



Office for People With Developmental Disabilities



Transparency Plan

October, 2021

Executive Summary

The New York State Office for People with Developmental Disabilities (OPWDD) is responsible for coordinating services for New Yorkers with developmental disabilities, including intellectual disabilities, cerebral palsy, Down syndrome, autism spectrum disorders, Prader-Willi syndrome, and other neurological impairments. It provides services directly and through a network of approximately 500 nonprofit service providing agencies, with about 80 percent of services provided by the private nonprofits and 20 percent provided by state-run services.

OPWDD is committed to agency transparency reporting and frequently shares information on agency practices, programs, and policies with the public and critical stakeholders. For our government partners and regulatory agencies, system data and program outcomes are shared in a variety of local, state, and federal reports designed to monitor agency program implementation and fiscal spending. To encourage public participation in agency business OPWDD provides opportunities for public feedback on current and future agency programs and policies through a series of boards, commissions, informational sessions, and electronic communication tools. OPWDD strongly promotes including community voice in its planning and program development.

Reflective of Governor Hochul's pledge to increase government transparency, OPWDD has increased its public information-sharing and is committed to continued expansion of those efforts by marrying agency data system infrastructure improvements to stakeholder requests for information, all to ensure targeted and meaningful data reporting.

Current Agency Transparency Efforts

Community engagement is at the heart of the OPWDD service system. People with disabilities, families, providers, staff, and the public all play a critical role in the continued success of the agency mission. As such, it is important that we ensure agency strategic plans, fiscal profile, program data, and future planning goal information is accessible and navigable for the public. Clear, concise, and consistent updates on all agency work is key to engaging critical stakeholders and promoting transparency.

A review of agency transparency reporting reflects that agency business information is disseminated to stakeholders in a variety of ways, including but not limited to:

I: Accountability Reporting

- Pursuant to New York State Open Data Initiative and Executive Order 6, which continued the prior Executive Order 95, OPWDD provides annual updated data sets on the NYS Open Data website, which includes a Directory of

Developmental Disabilities Service Provider Agencies and maps of categories of service providers (e.g., ISS, Community Habilitation, Self-Direction, etc.).

- Annual Medicaid funding utilization data is reported to the federal government and is available on the OPWDD website, including an overview, detailed Data Book, and information on understanding the data. The Data Book can be downloaded in Excel/pdf formats.
- The Annual Consolidated Fiscal Report (CFR) is provided to the New York State Department of Health for review and used as a mechanism to calculate cost-based Medicaid rates. The report is also submitted and reviewed by the federal Centers for Medicaid & Medicare Services.
- Annual internal control certification (B-350) is filed with the NYS Department of Budget and the certification on Internal Controls over the Payment Process certification which is filed with the NYS Office of State Comptroller. These two reports outline agency compliance efforts.
- The OPWDD Statewide Comprehensive Strategic Plan (pursuant to Mental Health Law 5.07) is a legislatively mandated annual plan developed with public input. Efforts will be made for public annual reporting on strategic goal progress
- Care Coordination Organization Health Home Care Management Profile information is provided on the OPWDD website. The data contains information on key metrics related to Care Coordination Organization performance, including enrollments, disenrollment, and service plan completion.
- Annual data is provided to the local governmental units/counties as part of the Local Service Planning (LSP) process across OPWDD, OMH and OASAS.
- OPWDD provides survey data for the National Core Indicators Adult In-Person Survey, which provides state reports and nationwide consumer data for people with developmental disabilities receiving services, including domains such as service coordination, employment, choice. The results of this survey are publicly available.

Other opportunities for public information-sharing include agency response to Freedom of Information Law (FOIL) requests, fielding calls through the agency “Information Line” system, and email correspondence for those who sign up for the agency’s public notification service.

II: Agency Information Sharing

In addition to government reporting, OPWDD shares agency information with the public through our agency website, social media platforms, and community informational sessions. Coordinated through the OPWDD Office of Communications, vehicles such as Facebook, Twitter, Instagram, YouTube, and LinkedIn are key engagement tools for stakeholders and are structured to share information and receive direct public input. Consistent with the Americans with Disabilities Act and Executive Order 6, which continued Executive Order 26.1 Statewide Language Access Policy, contents of the public website can be translated into at least ten other languages and are accessible to people with disabilities. Recent updates to agency information reporting systems have led to communication improvements as detailed below.

- **Direct Stakeholder Engagement**

- Agency Website – In March 2020, OPWDD launched an updated and redesigned public website, which brought significant streamlining, enhanced disability accessibility and user-focused improvements to the site’s navigability and content.
- Direct Email Communication - In Spring 2020, OPWDD began using a new system for ongoing direct email communication with its many stakeholders (both internal and external). Transitioning to GovDelivery, an efficient, cloud-based system with significantly greater capacity to handle large volumes of email and attractive graphics or attachments, has dramatically improved OPWDD’s direct correspondence with its stakeholders. OPWDD now uses GovDelivery each week for communicating important policy announcements and agency developments to its own extensive state workforce, its various external stakeholders at large or as smaller targeted groups, and the public at large.
- Social Media – OPWDD regularly posts timely announcements and stories on Facebook and Twitter and often actively engages stakeholders in topical awareness campaigns by inviting them to post related activities and comments on their own accounts using relevant agency-created hashtags. OPWDD has successfully developed effective means for encouraging positive connection with stakeholders in this way. LinkedIn has also recently provided a useful tool in assisting with recruitment and workforce information.
- In-person or Virtual Community Forums—OPWDD facilitates in-person or virtual forums for community input for strategic planning and program implementation. Most recently, in developing its statewide strategic plan, OPWDD posted a planning page to the public website with multiple

avenues to solicit public input including in-person forums and written testimony.

