

SUBJECT: Supporting Individuals to Safely Access Community Activities

Note: This memorandum supersedes the August 12, 2011 memorandum titled “Oversight of Individuals in Our Care” and the May 28, 2015 memo/alert “Supporting Individuals to Safely Access Community Activities”

OPWDD’s vision for people with developmental disabilities includes full and meaningful participation in their communities. It is expected that agencies facilitate each individuals’ access to community resources preferred by the person and ensure safeguards and supervision are provided in accordance with their needs and informed choices. Service Providers must be particularly mindful about safety before, during, and after transportation to and from community activities, when individuals may be at increased risk for wandering, injury, or other harm. These risks can be mitigated when providers implement formal procedures that identify responsibilities of their paid on duty employees and the **person-specific** safeguards and supports, as needed, for each individual involved in the activities.

OPWDD expects agencies, including State-operated and voluntary-operated service providers, and contracted transportation providers (registered providers), to comply with the following community travel guidelines as needed, which are applicable to routine and non-routine travel involving individuals receiving services.

General Transportation Safety:

OPWDD operated, certified, and funded service providers and contracted transportation providers must implement procedures that ensure individuals receiving services arrive safely at their intended destinations, **when transportation is provided by or when individuals are accompanied by paid on-duty employees or contracted transportation providers.**

These procedures must include, at minimum, the following safeguards:

- Each individual must be supervised, inside the vehicle or mode of transportation, in accordance with safeguards and supports identified in his or her service plan. No individual should be left unattended in a vehicle or mode of transportation unless there is documentation, as noted in the person specific safeguards and supports that explicitly identifies circumstances in which the individual may be left unattended.
- There must be a procedure for inspection to verify that no individual remains inside the vehicle or mode of transportation after a trip is completed. The procedure must identify the person responsible for the inspection (e.g., the driver or paid on-duty employee) and include at least one of the following safe practices:
 - Use of a procedure involving opening of car doors to ensure individuals exited from all seating areas inside passenger cars;

- Or a procedure, as outlined in the person specific safeguards and supports, to ensure that the individual safely enters and exits the mode of transportation, in the case of public transportation, paratransit or medical transportation.
 - Use of an on-board back to front inspection to ensure that all passengers exited mini-vans, vans, and buses; and/or
 - Use of electronic sensor devices installed in mini-vans, vans, and buses to minimize the possibility that an individual is left inside the vehicle.

- For every trip that involves use of a mini-van, van, or bus, there should be documentation to verify that the vehicle was checked to ensure that all individuals boarded and exited the vehicle, as intended.

- Where electronic sensor devices are used as an alternative to on-board inspections, there should be documentation to verify that the devices are inspected, maintained, and periodically tested to ensure that they are in good working order.

- Paid on-duty employees who accompany individuals during transportation, including those employed by contracted transportation vendors, must be familiar with each individual's need for assistance, supervision and safeguards. This may include wheelchair safety needs and use of special equipment such as devices intended to secure wheelchairs, where applicable.

- Paid on-duty employees and contracted drivers, front seat passengers, and children under age 16 must wear seatbelts in accordance with NYS Law. Staff who accompany individuals during transportation should encourage the use of seatbelts for all passengers. Consider education strategies, when applicable.

- Agencies that contract with other entities for transportation services must ensure that the transportation providers have policies and procedures, including staff training requirements, consistent with the safety measures identified in this document.

- Drivers must comply with all State licensing and traffic laws.

- When individuals require supervision and/or support when using public transportation (including but not limited to bus, subway, train) or paratransit or medical transportation, the individual's written service plan must specify his/her needs during travel and the support to be provided by staff.

