

AUTISM SERVICES, INC.



Policies & Procedures

Incident Management Part 3 Policy and Procedure Part 625 Event Policy

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Applies to: All ASI OPWDD Programs

Regulations referenced: OPWDD Part 625

Policy: ASI will intervene and take action on behalf of a participant for whom the agency provides OPWDD services, upon discovering events or situations of abuse, neglect, financial exploitation or death when such events or situations occur during times that the agency is not directly responsible for the participant's care.

Examples of when ASI is not directly responsible for the participant's care, include but are not limited to:

- Times when staff were not and should not have been physically present or providing services.
- Events and situations that occur at a relative's home or involved family, friends.
- Events and situations that involve employers or co-workers.

For the purpose of this policy, Part 625 events or situations of abuse, neglect, financial exploitation or death are defined in section IV of this policy.

Procedures:

- I. Program Supervisor:
 - a. Upon notification or discovery, determines if an event or situation meets the definition of a Part 625 event.
 - b. Makes all notifications: CEO, Care Coordinator, Sr. Director of Programs, QI Administrator.
 - c. Notify OPWDD Incident Compliance Officer via telephone within 24 hours.
 - d. Notify Child Protective Services (CPS) as applicable.

- e. Notify APS (Adult Protective Services) as applicable (Note: if the person receives OPWDD services, the local DDRO must be contacted prior to contacting APS).
- f. Notify the NYS Justice Center of all deaths. Contact the death reporting hotline.
- g. Complete OPWDD 150 form and Part 625 event reporting form. Send to QI Administrator for entry into IRMA.
- h. Complete summary of resolution of event and send to QI Administrator within 30 days of filing event. Report any additional updates to QI Administrator.

II. QI Department:

- a. Ensure the program supervisor thoroughly completed the OPWDD 150 form.
- b. Ensure the event is entered into IRMA within 24 hours of occurrence or discovery or by close of the next working day, whichever is later. Initial information shall identify all actions taken by the agency, including any initial actions taken to protect the involved individual.
- c. Report on updates on the event or situation in IRMA on a monthly basis or more frequently upon the request of OPWDD until the event or situation is resolved. Such updates shall include information about subsequent interventions and shall include information about the resolution of the event or situation.
- d. Ensure summary of resolution of event/conclusion is completed by the program supervisor and entered into IRMA within 30 days of filing the event.
- e. Ensure event is reviewed by the agency's Special Review Committee at the next SRC meeting.
- f. Ensure casefile is kept secure and confidential

III. Special Review Committee:

- a. Review each Part 625 event and actions taken.
- b. Make any additional recommendations of actions to be taken.

IV. Definitions of Part 625 Events:

- a. Physical abuse: The non-accidental use of force that results in bodily injury, pain, or impairment, including but not limited to, being slapped, burned, cut, bruised, or improperly physically restrained.
- b. Sexual abuse: Non-consensual sexual contact of any kind, including but not limited to, forcing sexual contact or forcing sex with a third party.

- c. Emotional abuse: The willful infliction of mental or emotional anguish by threat, humiliation, intimidation, or other abusive conduct, including but not limited to, frightening or isolating a person.
 - d. Active neglect: The willful failure by the caregiver to fulfill the care-taking functions and responsibilities assumed by the caregiver, including but not limited to, abandonment, willful deprivation of food, water, heat, clean clothing and bedding, eyeglasses or dentures, or health related services.
 - e. Passive neglect: The non-willful failure of a caregiver to fulfill care-taking functions and responsibilities assumed by the caregiver, including but not limited to, abandonment or denial of food or health related services because of inadequate caregiver knowledge, infirmity, or disputing the value of prescribed services.
 - f. Self-neglect: An adult's inability, due to physical and/or mental impairments, to perform tasks essential to caring for oneself, including but not limited to, providing essential food, clothing, shelter, and medical care; obtaining goods and services necessary to maintain physical health, mental health, emotional well-being, and general safety; or managing financial affairs.
 - g. Financial exploitation: The use of a person's funds, property, or resources by another individual, including but not limited to, fraud, false pretenses, embezzlement, conspiracy, forgery, falsifying records, coerced property transfers, or denial of access to assets.
 - h. Death: The end of life, expected or unexpected, regardless of cause.
- V. Actions taken in response to a Part 625 event to protect the involved participant as appropriate, may include but are not limited to:
- a. Notifying an appropriate party that may be in a position to address the event or situation (e.g. Statewide Central Register of Child Abuse and Maltreatment, Adult Protective Services, law enforcement officials, family members, school, hospital, or the Office of Professional Discipline);
 - b. Offering to make referrals to appropriate service providers, clinicians, State agencies, or any other appropriate parties;
 - c. Interviewing the involved individual and/or witnesses;
 - d. Assessing and monitoring the individual;
 - e. Reviewing records and other relevant documentation
 - f. Educating the individual about his or her choices and options regarding the matter.
- VI. Determining agency responsible for event:

- a. If more than one agency is providing services to the participant, there shall be a responsible agency that is designated to intervene in the order stated, per Part 625 regulations:
 - i. residential facility, including a family care home (note: this does not include free-standing respite facilities);
 - ii. certified day program (if the individual is receiving services from more than one certified day program, the responsible agency shall be the agency that provides the greater duration of service on a regular basis);
 - iii. Care Coordination or Basic Home and Community Based Services (HSBC) Plan Support Services;
 - iv. HCBS Waiver services including respite services provided at a free standing respite facility or services under the Care at Home Waiver; SEMP, ETP, PTE, Respite (In Home, After school, vacation camp, TRAC)
 - v. FSS (In Home Clinical, Social Skills), ISS and/or Article 16 clinic services;
 - vi. Any other service certified, operated, or funded by OPWDD.
 - vii. If an ASI program discovers the event or situation and is not the responsible agency, ASI shall notify the responsible agency of the event or situation (unless it is sure that the responsible agency is already aware).

VII. Deaths:

- a. All deaths shall be reported, investigated and followed up on as per part 624 and 625 regulations. See the agency's Incident Management Policy Part 1 for steps to take in the event of a death whether it occurs under the auspices of the agency or not.