- **Available Public Data**

Pursuant to the former Executive Order 8.95 the launch of the new OPWDD website allowed the agency to expand service system data that can aid stakeholders understanding how services support people with developmental disabilities throughout the state. Current publicly available data includes:

- Demographic Data – Details the number of people receiving OPWDD services statewide and by county, the primary diagnoses of people who receive OPWDD services, the types of services and payments for those services by county and statewide, and both within the traditional fee-for-service payment system and within the Fully Integrated Duals Advantage plan. It also presents a breakdown of service recipients by sex, ethnicity, and age group. The public website also includes data that details the impact of the COVID-19 pandemic on the OPWDD system, such as new confirmed COVID-19 positive cases in group homes among staff and people supported, and cumulative data for residential and staff deaths among people who tested positive for COVID-19 in group homes.
- Strategic Planning Data – Provides a strategic planning “Databook” to present past service utilization information that can inform future planning. The Databook provides breakouts of service utilization by region, diagnosis, acuity, age, and ethnicity as well as by Fee-for-service/FIDA.
- Staffing Data – On an annual basis, OPWDD administers the NCI Staff Stability Survey to collect comprehensive data on the Direct Support Professional (DSP) workforce in New York State, including turnover rates, vacancy rates, and compensation. NCI compiles and publishes an annual report containing state-specific data for each of the participating states.
- Service Delivery Compliance Data – OPWDD Division of Quality Improvement currently posts the following on the OPWDD website:
 - Voluntary agencies that are currently on “Early Alert”/corrective action status and guidance, including fine letters
 - Compass Program description, Compass agencies and links to the agencies
 - DQI Survey Protocols: Agency, Site, Person Centered Review
 - Quality Improvement Guidance
- Financial Data – Data regarding Medicaid expenditures by age, race or ethnicity, primary language, and residence type to the extent practicable are posted to the agency website.

- **Project Sunlight**

OPWDD has been compliant with Project Sunlight requirements to record information of any appearances and interactions made by individuals and entities having business before the agency or that have a desire to engage with agency leadership. While in-person appearances slowed due to COVID-19 pandemic visitation protocols, OPWDD is committed to the continued recording of such meetings as required by the Public Officers Law.

- **FOIL Requests**

Pursuant to Freedom of Information Law requirements to provide access to records reflective of government decisions and policies, OPWDD has a dedicated Public Access Information Officer that responds to FOIL requests through the state Open FOIL platform, email, or any in-person request.

All FOIL requests received initial response and confirmation of receipt within 10 days, as required. In 2020, OPWDD received approximately 200 FOIL requests, with only 10 appeals. 95% of them were completed within the year. In 2021, thus far OPWDD has received 161 FOILS, with only 8 appeals.

The OPWDD FOIL office routinely reviews the information requests to determine if there are trends that can be addressed with a new posting of agency data on the OPWDD public site. For example, the addition of the New York State contract registers and the publicly released agency COVID-19 statistics have decreased the frequency of FOIL requests for that information.

III: Community Inclusion

- **Open Meeting Law**

OPWDD complies with the NYS Open Meeting Law¹, which requires that agency business is transparent such that the public can attend and listen to the deliberations and decisions that go into the making of agency policy. OPWDD established the following meetings to support public interaction and facilitate public feedback on agency strategic goals, policies, and program development.

- The OPWDD Developmental Disabilities Advisory Council (DDAC), established pursuant to Section 13.05 of the Mental Health Hygiene Law meets quarterly and is comprised of voluntary agency representatives, self-advocates, and family members who provide recommendations for agency statewide priorities. The DDAC meeting is open to the public and the scheduled meeting dates are posted the OPWDD website and social

¹ Part E of Chapter 417 of the Laws of 2021 amends Article 7 of the Public Officers Law

media pages. The meeting is accessible to people with disabilities, with ALS interpretation and closed captioning (and in foreign languages if requested). After the meeting, a recording is posted to the website and transcripts are available.

- OPWDD meets regularly with the Board of Visitors: Association for NYS Facilities (BOV). The BOV is an association whose members oversee the care provided in NYS facilities that house people with mental health, behavioral health, and intellectual and developmental disabilities. OPWDD routinely provides information to the BOV, including efforts made in State Operated programs to reduce the use of physical restraints, changes in services and locations at residential programs, staffing issues and concerns and broader information on agency initiatives.
- OPWDD has established a Statewide Family Support Committee pursuant to Sections 13.05 and 41.43 of the New York State Mental Hygiene Law. OPWDD Regional Office facilitates the Statewide Family Support Services Committee (FSS) quarterly meetings, which includes one member from every local Family Support Services Advisory Council across the state. The Committee and Councils are comprised of service recipients and their families and provide advice to OPWDD leadership on the planning and delivery of Family Support Services, designed to help families who are caring for a relative at home with developmental disabilities. Information on past and future meetings are maintained on the OPWDD public website and virtual participation is provided. The meeting is accessible to people with disabilities, with ALS interpretation and closed captioning (and in foreign languages if requested). After the meeting, a recording is posted to the website and transcripts are available.

