

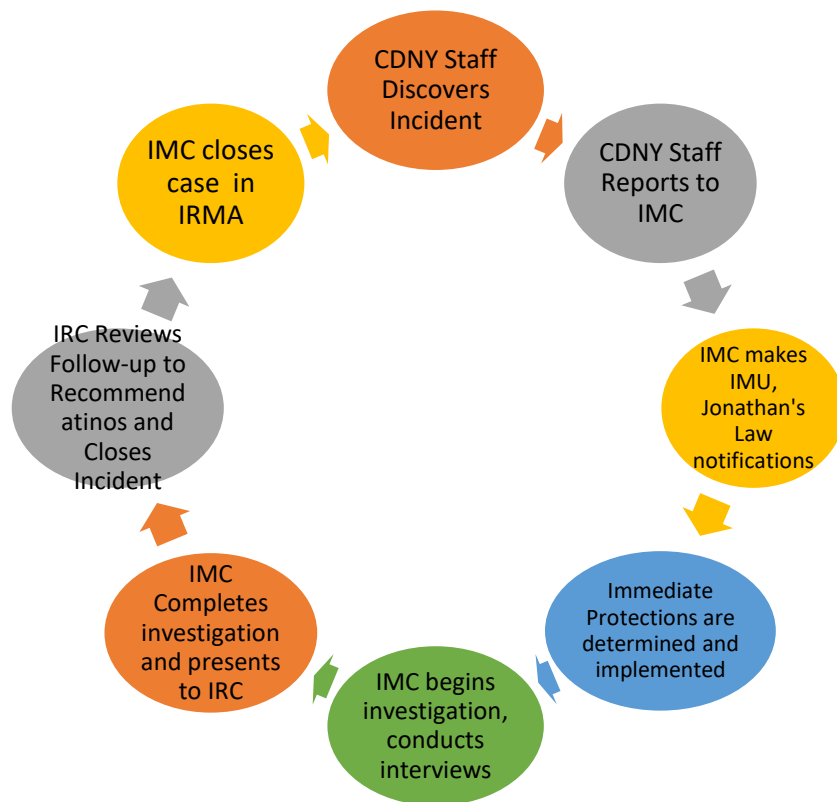


STANDARD OPERATING PROCEDURE: INCIDENT MANAGEMENT- 624 INCIDENTS

Ver: 3.0	Eff. Date: 11/6/2023
Approved by: Lisa John, Chief Compliance Officer	Signature: <i>Lisa John</i>

Purpose: The purpose of this Standard Operating Procedure is to provide a step-by-step guide from the time a 624 Incident is discovered by a Care Design NY staff and reported to Incident Management, and to its closure by IRC and closed in the OPWDD Incident Report and Management Application (IRMA). In the case of 624s occurring under the auspices of a provider agency, this Standard Operating Procedure outlines the steps to be taken by the Care Manager to ensure protections are in place and that proper notifications have been made.

Overview Process Flow – Allegations Against Care Design NY Staff



Procedure

Procedural Category: 624 Incidents for Allegations Against Care Design NY Staff

1. When a Care Design NY staff member witnesses or receives notification of an allegation against another Care Design NY staff member, the Incident



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Management Coordinator (IMC) will be notified immediately by phone and email to incidents@caredesignny.org.

