



ADMINISTRATIVE DIRECTIVE

Transmittal:	ADM 2019-04
To:	Executive Directors of Voluntary Provider Agencies Sponsoring Family Care Developmental Disabilities Regional Office Directors Developmental Disabilities State Operations Office Directors
Issuing OPWDD Office:	Division of Service Delivery (State Operations) Division of Quality Improvement
Date:	May 21 st , 2019
Subject:	Requirements for Design, Space, and Equipment in Family Care Homes
Suggested Distribution:	Family Care Program Administrators and Managers Family Care Coordinators and Liaisons Quality Assurance Staff Family Care Providers Family Care Substitute Providers
Contact:	Family Care Unit, Division of Service Delivery State Operations FamilyCare@opwdd.ny.gov
Attachments:	Family Care Manual Section 6.1 Requirements for Design, Space, and Equipment in Family Care Homes Form 236 Family Care Home Evaluation and Survey Form 238 Family Care Home Evaluation and Survey Form 239 Family Care Program Monthly Checklist Family Care Provider Agreement for an Unused Woodstove/Fireplace or Fuel Burning Appliance

Related ADMs/INFs	Releases Cancelled	Regulatory Authority	MHL & Other Statutory Authority	Records Retention
ADM # 2018-05 ADM # 2018-03	Section 10.2.1 and 10.2.2 of the 2004 Family Care Manual	14 NYCRR Subpart 635-7 14 NYCRR Part 687	MHL 16.00	6 years

Applicability

This ADM applies to all State Sponsored and Agency Sponsored Family Care programs.

Purpose

The purpose of this memorandum and the attached documents is to inform Family Care Providers, Substitute Providers, and Sponsoring Agencies of revisions to the Office for People With Developmental Disabilities (OPWDD) policy requirements for design, space, and equipment in Family Care Homes and Substitute Providers' homes (where applicable) and to introduce revisions to standardized documents associated with the review of provider and Sponsoring Agency compliance with these requirements.

The attachments to this memorandum include the following documents:

- Family Care Manual Section 6.1, Requirements for Design, Space, and Equipment in Family Care Homes. Section 6.1 replaces sections 10.2.1 and 10.2.2 of the 2004 Family Care Manual.
- Form 236 Family Care Home Evaluation and Survey, which is used by OPWDD Safety and Security Officers to review provider compliance with OPWDD regulatory and policy requirements during initial certification, recertification, and annual safety inspections. The annual safety inspection is part of the recertification review during years when a home is due for recertification, in accordance with ADM #2018-03. The Form 236 was revised in January 2018 in accordance with Family Care Manual Section 6.1 and replaces previous versions of the Form 236.
- Form 238 Family Care Home Evaluation and Survey, which is used by designated State Sponsored and Agency Sponsored Family Care program staff to review provider compliance with OPWDD regulatory and policy requirements during recertification and annual reviews. This form was revised in November 2018 in accordance with Family Care Manual Section 6.1 and ADM #2018-03 and replaces previous versions of the Form 238.
- Form 239 Family Care Program Monthly Checklist, which is used by designated State Sponsored and Agency Sponsored Family Care program staff to monitor Family Care Homes and services provided to individuals during monthly visits to the homes. This form was revised in November 2018 in accordance with Family Care Manual Section 6.1 and replaces previous versions of the Form 239.
- Family Care Provider Agreement for an Unused Woodstove/Fireplace or Fuel Burning Appliance, which certifies that the equipment is no longer in use and not subject to annual inspection requirements. This is a new agreement that allows a

Family Care Provider to request that a woodstove, fireplace or fuel burning appliance not be used and eliminates unneeded inspections. The agreement also requires the provider to have the equipment inspected by a qualified contractor and to share the results of the inspection with, and obtain approval from, an OPWDD Safety and Security Officer before returning the woodstove, fireplace or fuel burning device to use.

Background

OPWDD certified Family Care Homes are required to provide individuals receiving services with a safe and sanitary environment in accordance with Title 14 of New York Codes Rules and Regulations (NYCRR) section 635-7.4 and Part 687, OPWDD policy, and applicable building codes. Standardized forms are used by OPWDD Safety and Security Officers and designated State Sponsored and Agency Sponsored Family Care program staff to determine provider compliance with these requirements.

Overview of Changes for Design, Space and Equipment in Family Care Homes

- The revised Form 236 is used by OPWDD Safety and Security Officers when completing Family Care Home inspections. The form was updated in January 2018 and is currently in use in the field.
- The smoke detection policy requirements were modified to specify that smoke detectors must be installed in all bedrooms. Smoke detectors were previously required in bedrooms only in areas of the home built after July 1995, but policy requirements in the Family Care Manual Section 6.1 were modified to enhance fire safety in all Family Care Homes.
- The smoke detection policy requirements were modified to specify that smoke detectors must be replaced every 10 years. Existing regulations in 14 NYCRR section 635-7.4 require that fire protection equipment must be maintained in accordance with the manufacturer's recommendations.
- The fire extinguisher policy guidance was modified to recommend fire extinguishers on each floor of a Family Care Home, including the basement, where applicable.
- Bedroom sharing policy requirements specify the individuals receiving Family Care services cannot share a bedroom with the Family Care Provider's family members. The requirements were modified to note that the only exception that may be approved at the discretion of the Developmental Disabilities State Operations Office Director (or authorized designee) is for children under age 18 to share a bedroom with one other child of similar age and of the same gender. Family Care Coordinators or Medicaid Service Coordinators were previously authorized to approve an exception.

- Telephone service policy requirements were modified to specify that cellular and/or landline services may be used in conformance with amendments to 14 NYCRR section 635-7.4 that were effective on July 3, 2018. Previously only landline services were allowed.
- General safety policy requirements were modified to include a requirement that a dryer vent must be metal or flexible metal and UL approved for its use to enhance fire safety in Family Care Homes.
- A new process was added to implement the Family Care Provider Agreement for an Unused Woodstove/Fireplace or Fuel Burning Appliance. The agreement verifies that the equipment is no longer in use and not subject to certain annual inspection requirements. The agreement also requires the provider to have the equipment inspected by a qualified contractor and to share the results of the inspection with, and obtain approval from, an OPWDD Safety and Security Officer before returning the woodstove, fireplace or fuel burning device to use.
- A new process was added to evaluate the overall household composition and living accommodations at a Family Care Home to determine any impact those conditions have on the individuals receiving services in the Family Care Home. The evaluation may include determinations based on fire safety and the quality of care and supervision provided to individuals receiving services.

Please direct any questions about the content of, or attachments to, this memorandum to the Family Care Unit of the Division of Service Delivery at FamilyCare@opwdd.ny.gov.