

## LETTERHEAD

### **AGREEMENT BETWEEN OPWDD AND FAMILY CARE SPONSORING AGENCY (FOR AGENCY SPONSORED FAMILY CARE)**

This agreement is between the Office for People With Developmental Disabilities (OPWDD) and \_\_\_\_\_ (Agency) referred to in this agreement as the “Sponsoring Agency.”

Upon execution and approval of this Agreement, the Sponsoring Agency is approved to be a Sponsoring Agency of OPWDD certified Family Care Homes, provided that it is and remains a provider of services under the Home and Community Based Services (HCBS) Comprehensive Waiver operated by OPWDD.

Sponsoring Agency agrees to comply with all the following provisions to continue as a Sponsoring Agency under this agreement.

#### **I. Establish Family Care Program**

Sponsoring Agency recognizes that the purpose of a Family Care Home is to provide a residential environment that approximates, as closely as possible, a family setting which enables and encourages individuals receiving services to participate in family and community life on an equal status with other members of the household and agrees to operate its Family Care program in a manner that achieves this purpose.

Sponsoring Agency acknowledges that it is responsible for overseeing its Family Care Providers, and therefore agrees that it must:

- (1) Designate a staff member to serve as coordinator of the agency’s entire Family Care program. The staff person will be given the role of Family Care Coordinator (FCC). The FCC is responsible for ensuring that the Sponsoring Agency and the Family Care Providers it oversees comply with all applicable OPWDD regulations and follow OPWDD policies and procedures.
- (2) Institute policies and procedures that address the conduct of employees, volunteers, and Family Care Providers while functioning in a work-related capacity in accordance with OPWDD regulations at 14 NYCRR §§ 633.5 and 633.7.
- (3) Document that Family Care Providers have been advised of conduct expectations in writing by the Sponsoring Agency and have received training regarding the safety and prevention of abuse of individuals receiving services in accordance with OPWDD regulations at 14 NYCRR § 633.8.

- (4) Have all Family Care Providers read and sign the most recent Justice Center Code of Conduct for Custodians of People With Special Needs prior to exercising any responsibilities as Family Care Providers and on at least an annual basis in accordance with OPWDD regulations at 14 NYCRR § 633.7.

## **II. Criminal History Record Checks, SEL and SCR Checks**

Sponsoring Agency agrees to comply with OPWDD regulations at 14 NYCRR §§ 633.22 and 687.8 regarding criminal history checks of its Providers and all parties age 18 and older who are to reside in the Family Care home (except for individuals receiving Family Care services) and OPWDD regulations at 14 NYCRR § 633.24 regarding checks of the Staff Exclusion List (SEL) and the Statewide Central Register of Child Abuse and Maltreatment (SCR) and ensure that they are successfully completed prior to the initial certification or recertification (if applicable) or when a new adult moves into the home.

## **III. Protection of Individuals' Rights**

Sponsoring Agency agrees to protect the rights of individuals receiving services in its Family Care homes as set forth in OPWDD regulations at 14 NYCRR § 633.4, ensure that those rights are not arbitrarily denied and that its Family Care Providers protect those rights. Sponsoring Agency agrees to ensure that any Behavior Support Plan including a limitation on an individual's rights is developed, approved, and monitored in compliance with OPWDD regulations at 14 NYCRR § 633.16. Sponsoring Agency agrees to develop policies and procedures that establish mechanisms to resolve objections to services in conformance with OPWDD regulations at 14 NYCRR § 633.12.

## **IV. Provision of Care and Treatment**

Sponsoring Agency agrees to ensure that there is a current record containing information on the examination and treatment for each individual receiving services, including a plan of care in compliance with OPWDD regulations at 14 NYCRR § 633.10. Sponsoring Agency agrees to develop policies and procedures relative to prescribed and over-the-counter medications in compliance with OPWDD regulations at 14 NYCRR § 633.17 and ensure that its providers adhere to these policies and procedures.

## **V. Duties of Family Care Providers**

Sponsoring Agency agrees to apprise Family Care Providers of their duties set forth in OPWDD regulations at 14 NYCRR § 687.8 and ensure that they fulfill these duties.

## **VI. Visitation, Inspection, and Investigation of Family Care Homes**

Sponsoring Agency agrees to cooperate with OPWDD in the completion of annual and recertification Family Care Home reviews, in the form and format required by OPWDD, and to cooperate with OPWDD when OPWDD conducts visitation, inspection, and investigation of Family Care Homes as set forth in OPWDD regulations at 14 NYCRR

§ 687.7. Sponsoring Agency agrees to apprise Family Care Providers of their duties to cooperate with OPWDD as set forth in its regulations at 14 NYCRR § 687.7.

## **VII. Reportable Incidents and Notable Occurrences**

Sponsoring Agency agrees to develop policies and procedures in conformance with 14 NYCRR § 624.5 regarding the reporting, recording, investigation, review, and monitoring of reportable incidents and notable occurrences as defined in Part 624 and the reporting and management of events and situations as defined in Part 625 and make them known to Family Care Providers, including their duty to report reportable incidents to the Vulnerable Person's Central Register.