2. The Incident Management Coordinator classifies the incident.
3. Care Design NY Care Management and Incident Management determine Immediate Protections to be implemented to protect the involved member and any other potentially affected members.
4. For Reportable and Significant Incidents, the IMC completes proper notifications by phone to OPWDD Incident Management Unit (including immediate protections), to the qualified person for Jonathan's Law notifications (within 24 hours), and to Law Enforcement, if the allegation is of physical or sexual abuse, financial exploitation, or if any crime is alleged to have been committed against a member.
 - a. For Willowbrook Class Members, refer to the Willowbrook Guidelines for WB Incident reporting, Revised May 2023 (Gray "Cheat Sheet") available on OPWDD's website. For specific notification guidelines and contact numbers pertaining to Reportable Abuse/Neglect, Reportable Significant, Serious Notable Occurrences (Death and Sensitive Situations), and Minor Notable Occurrences.
 - b. All initial notifications are made to the Consumer Advisory Board (CAB) Main Office at (718) 477-8800 via telephone, within 24 hours of the incident. The initial notification must include:
 - i. A description of the event or situation and a description of initial actions taken to address the incident or occurrence.
 - ii. An offer to meet with the chief executive officer (or designee) to further discuss the incident or occurrence.
 - iii. For reports of abuse and neglect, an offer to provide information on the status and/or finding of the report. Requested information shall be provided verbally or in writing, unless the person is a capable adult and objects to the provision of this information. In providing such information, the agency must protect the privacy rights of other parties.
 - c. CAB Main Office OPWDD.sm.CAB.Incidents@opwdd.ny.gov is required to receive the following secondary notifications for all WB Class members.



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CAB does not need to make a request for these documents. The Permanent Injunction mandates they should be automatically sent for all class members.

- i. OPWDD 147 Incident Report
 - ii. OPWDD 148- Jonathan’s Law Report
 - iii. Copies of IRC Minutes (redacted to not include any members names who are not class members)
 - iv. Copies of 30-day updates within 24 hours of required entry into IRMA
 - d. If the class member is a self-advocate or has another correspondent besides, or in addition to CAB, they are to also receive the phone notification, with offers for a meeting and OPWDD 148 or equivalent.
5. The IMC will begin the investigation immediately, including reviewing documentation, taking preliminary statements, and conducting interviews. If a conflict of interest arises for the assigned investigator, the IMC will notify the Chief Compliance Officer to assign a different investigator.
 6. If Law Enforcement investigates, the IMC/investigator will comply with their direction regarding CDNY’s investigation and provide this update in IRMA.
 7. By the close of the next business day after discovery, the IMC will enter initial information into IRMA.
 8. The IMC will enter information regarding all notifications into IRMA. Notification to Law Enforcement will be entered within 24 hours of the report being made.
 9. The IMC will enter immediate protections within one business day of implementation.
 10. For Minor Notable Occurrences, the IMC will enter within 48 hours of occurrence or discovery, or by close of next business day, whichever is later, initial information into IRMA.
 11. Investigations will be completed within 5 days unless more time is required to complete a thorough investigation. Care Management will be notified of such.



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12. If the target employee leaves employment prior to the completion of the investigation, the investigation will continue to its completion and the allegation will be determined to be Substantiated or Unsubstantiated.
13. Within 30 days of discovery, the Incident Review Committee (IRC) will convene to be advised of the incident and immediate protections implemented, for their review.
14. Upon completion of the investigation, the IRC will review the 149, including findings, conclusions, and recommendations. The IRC will make additional recommendations when necessary or request further investigation.
15. Within 3 weeks of each IRC meeting, the IMC will enter IRC minutes into IRMA and may use these as monthly updates. Minutes reflect full names of parties involved and reflect all recusals throughout the meeting.
16. Within 5 days of the IRC review, the IMC will submit to the CEO Designee, Care Management Leadership, the Chief Compliance Officer, Director of Compliance and the Chief of Human Resources, and responsible parties, findings, and written recommendations from the 149 and any additional recommendations from the IRC.
17. Responsible parties are to respond to recommendations within 10 business days by informing the Incident Management Coordinator of the corrective action plan and by providing proof of completion.
18. Within 50 days of the completion of the investigation (when the investigator signs the 149), the entirety of the investigative record, including all written statements and supportive documentation, must be uploaded into IRMA.
19. At the next IRC meeting (within 30 days) all responses to recommendations (corrective actions) will be reviewed by IRC and a decision will be made to approve or to request an amendment to the corrective actions.
20. Once all corrective actions have been approved by the IRC, the incident will be considered closed, and the Incident Management Coordinator will close the incident in IRMA.