Additional Residential Program Responsibilities:

OPWDD operated and certified residential facilities must implement procedures to ensure that individuals who reside in those facilities, and require transportation to routine and non-routine community activities (e.g.; day programs, work locations, and routine social, leisure, and recreational activities), receive individualized supports and supervision they need to arrive safely at their intended destinations and return safely home to their residences. In addition to the **General Transportation Safety** guidelines described in this document, residential program transportation safety procedures should also include:

- Documentation available to facility staff that identifies the type, schedule, and provider of transportation for each individual *who is determined to require oversight and/or assistance* to access their routine activities per their individualized plan, including:
 - the name of the entity providing the transportation (e.g., the residential services provider, a day services provider, a contracted transportation vendor, a public transportation service, paratransit, medical transportation, a family member or friend), and a phone number/contact information needed to contact the transportation provider;
 - the dates and times or routine schedule for the transportation use;
 - identifying information about routine travel destinations, e.g. day program;
 - the name and/or title of any person who must accompany the individual during transportation, if applicable; and
 - information on specific supports (e.g., equipment or assistance) or supervision the individual needs to identify and safely board the correct vehicle; to travel safely inside the vehicle; and to exit safely upon arrival at the destination.
- Staff training to ensure that all staff members involved in transportation, including supervisors and substitute staff, are familiar with general, facility-specific, and individual-specific transportation safety procedures.
- Staff deployment plans to ensure sufficient trained staff are available to meet the individuals' transportation safety needs.
- Mechanisms, including assignment of oversight responsibilities, to ensure that general, facility-specific, and individual-specific transportation safety procedures are consistently implemented, across all appropriate shifts of staff, and to ensure that the procedures are updated in a timely manner, as needed.

Additional Non-Residential Provider Responsibilities:

OPWDD operated, certified, and funded programs and services, other than residential services, must also implement procedures to ensure that individuals are provided with individualized safeguards when the program or service is responsible for the transportation of the individuals receiving services. Most day services are funded to provide individuals with to/from transportation and transportation to community locations during service provision and are required to provide individuals with safeguards and supports in accordance with their needs. In addition these responsibilities would apply when paid on-duty staff accompany individuals using public transportation, paratransit or medical transportation.

In addition to the **General Transportation Safety** guidelines described in this document, day program transportation safety procedures must also include the same documentation, staff training, staff deployment plans, and oversight identified as **Additional Residential Program Responsibilities**, and include specific attention to protections during arrivals and departure from certified sites and/or other service delivery locations as follows.

- **Attendance.** Procedures must include means to verify attendance at the beginning of service provision and upon arrival at any new service location during service provision. A staff member must be assigned responsibility to take attendance upon individuals' arrival at each service location.
- **Absences.** Procedures must include means to verify the whereabouts of each individual who is unexpectedly absent from the program site or service location, based on his or her individual history and vulnerability. These procedures should include:
 - a requirement for contact with an individual's residential program, if the individual residence is certified by any state entity;
 - a mechanism to determine when contact with the individual, family or other responsible party is needed, if the individual does not reside in a certified residence;
 - a protocol for determining when to contact law enforcement in an effort to locate an individual who is unexpectedly absent from the day service and may be at risk; and
 - means to determine when an unexpected absence must be reported as a "missing persons" or "unauthorized absence" incident in accordance with 14 NYCRR Part 624 or as an event or situation that must be reported in accordance with 14 NYCRR Part 625.

Contact information. Procedures must require day services providers to maintain up-to-date contact information for each individual receiving services. The procedures should identify the circumstances, beyond those required for reporting incidents, events, and situations in accordance with Parts 624 and 625, when contacts must be used to locate an individual receiving services. These procedures should include individualized responses to absences because some individuals may travel independently and may not be considered at risk when absent from or late for services.

Transportation safety can be particularly challenging during the busy morning and afternoon transitional times when many individuals, using varied types and sources of transportation, leave or arrive at a service location site at the same time. Clear expectations and effective communication among support staff and service providers are necessary to optimize transportation safety. Regular monitoring and supervision are also necessary to ensure that transportation safety procedures are implemented as intended and updated as needed in accordance with individuals' transportation safety needs.