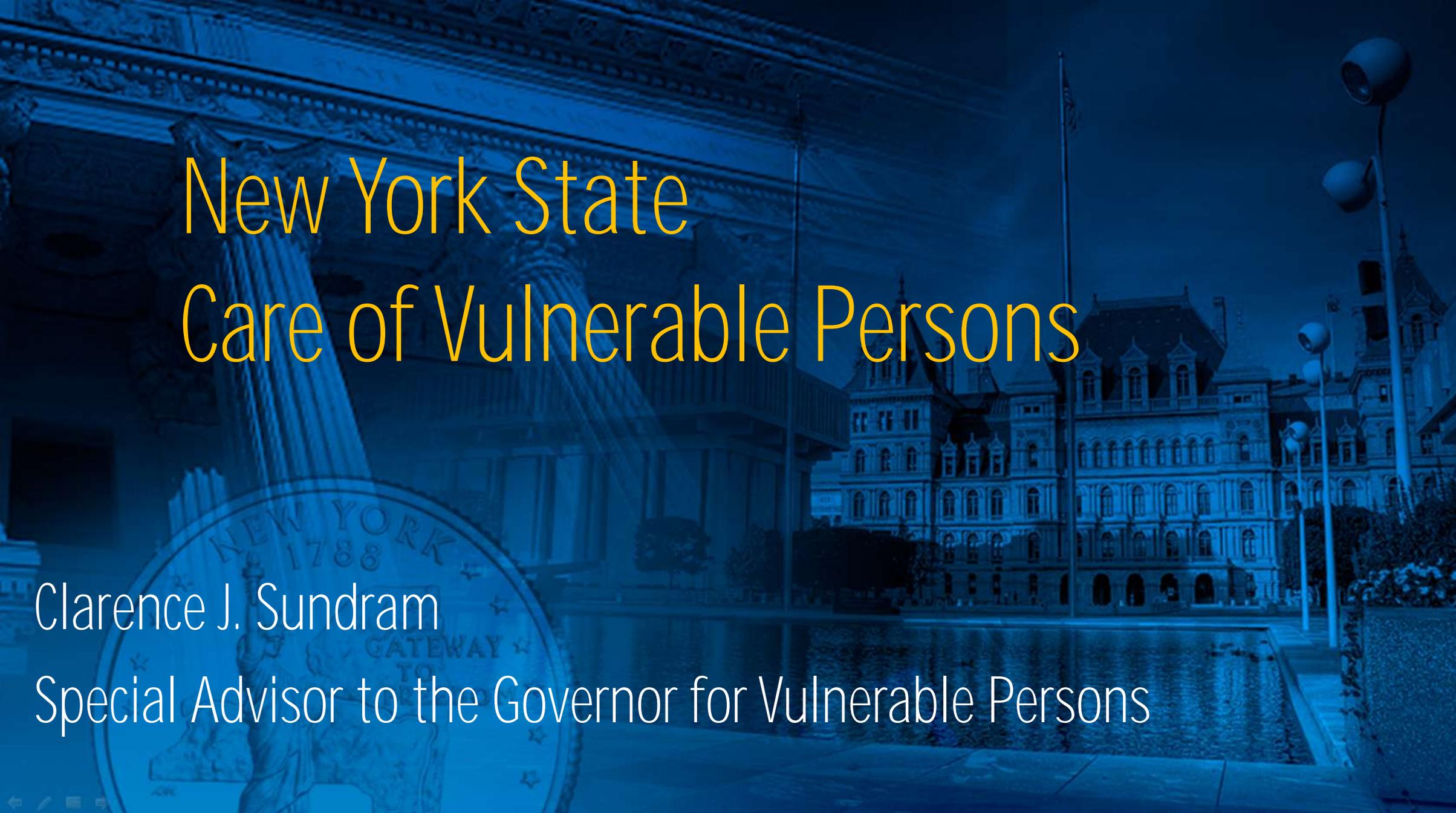




GOVERNOR ANDREW M. CUOMO
CABINET MEETING
OCTOBER 12, 2011



New York State Care of Vulnerable Persons

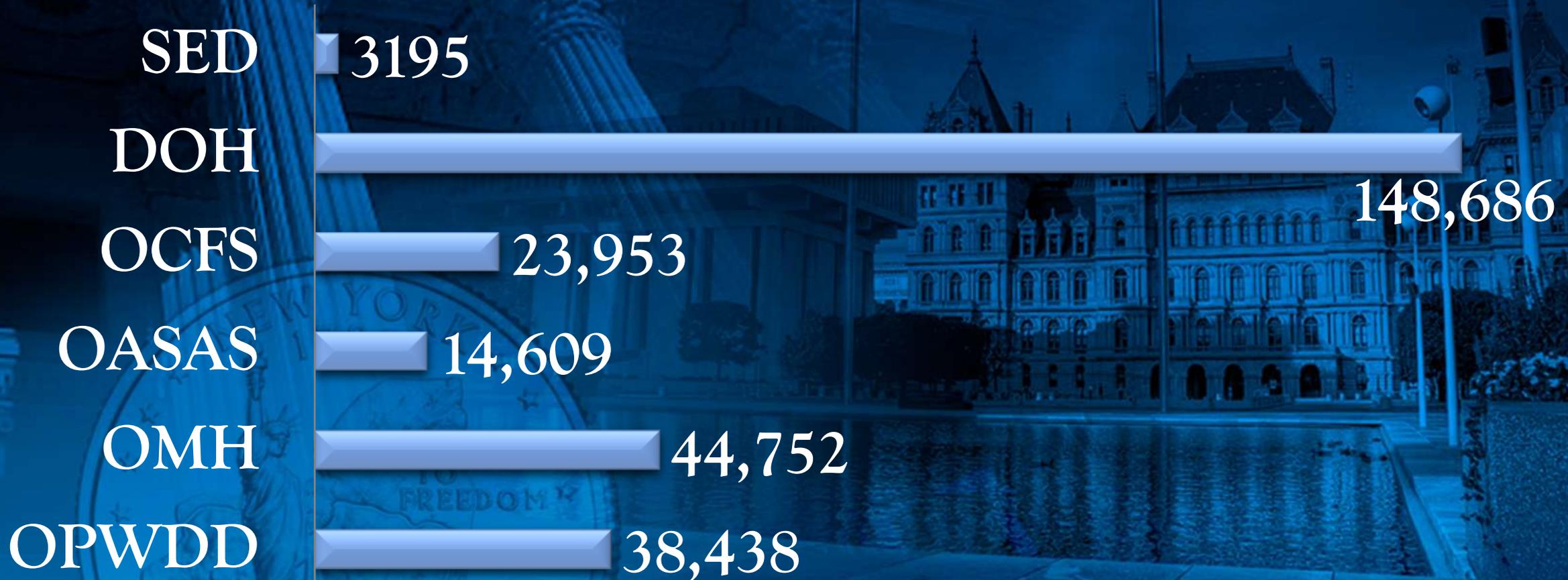
Clarence J. Sundram

Special Advisor to the Governor for Vulnerable Persons

The background image is a blue-tinted photograph of the New York State Capitol building in Albany. In the foreground, there is a fountain with water. A large, semi-transparent coin is overlaid on the bottom left, featuring the Statue of Liberty and the text "NEW YORK 1788" and "GATEWAY TO FREEDOM".

Total Residential Beds 273,633

Impacted Agencies



One of the Problems

New York State has Inconsistent
Laws, Rules, Regulations and Standards



Inconsistent Requirements for Reporting Incidences

| Issue | DOH-HRFs | DOH-Adult Homes | OCFS Youth / Secure | OCFS Youth / Other | OCFS Adult Family Homes | OPWDD | OMH | OASAS | SED In-State | SED Out of State |
|---|----------|-----------------|---------------------|--------------------|-------------------------|-------|-----|-------|--------------|------------------|
| Incident Management Program Required | | | | | | | | | | |
| Definitions of A/N | | | | | | | | | | |
| Program Investigates A/N | | | | | | | | | | |
| Timeframe for Program Completion of Investigation | | | | | | | | | | |
| Requires Trained Investigators | | | | | | | | | | |
| Requires Incident A/N Trends Analysis | | | | | | | | | | |
| Program Reports A/N to NY Licensing Agency | | | | | | | | | | |
| NYS Licensing Agency Conducts Investigation | | | | | | | | | | |

required by law or regulation for all agencies
 not addressed by law or regulations
 encouraged or permitted by State licensing agency but not required of all programs



Agencies have different definitions of
abuse and neglect