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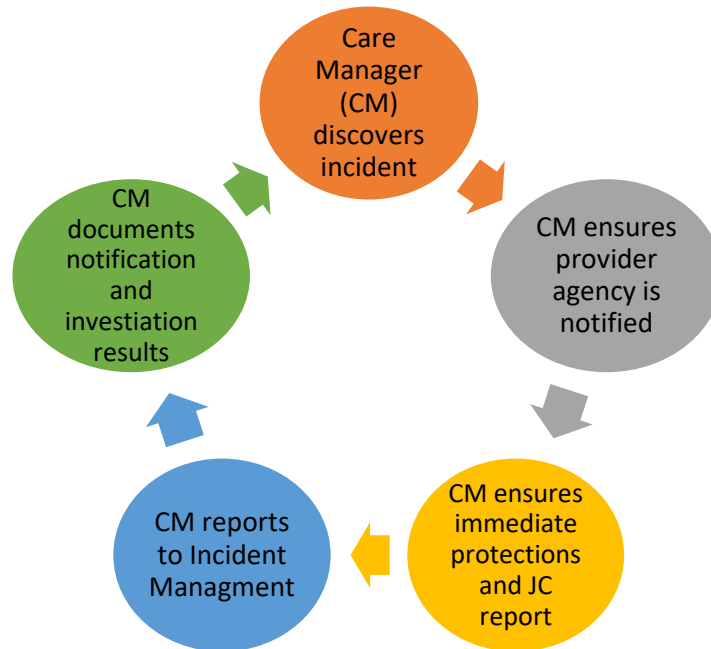
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Procedural Category: 624 Incidents Occurring under the Auspices of a Provider Agency



1. When a Care Design NY Care Manager is notified by a provider agency of a 624 Incident which has taken place under the auspices of that agency, the Care Manager will ensure that immediate protections have been implemented by the provider agency and that a report has been made to the Justice Center.
2. If the Care Manager discovers that the Justice Center has not been notified and that the provider agency refuses to notify the Justice Center, then the Care Manager, as a mandated reporter, will make a report to the Justice Center and notify the provider agency's Quality Assurance Department, and notify incidents@caredesignny.org of the call.
3. When a Care Design NY Care Manager is notified by someone other than a provider agency of a 624 Incident which took place under the auspices of a provider agency, the Care Manager will first contact the provider agency to ensure that:
 - a. They are aware of the incident.
 - b. Immediate protections have been implemented.
 - c. The Justice Center has been or will be notified.



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- d. If an incident of abuse/neglect at the provider, the CM will ensure the investigating agency has conducted SCR check.
 - e. For Willowbrook members, Incident Reporting guidelines under the WB Permanent Injunction have been followed.
4. The Care Manager notifies the Care Manager Supervisor by phone and email and makes notification to incidents@caredesignny.org.
 5. If the Care Manager learns that the Justice Center has not been notified and that the provider agency refuses to report to the Justice Center, then the Care Manager, as a mandated reporter, will follow guidance in step #2.
 6. Care Managers must ensure that all suicides, homicides, accidental deaths, or deaths due to suspicious, unusual, or unnatural circumstances are reported by the provider agency immediately by telephone, and later in writing, to the coroner/medical examiner. In New York City, the police must be notified.
 7. The Care Manager documents in MediSked under Task: "Notification of Incident at Provider Agency."
 8. The Care Manager will request periodic updates and ensure receipt of written information from the provider agency identifying investigative conclusions, including findings for a report of abuse or neglect, within 10 days of the conclusion of an investigation.

Related Resources

Care Design NY [Incident Management Policy, V3 3.4.2023](#) located in CDNY SharePoint [The Part 624 and Part 625 Handbook](#), and [Guidelines for Willowbrook Incident Reporting](#) which can be downloaded from opwdd.ny.gov