President’s Day, Memorial Day, Independence Day (July 4), Labor Day, Columbus Day, Veterans’ Day, Thanksgiving Day, Christmas Day, and each general election day.

Providers should note that the required reporting identified above is in addition to the immediate notification to the DDSO by telephone or other appropriate methods which is also required by Part 624.

Reporting of reportable incidents (except for deaths):

OPWDD is designating “the form and format specified by the Commissioner” for the initial incident report as being EITHER completion of the specified fields in IRMA OR completion of a Form OPWDD 147. This means that within 48 hours of the occurrence or discovery providers must either complete the entry of the specified fields in IRMA or complete the OPWDD 147. However, per OPWDD directive, DDSOs are required to enter information concerning reportable incidents into IRMA within 48 hours of occurrence or discovery or the close of the next business day, whichever is later, whether or not a paper OPWDD 147 was also completed.

Required elements of initial reporting using IRMA:

OPWDD requires that the following specified tabs in IRMA be completed to meet the regulatory requirement for an initial incident report or initial allegation of abuse report:

- **Incident details tab (page 1 and involved persons page):** This captures the incident information such as time, date, location and involved parties. The involved person page must be completed for all incidents. There are several categories that can be selected in this field, *Person Making Allegation, Person Present, Person Reporting, and Target of Allegation of Abuse*. Enter the person’s name(s) under each applicable category and indicate if the person is an *individual receiving services, Staff, or Other*. It is possible to enter multiple people under each category. Note: A full first and last name **must** always be entered in the *Target of Allegation of Abuse* category for all allegations of abuse when such information is known to the provider.
- **Consumer tab:** Indicate whether a crime may have been committed and whether law enforcement has been notified.
- **Initial findings tab:**
 - **Initial findings/preliminary report:** A clear, concise description of those facts known at the time the report is being entered must be provided without speculation or opinion. The description should cover the “who,” “what,” “where,” “when,” and “how” of the incident. Note: To the extent possible, this information should be entered by the person who observed and/or discovered the incident/allegation or it should be a verbatim description provided by a person who observed and/or discovered the incident/allegation.
 - **Immediate protections:** List all of the corrective/protective actions taken to ensure that the health and safety of individuals receiving services is maintained. This should include, but is not limited to, any initial medical/dental treatment (including first aid) or counseling provided. Other examples are: increased supervision, correction of hazardous conditions, training provided, etc. Include a brief description of these actions.

- **Notifications tab:** Various notifications are required following an incident/ allegation of abuse and must be entered into IRMA. Refer to the specific requirement in Part 624 regulations and corresponding guidance in *The Part 624 Handbook* to determine if a particular notification must be made and the timeframe required for that notification. Appendix 1 in *The Part 624 Handbook, Timeline for Reporting Incidents and Abuse*, is also a handy reference regarding notifications and required timeframes. Note: an exception is that guidance in *The Part 624 Handbook* related to notification to law enforcement has been superseded by OPWDD guidance documents which can be found on the [incident management page](#) on OPWDD's website.) Initial data entry must include all notifications which are required to be made at the time of the data entry.
- **Other information:** IRMA is designed to require the completion of other basic fields for a new incident or allegation of abuse that is entered to be created and a master incident number assigned.

Data entry subsequent to the initial incident report or initial allegation of abuse report:

For serious reportable incidents, allegations of abuse and all deaths:

Except as noted below, information obtained after the initial data entry must be entered into IRMA within a week (i.e. seven calendar days) after the action was taken or information became available. (For example, if the Mental Hygiene Legal Service is notified on Monday at 3PM, information about the notification should be entered by the following Monday at 3PM.)

There are several exceptions to the general requirement for data entry within a week:

- Information about notification to law enforcement must be entered within 24 hours after the notification or by the close of the next business day, whichever is later.
- If any additional information becomes available concerning immediate protective actions beyond that noted in the initial data entry, this additional information must be entered within 24 hours after the information became available or by the close of the next business day, whichever is later.
- In the case of deaths, information that is necessary for submission of the QCC-100 must be completed within 3 business days of the occurrence or discovery. This is because the QCC-100 information must now be submitted to CQC through IRMA. Additional information obtained after the initial data entry for the QCC-100 must also be entered into IRMA within a week of the information becoming available. The agency that is responsible for entering a reportable or serious reportable death into IRMA must also complete and submit the QCC-100 in IRMA.

Please note that notification requirements which include sending a copy of the initial incident report or allegation of abuse report are met either by printing a copy of the OPWDD 147 from IRMA and sending the paper form to the recipient or sending a copy of the completed OPWDD 147 if the paper form was directly completed.

In instances when Part 624 regulations and corresponding guidance do not identify a timeframe requirement for the reporting of certain information (e.g. determining the disposition of an abuse allegation as substantiated, disconfirmed or inconclusive; finalizing the investigation report; and completing minutes of the standing committee concerning the event or situation), data entry shall be completed within a week.

Also, as required by Part 624, the agency must submit a report to the DDSO on at least a monthly basis of the progress or results of investigations of each serious reportable incident and allegation of abuse. In order to meet this requirement, the report must be submitted in IRMA on at least a monthly basis and must include a concise, but clear, description of any corrective or preventive actions which have been implemented or are in the process of implementation since the last report. Corrections, changes and updates to any of the information provided previously (if in need of clarification or amplification) are also to be provided. Frequently, upon investigation, the classification of the event may be changed to a more appropriate one. Information about reclassification must be included in the update. If a case has been open for more than 90 days, this report must include a specific rationale for the time lapse in bringing the case to closure.

Reportable incidents (except deaths):

Agencies which choose to complete specified fields in IRMA in satisfaction of requirements for the initial incident report are not required to complete additional fields in IRMA subsequent to the initial data entry. However, by OPWDD directive, DDSOs are required to enter all additional data related to reportable incidents within a week.

Emergency regulations:

On May 9, 2011 a [memorandum](#) was issued by me, which required mandatory training in the Incident Report and Management Application (IRMA). As this memorandum noted, an emergency regulation concerning data entry into IRMA will be promulgated in the near future.

If you have any questions about the information contained in this ADM, please contact OPWDD's Incident Management Unit at incident.management@opwdd.ny.gov. Also, providers are encouraged to periodically check the [incident management page](#) on OPWDD's website for new information pertaining to IRMA.

Thank you.

cc: SCIR Membership

Ref: 10-1-11