



**TO:** Executive Directors of Voluntary Provider Agencies  
Directors, Developmental Disabilities Regional Offices  
Directors, Developmental Disabilities State Operations Offices  
IBR Director  
Provider Associations

**FROM:** Megan O'Connor-Hebert, Deputy Commissioner  
Division of Quality Improvement

Helene DeSanto, Deputy Commissioner  
Division of Service Delivery

**DATE:** September 22, 2014

**RE:** Willowbrook Incident Reporting and Notification Requirements

**Suggested Distribution:**

Incident Coordinators  
Quality Assurance/Quality Improvement Staff  
Members of Incident Review Committees  
Administrators responsible for Incident Management

**Purpose:**

The purpose of this memorandum is to remind all providers of OPWDD operated, certified, or funded services that additional notifications are required, beyond those required in 14 NYCRR Parts 624, when incidents involve Willowbrook Class Members. This memorandum also includes updated information on reporting the death of a Willowbrook Class Member.

**Background:**

The *Guidelines for Willowbrook Incident Reporting* (*Guidelines*, for the purpose of this memorandum), which delineate requirements for notifications that must be made when incidents involve Willowbrook Class Members, can be found on the OPWDD website at:  
[http://www.opwdd.ny.gov/opwdd\\_resources/willowbrook\\_class/willowbrook-incident-managment](http://www.opwdd.ny.gov/opwdd_resources/willowbrook_class/willowbrook-incident-managment). A copy of the *Guidelines* is also attached to this memorandum.

In August 2013, OPWDD updated notification requirements in the *Guidelines* based on amendments to Part 624 that were effective on June 30, 2013. These amendments included changes in the classifications and definitions of reportable incidents associated with implementation of the Protection of People with Special Needs Act. The amendments also extended Jonathan's Law notification requirements to apply to all types of reportable incidents and notable occurrences defined in Part 624. The Willowbrook notification requirements were updated to address these changes.

### **Notification Process:**

The *Guidelines* delineate the parties that must be notified and required timeframes for the notifications regarding reportable incidents and serious and minor notable occurrences involving Willowbrook Class Members. The *Guidelines* also specify the manner in which the notifications must be made for the different types of incidents (some require notification by telephone; others require submission of reports by secure email, regular mail, or fax).

The *Guidelines* specify that the Consumer Advisory Board (CAB), the New York Civil Liberties Union (NYCLU), and/or the New York Lawyers for Public Interest (NYLPI) must be provided with written reports for certain incidents involving Class Members. Providers should note that the CAB is to receive incident reports for all Class Members, regardless of whether or not the CAB represents the Class Member. Providers should also note that notification to the Justice Center does not meet the guidelines for notification to the Willowbrook parties. Willowbrook parties do not have direct access to OPWDD's Incident Report and Management Application (IRMA) and must be provided with the reports by secure email, regular mail, or fax. For instance, the OPWDD form 147 can be completed in IRMA and printed out or converted to a PDF and sent to the parties in accordance with the *Guidelines*. Providers must ensure that the names of individuals who are not Willowbrook Class Members are redacted from reports provided to the CAB, NYCLU, or NYLPI.

IRMA automatically displays the required notifications that providers must document (by entering information in IRMA) to show that the CAB, NYCLU, and NYLPI have been notified, as appropriate, of incidents involving Willowbrook Class Members. OPWDD is also adding a field for documentation of Mental Health Legal Services (MHLS) notifications (see note below).

### **MHLS Notification:**

Although MHLS notification requirements in Part 624 are limited to reports of abuse and neglect in residential facilities that are operated or certified by OPWDD, the *Guidelines* require providers to notify the MHLS, by telephone, of all reportable incidents and notable occurrences involving a Willowbrook Class Member. The MHLS notification is required in conformance with the Willowbrook Permanent Injunction, a federal consent judgment that exceeds New York State regulations with regard to MHLS access to records of Willowbrook Class Members.

### **Deaths:**

The QCC-100 form was revised in collaboration with the Justice Center. The revised form, which is called a Report of Death form, must be completed in IRMA within five working days of discovery of a death, in accordance with Part 624. The Report of Death form replaces the QCC-100 form and therefore references to the QCC-100 in the August 2013 *Guidelines* apply to the Report of Death form. The Report of Death form must be sent to the CAB and NYLPI, by secure email, regular mail, or fax, within five working days of discovery of the death of a Willowbrook Class Member. The *Guidelines* will be updated to reflect this change.

If you have any questions about notifications required when an incident occurs involving a Willowbrook Class Member, please contact the OPWDD Incident Management Unit at:

[Incident.Management@OPWDD.ny.gov](mailto:Incident.Management@OPWDD.ny.gov)