

## Recertification Requirements for Family Care Homes

### Section 7.2

The Commissioner of the Office for People With Developmental Disabilities (OPWDD) or his/her designee is responsible for recertifying all Family Care Homes (FCHs). The operating certificate for a FCH must be renewed prior to the expiration of the current operating certificate. Operating certificates may be issued for up to but no longer than three years.

Individuals may remain in a Family Care Home only if there is a current and valid operating certificate or if there has been a timely and sufficient application for renewal of the operating certificate.

No operating certificate may be renewed by the Commissioner (or designee) unless all the requirements listed below are met.

#### Recertification of a Family Care Home

The Family Care Provider (FCP) must:

- Complete all required trainings
- Complete the *Reaffirmation Statement for Recertification*, or if there have been significant structural changes made to the home (i.e. renovations) or additions to the household composition since last certification, complete the *Initial Application for Family Care Home Certification*
- Submit the physician's statement and the results of any medical testing required by the Sponsoring Agency's policy
- Allow an OPWDD Safety & Security Officer into the home to complete a Fire and Safety inspection and cooperate with the Sponsoring Agency to remedy any issues found during this inspection
- Allow Sponsoring Agency staff or designee to complete a comprehensive recertification review using the OPWDD approved review instrument and cooperate with the Sponsoring Agency to remedy any issues found during the review.
- Have a written Fire Evacuation Plan and documentation that fire drills were conducted on at least a monthly basis and at different times of the day and varied days of the week
- Sign the NYS Justice Center *Code of Conduct form*
- Request the Sponsoring Agency to submit for background checks (Staff Exclusion List, Criminal History Background, and Statewide Central Register of Child Abuse and Maltreatment checks in accordance with 14 NYCRR subdivision 687.8(p), when any adult (other than an individual receiving family care services) moves into the home and when any child residing in the home turns 18 years old
- Provide documentation of all pet vaccinations, dog licenses, well-water testing for private water sources, and annual furnace inspection
- Make arrangements with assistance from the Sponsoring Agency, with other providers of services for the provision of health, habilitation, day services, education, employment, transportation or other services

- Not have been convicted of a class A, B, or C Felony

### **Designated Family Care Staff Responsibilities**

The Sponsoring Agency must work with the FCP to ensure that required recertification documents are submitted to the designated staff in the Developmental Disabilities State Operations Offices (DDSOO) prior to the expiration date listed on the current operating certificate. The recertification packets with required attachments should be submitted by at least the 15<sup>th</sup> of the month prior to the expiration date on the operating certificate. For example, if an operating certificate expires on March 30<sup>th</sup>, the recertification packet should be submitted to the DDSOO by February 15<sup>th</sup>. Any issues identified during the recertification process must be remedied. This is especially important for the required background checks and the fire and safety inspection.

Each Sponsoring Agency must have a process in place to track Family Care Homes coming due for recertification so that at least three months in advance of the expiration of the operating certificate, the Sponsoring Agency is notifying the FCP of the recertification date and working with the FCP to ensure all required elements are completed. If there is an unexpected circumstance that prevents the recertification packet from being completed by the 15<sup>th</sup> of the month prior to expiration date on the operating certificate, the Sponsoring Agency must submit the application and all the documents that are complete to the designated DDSOO Family Care contact, with an explanation of what is outstanding and a plan for resolution. This may only occur in situations that are unexpected or unforeseen. For example, failure to obtain required training cannot be attributed to unexpected circumstances. This is something that is avoidable with proper planning by the Sponsoring Agency and FCP.

The Sponsoring Agency will use the *Family Care Home Recertification Checklist* to document the agency's completion of required recertification activities. The checklist must be completed by an agency representative other than the Family Care Home Liaison who conducts monthly visits. The Sponsoring Agency representative will confirm that the recertification review included at a minimum the following:

- Verification that the FCP completed all required trainings
- Verification that the FCP submitted a completed application form: either the *Reaffirmation Statement for Recertification* or if significant structural changes were made to the home (i.e. renovations) or if there were additions to the household composition since last certification, the *Initial Application for Family Care Home Certification*
- Verification that the updated physician's statement indicated the FCP is in good health and emotionally and physically able to continue care for the individuals supported in the home
- Verification that an OPWDD Safety and Security Officer completed an in-person review of the home using the OPWDD approved Fire and Safety Inspection Form and the home was found to be safe
- Verification that a written *Fire Evacuation Plan* is in place that meets the needs of the individual(s) supported in the home

- Verification that at a minimum six months of fire drill forms were reviewed to ensure completeness and adherence to policy
- Verification that the NYS Justice Center *Code of Conduct Form* is signed and reviewed by the FCP annually
- Verification that all required background checks were completed on any household member age 18 or older, if not previously completed (Staff Exclusion List, State Central Register of Child Abuse and Maltreatment, Justice Center Criminal Background Check)
- Verification that Sponsoring Agency staff completed an in-home recertification visit using the OPWDD approved review instrument and any identified issues have been remedied
- Verification that all incidents involving individuals in the home since the last certification date were reviewed (Note: A review is directed toward ensuring that all incidents were properly reported, investigated and reviewed and that appropriate protections were provided to individuals upon discovery and in response to the investigation and committee review recommendations)
- Verification that all current plans (Residential Habilitation, Behavior Support Plans, Individualized Service Plans/Life Plans, Plans of Nursing Services etc.) were reviewed. (Note: A review is directed toward ensuring the plans were properly implemented and monitored, that they were appropriate for the individual's needs and that they are updated in accordance with changes in the individual's needs.)
- Verification that all required consents and committee reviews were obtained for Behavior Support Plans including restrictive or intrusive interventions and for any use of medication to modify behavior or treat a psychiatric condition.
- Verification that health care services provided to an individual during the last year were reviewed. (Note: A review is directed towards ensuring the individual received all required and practitioner recommended health care services in a timely manner and that treatment, including medication, was provided as ordered)
- Verification that at a minimum six months of the *Family Care Program Monthly Visit forms (Form 239)* were reviewed to ensure monthly visits were completed and any identified issues were remedied
- Verification that a minimum of six months of Personal Allowance ledgers were reviewed and the Provider complied with Personal Allowance requirements.
- Verification that the FCP continues to have adequate financial resources to meet the needs of the individuals in the household
- Verification that the FCP has not been convicted of a class A, B, or C felony