Agencies have different definitions of
who can be reported as an abuser

Agencies have different standards as
to when to call law enforcement

Application Of Evidentiary Standards Across Systems For Abuse/Neglect Allegations (A/N)

| Standard / Use | DOH | OCFS | OASAS | OMH | OPWDD | SED |
|---|-----|------|-------|-----|-------|-----|
| <u>Sufficient credible evidence:</u> Residential Health Related Facilities | ✘ | | | | | |
| <u>Some credible evidence:</u> Institutional Child Abuse Investigations | | ✘ | ✘ | ✘ | ✘ | ✘ |
| <u>Fair preponderance of evidence:</u> fair hearings to <u>sustain</u> Institutional Child Abuse Investigations | | ✘ | ✘ | ✘ | ✘ | ✘ |
| <u>Preponderance of evidence:</u> to confirm A/N of any service recipient, child or adult | | | ✘ | ✘ | ✘ | |
| <u>Preponderance of evidence:</u> in state disciplinary actions | ✘ | ✘ | ✘ | ✘ | ✘ | ✘ |
| <u>No standards specified:</u> Adult Care Facilities certified by DOH and OCFS | ✘ | ✘ | | | | |

Number of Providers with Multiple Licenses: 112

| Provider Numbers | State Certifying Agencies | | | | |
|------------------|---------------------------|-------|-------|------|--|
| 43 | OASAS | OMH | | | |
| 2 | OASAS | OPWDD | | | |
| 28 | OMH | OPWDD | | | |
| 13 | OMH | OCFS | | | |
| 9 | OPWDD | OCFS | | | |
| 3 | OASAS | OMH | OPWDD | | |
| 11 | OMH | OCFS | OPWDD | | |
| 1 | OASAS | OCFS | OPWDD | | |
| 2 | OASAS | OMH | OPWDD | OCFS | |

A Good System Must Incorporate

Statutes/Regulations/Policies

Advocates

Community Contacts

Co-Workers

Friends

Family Involvement

Individuals Self-Protection

Elected Officials

Independent Oversight

State Quality Assurance

State Licensing/Certification

Boards of Directors

Incident Review

Provider Administration

Supervision

Staff Selection & Training