## **VIII. Financial Reporting Requirements**

Sponsoring Agency agrees to comply with all requirements of 14 NYCRR Subpart 635-4 regarding the maintenance and filing of its own financial reports and statistical data and to submit to audits.

## **IX. Management of Personal Funds**

Sponsoring Agency agrees to comply with the requirements of 14 NYCRR § 633.15 in its management of the personal funds of individuals receiving services in the Family Care Homes it sponsors and ensure that all Family Care Providers comply with personal allowance requirements applicable to them.

## **X. Fire Safety and Maintenance of the Physical Plant**

Sponsoring Agency agrees to apprise Family Care Providers of their duties regarding fire safety in the home as set forth in the Family Care Manual and ensure that they fulfill these duties. Sponsoring Agency also agrees to comply with its oversight responsibilities regarding fire safety in its Family Care Homes as set forth in the Family Care Manual. Sponsoring Agency agrees to apprise Family Care Providers of their duties regarding the OPWDD general safety and welfare regulations at 14 NYCRR § 635-7.4.

## **XI. Provision of Home and Community Based Waiver Services (HCBS)**

Sponsoring Agency agrees to ensure that HCBS Residential Habilitation services are provided to individuals in compliance with OPWDD regulations at 14 NYCRR § 635-10 and applicable OPWDD Administrative Memoranda. Sponsoring Agency agrees to apprise Family Care Providers of their duties regarding the delivery of Residential Habilitation services.

## **XII. Provision of Required Supplies and Services**

Sponsoring Agency agrees to assume the cost of all items required by 14 NYCRR 635-9.1(3)(i) for Family Care Providers and each individual receiving services and agrees to ensure that its Family Care Providers assume the cost of all items required by OPWDD regulations at 14 NYCRR § 635-9.1(3)(ii).

## **XIII. Obligations to Family Care Providers**

Sponsoring Agency agrees to supply its Family Care Providers with necessary resources, information, and supports as follows:

- (1) With consent from the individual, the Sponsoring Agency will make sufficient information available to a new or existing Family Care Provider about an individual who will be referred for placement at the provider's Family Care Home, to enable the provider to determine if the Family Care Home can meet the individual's needs.
- (2) The Sponsoring Agency will provide sufficient clinical and administrative support to maintain appropriate Family Care Home placements for individuals receiving services in accordance with the OPWDD Family Care Manual, applicable OPWDD regulations, and State Mental Hygiene Law.
- (3) The Sponsoring Agency will provide its Family Care Providers with current information on payments to the Family Care Providers as providers of services and on the personal allowance, benefits, and entitlements for individuals receiving services.
- (4) The Sponsoring Agency will ensure that Family Care Providers are provided with prior notification of and opportunity to attend and participate in planning meetings for each individual receiving services, unless an individual objects to such notification, attendance, or participation of the Family Care Provider.
- (5) The Sponsoring Agency will supply each Family Care Provider with a copy of the OPWDD Family Care Manual.
- (6) The Sponsoring Agency will provide each Family Care Provider with prompt notice of any changes in OPWDD policies or regulations affecting Family Care Homes and supply each provider with updated copies of those policies or regulations.
- (7) The Sponsoring Agency will provide Family Care Providers with reasonable notice of visits (except those required to be unannounced by 14 NYCRR § 687.7(b)), cancellations, meetings, and trainings.

- (8) The Sponsoring Agency will make Sponsoring Agency staff available to discuss with a Family Care Provider concerns about Sponsoring Agency decisions or actions that the provider believes have or will negatively affect the home or the individuals receiving services.
- (9) The Sponsoring Agency will ensure that its Family Care Providers are sufficiently represented on the Family Care Advisory Council to address the providers' issues and concerns.
- (10) The Sponsoring Agency will communicate clearly and promptly with Family Care Providers on issues affecting the certification of their Family Care Homes or affecting the individuals receiving services to the extent permitted by any ongoing investigation.
- (11) The Sponsoring Agency will treat Family Care Providers respectfully regardless of religion, race, color, national origin, sex, sexual orientation, disability, or age.

Sponsoring Agency agrees that the Board of Directors will review this Agreement for compliance with each provision on an annual basis.

OPWDD may cancel this Agreement without cause upon at least 60-day written notice to the Sponsoring Agency. Such notice shall be sent by certified mail, return receipt requested.

In the event that OPWDD cancels this Agreement for cause, OPWDD will provide a notice of cancellation.

In the event that the Sponsoring Agency terminates this Agreement, the Sponsoring Agency will provide to OPWDD a written 60-day notice of cancellation.

In the event of cancellation of this Agreement, the Sponsoring Agency shall cooperate with OPWDD to develop an acceptable transition plan that ensures the safe and appropriate placement of the individuals being served in its Family Care Homes.

\_\_\_\_\_  
Name of Sponsoring Agency

\_\_\_\_\_  
Signature of Agency Representative

\_\_\_\_\_  
Print Name of Agency Representative

\_\_\_\_\_  
Address (please print)

\_\_\_\_\_  
Title of Agency Representative

\_\_\_\_\_  
Agency Phone Number

\_\_\_\_\_  
Date