### **Recertification of State Sponsored Family Care Homes**

Designated State Sponsored staff must complete recertification activities in accordance with this policy. This includes completion of the OPWDD approved review instrument and the *Family Care Home Recertification Checklist*. The designated State Sponsored staff must work with the FCP to remedy any identified issues. Once all requirements are satisfied, the application and supporting documents must be sent to the designated contact for review and approval. The designated State Sponsored staff will review the

recertification packet to ensure completeness and remedy of outstanding issues. Once internal reviews have occurred, the designee should sign the *DDSOO Family Care Attestation for Recertification Attestation* and forward it along with the packet to the DDSOO Director for a final review. If a recommendation is made by the DDSOO Director to support the recertification of the home, the DDSOO Director will sign the *DDSOO Family Care Attestation: Readiness for Recertification Attestation*. The attestation along with the required attachments must then be forwarded to the OPWDD Division of Quality Improvement for issuance of the operating certificate. Required attachments must include: reaffirmation statement or application, recertification checklist, copy of the OPWDD approved review instrument, copy of the OPWDD approved fire and safety inspection, and any statements of deficiencies and plans of corrective action associated with the recertification.

If a FCP is not willing to make changes necessary to support recertification or if there have been any issues or concerns about the care and treatment of the individuals in the home, the DDSOO Family Care team must discuss them, implement protections, and ensure these issues are addressed and remedied during the recertification process. During recertification or anytime during operation, the DDSOO Director and the Office of Counsel should be consulted if there are concerns or issues that may require the suspension or revocation of the operating certificate, as described in the Administrative Memorandum Suspension and Revocation Actions on Family Care operating certificates. (ADM #2018-04).

### **Recertification of Agency Sponsored Family Care Homes**

It is required that Agency Sponsored Family Care staff and Family Care Providers complete recertification reviews and activities in accordance with this policy. This includes completion of the required OPWDD approved Family Care review instrument and the *Family Care Home Recertification Checklist*. Once requirements are satisfied the agency Executive Director or an authorized designee must review and sign the *Affirmation of Recertification Actions*. It is expected that the recertification activities are completed prior to the expiration of the operating certificate to prevent lapses. The application with required attachments must be submitted by the 15<sup>th</sup> of the month prior to the expiration of the operating certificate. For example, if an operating certificate expires on March 30<sup>th</sup>, the recertification packet should be submitted to the DDSOO by February 15<sup>th</sup>.

The Sponsoring Agency must submit the following information to the DDSOO designated Family Care Staff for recertification:

- Copy of the Application for *Family Care Home Initial Certification* or, if no significant household changes, the *Reaffirmation Statement for Recertification*
- Verification of the Family Care Provider's address and Social Security number
- Copy of the *Affirmation of Agency Sponsored Recertification Actions* with any plan of corrective actions
- Copy of OPWDD approved review instrument completed by Sponsoring Agency Staff

- Copy of the fire and safety inspection completed by OPWDD Safety and Security Officer
- Copy of *Family Care Home Recertification Checklist* signed and verified by Sponsoring Agency Family Care Staff
- Any statements of deficiencies and plans of corrective action issued as part of the recertification

DDSOO staff must ensure the documents listed above are included in the recertification packet. The DDSOO must confirm that the agency completed and signed the affirmation and recertification checklist which verify reviews have occurred, any identified issues have been remedied, and the agency Executive Director or an authorized designee is supporting recertification of the home. Once these steps have been completed and verified the DDSOO staff will sign the *DDSOO Family Care Attestation: Readiness for Recertification Attestation* and forward the recertification packet to the DDSOO Director for review. If a recommendation is made by the DDSOO Director to support the recertification of the home, the Director will sign the attestation and submit it along with the attachments listed above to the OPWDD Division of Quality Improvement for issuance of the operating certificate.

If a FCP is not willing to make changes necessary to support recertification or if there have been any issues or concerns about the care and treatment of the individuals in the home, the Sponsoring Agency Family Care team must discuss them, implement protections, and ensure these issues are addressed and remedied during the recertification process. It is the responsibility of the Sponsoring Agency to inform the designated DDSOO Family Care contact if there are incidents or unsafe conditions in a Family Care Home that may warrant action against the operating certificate as described in the Suspension and Revocation Actions on Family Care Operating Certificates (ADM #2018-04). During recertification or anytime during operation, the DDSOO Director (or designee) and the Office of Counsel should be consulted if there are concerns or issues that may require the suspension or revocation of the operating certificate.

### **Survey Sample of Agency Sponsored Family Care**

During each review cycle, from October 1<sup>st</sup> through September 30<sup>th</sup>, the DDSOO will complete a comprehensive review of a sample of recertification packets submitted by Sponsoring Agencies. The sample will include at least one recertification packet from each Sponsoring Agency that has homes due for recertification. As part of this sample, the DDSOO staff will arrange a time to complete a file review at the Sponsoring Agency offices. During this review, the DDSOO will review records for at least one individual who resides in the Family Care Home. If issues are identified during the review, the DDSOO reserves the right to broaden the sample.