- **Enhanced Stakeholder Partnerships**

In 2020, OPWDD began intentionally restructuring and rejuvenating its regular and ongoing communication with key stakeholder groups around the state. While OPWDD facilitates and communicates regularly with service provider associations and statutorily established groups such as the Developmental Disabilities Advisory Council (DDAC) and the Statewide Family Support Services (FSS) Committee through public meetings, the agency also began holding regularly scheduled monthly meetings with other stakeholder groups, many of which are made up largely of family members and people with developmental disabilities.

- OPWDD regional offices host/engage in scheduled meetings with stakeholders to share service information, clarify concerns about the delivery system and provide guidance on service access. These meetings include but are not limited to:
 - Front Door Information Sessions for system service access,

- Self-Direction services Information Sessions
- Family Support Services Council Meetings
- Meetings with the Coordinated Care Organizations
- During the COVID-19 pandemic, OPWDD initiated regular COVID-19 stakeholders calls intended to provide updates on the impact of the COVID-19 pandemic on the service system and the agency's response activities. The regular calls have provided enhanced opportunities for stakeholders to get to know OPWDD leaders, ask questions and obtain timely information about the service system and developing policy activities. They have also facilitated greater transparency into OPWDD initiatives and internal discussions that are in-process, allowing for important and honest stakeholder input prior to decision-making. Agendas are determined by both the participating groups and OPWDD, which demonstrated renewed commitment to true partnership.

- **Labor Union Engagement**

- OPWDD routinely shares information with respective labor unions, primarily PEF and CSEA. With these groups the agency communicates both locally and at statewide levels. In collaborations with labor unions, OPWDD shares the development of state operations policy, progress on statewide initiatives related to staffing, overtime, safety, and larger community matters.

- **Developmental Disabilities Planning Council (DDPC)**

- Hosted through OPWDD, the DDPC was created through federal legislation to facilitate the award of community grants to fund pilot projects that seek to improve the lives of New Yorkers with developmental disabilities. Comprised of community members appointed through the Governor's Office and state agency representatives, a five-year strategic plan is developed, and annual reporting on plan progress is posted on the DDPC website. The DDPC meetings fully comply with the NYS Open Meetings law, posting the scheduled meeting agenda and minutes of the Council and Council Committees online, as well as affording virtual meeting attendance.

Future Agency Transparency Work

- **Annual Public Data Dashboard Additions**

To increase the availability of agency data, OPWDD will facilitate a Data Community of Practice to elicit feedback on additional datasets and analyses that stakeholders would like to be made publicly available. Additionally, OPWDD will provide annual updates to the existing datasets on the agency

website. Future data sets that may be available for publication on the agency website include additional outcome metrics related to agency strategic goals.

- **“Representation Matters” Agency Diversity and Inclusion Initiative**

- As part of its strategic planning goals and commitment to diversity and inclusion, OPWDD is reviewing its community engagement practices targeting areas of improvement, with a focus on meeting the needs of underserved communities. To spearhead the internal review and develop a community engagement plan, OPWDD is currently hiring a Chief Diversity Officer.
- In addition to community engagement, OPWDD is committed to examining the workforce composition as a tool to develop enhanced recruitment and hiring goals with diversity targets. To this end, including DEI workforce data on the agency website that details metrics such as gender, disability, and ethnicity, can help the public understand agency workforce targets and progress towards those goals.

- **Record Retention/Management Enhancements**

OPWDD has targeted our records management office for enhanced staffing to support additional training and continued risk mitigations of record management practices.

- OPWDD Records Management Officer (RMO) is responsible for agency-wide records management planning, program development, training, and technical assistance for records inventorying and scheduling for retention/destruction. The RMO coordinates training and support for the agency Health Information Managers (HIM) and local record coordinators. The RMO also serves as the agency liaison to the New York State Education Department as it relates to special projects, such as gathering agency pandemic records and the creation/development of new agency record retention schedules.
- As record usage continues to grow with the population of individuals served by OPWDD, the planned expansion of the electronic health records system will improve accessibility of records.

- **Developmental Disabilities Planning Council**

Plans for increased future public reporting include:

- Providing more information on the grants funding using videos and participant stories which will be posted on the DDPC website,

- Providing more information to council members on the projects DDPC plans to fund over the five years of New York's state plan, and
- Creating more workgroups consisting of stakeholders (council members, family members, self-advocates) to receive input on future work of the DDPC.

Conclusion

OPWDD is committed to working toward Governor Hochul's goal of increased government transparency. We look forward to expansion of these efforts as we continue to implement OPWDD's integration, equity and accessibility initiatives.