



July 3, 2014

Dear Colleagues:

Here is a quick summary and important information highlights since the NY Justice Center opened one year ago.

Summary:

The volume of incidents being called into the NYJC by OMH licensed and operated facilities is still running about 2.5 times greater than it was before the NYJC. This is mainly due to the multiple reporter requirement and the resulting fact that more events are being called in.

As of June 6, there had been approximately 81,000 total calls to the NYJC with 14,500 total allegations of Abuse/Neglect and 30,000 significant incident reports. 16% of the total A/N cases and 25% of the Significant Incidents are from OMH providers. OMH received a total of 44 Determination letters that substantiated allegations of Abuse/Neglect from either local or state operated providers. Of the 44 Abuse/Neglect cases, one was in Category 1, two were in Category 2 and twenty-three were in Category 3. The first Category 4 classification was made in late June (for an OMH operated facility). As a reminder, Category 1 conduct is the most serious physical or sexual abuse or reckless acts, Category 2 is abuse or neglect that seriously endangers the health, safety or welfare of a service recipient, Category 3 is abuse or neglect that does not seriously endanger the health, safety or welfare of a service recipient and Category 4 refers to systemic conditions at a provider or facility that expose service recipients to harm.

The prevailing theme in the substantiated letters is the need for more staff training in the following areas; appropriate restraint techniques, understanding mental illness, communication with service recipients, managing behavior, rounding and constant observation. I am pleased to report that overall, the substantiation rate for OMH licensed and operated providers is about 8%. This compares to about 20% for the rest of the State Operated Agencies. Congratulations to all of you for your diligence in this area and your commitment to quality of care.

The following are updates for your information:

Outstanding (Older than 45 days) Incidents:

Significant incidents that are overdue must be reviewed and closed within the timeframes mandated by the Protection for Persons with Special Needs Act (PPSNA). Per OMH regulations, investigative findings must be submitted to the Office within 50 days of acceptance by the Vulnerable Persons' Central Register of a report of a Significant Incident. However, given the way the system is currently structured, we have determined that in order to ensure reports are closed within the 50 day time period, they must be submitted to OMH within 45 days, thus leaving a 5 day "buffer" to work through any outstanding issues. Going forward, we will amend our regulations accordingly. In the meantime, we ask that you strive to submit all investigative findings within 45 days. For cases where you believe you will need the full 50 days, please contact us by the 45th day to advise us of this. Many of you have participated with me and OMH Central Office staff on conference calls to review old cases and we have assisted you with closing these cases. Please remember that the PPSNA not only requires new timeframes for closure, but it also requires OMH to take appropriate licensing action if those time frames are not met. Accordingly, we expect old cases to be reviewed by the Incident Review Committee (IRC) and closed within the prescribed time frames. It may be necessary for you to convene your IRC more frequently to accomplish the review in a timely manner. OMH licensing staff will track compliance during survey visits, so if these timeframes are not met, your certification status will be affected.



NIMRS Update:

- NIMRS was updated 6 months ago to include an email notification function to alert designated provider staff when reports received by the Justice Center Vulnerable Persons' Central Register (VPCR) are transferred into the facility's "Justice Center Import Queue" in NIMRS. In order to begin receiving these notifications, a facility NIMRS user with Risk Management or Administration security access must enter NIMRS and enter email addresses for the designated staff. This takes about 5 minutes and is **EXTREMELY IMPORTANT**. Please see the attached guidance and refer to the NIMRS web page at: [Registration for NIMRS Notifications](#)
- On July 26th, NIMRS will be updated to include the DSM V and ICD-9 code sets. This change will enable local providers to select diagnoses based on the new DSM-V code however the existing DSM-IV code set can continue to be used (State Operated programs will be limited to using only DSM-V). The overall functioning will remain the same, although this update will result in some minor changes with respect to how diagnoses are displayed on the Client Tab. For example, Axis I and II will be merged into Mental Diagnosis and Axis III will become Physical Diagnosis. Additional information regarding DSM-V can be found at the OMH website at the following link: [DSM-5 Resources for Clinicians](#)

When Reporting Incidents to the NYJC, use the 4 DIGIT OMH Facility Code:

In order to improve timeliness and accuracy related to incident assignment and follow-up, OMH providers should instruct staff to include the 4-digit OMH Facility Code when reporting incidents via the Call Center and Web Form. For most programs, the OMH Facility Code is the first 4 digits of the Operating Certificate # and it is also your facility identifier when completing the OMH PCS Survey. We will be sending labels out to you shortly. Please put these labels with the facility code number on your NYJC posters and make sure staff is aware of the expectation when they call. This will help make sure that clerical errors regarding incident classification are reduced and that you receive incidents as quickly as possible so that you can take appropriate action.

New Justice Center Web Form:

On May 22, the NYJC released an updated web form. It is available on their website:

[NYS Justice Center Web Intake Incident Form](#)

An app for Android devices will be available soon. We encourage you to use these tools, as we have found that information entered electronically is more accurate. Early versions of both these tools indicate that you should call the OMH Customer Service line if you have an incident which the Justice Center will not accept. Instead of calling that number, we ask that you follow OMH 524 regulations for reporting incidents. After doing that, if you still have questions, call the Bureau of Quality Improvement at 518-474-3619 for further guidance. Please find information regarding the App here:

[NYS Justice Center Mobile Reporting App](#)

Extension of Emergency Regulations:

A new emergency regulation was filed and adopted on June 18, 2014. The current emergency regulation closely mirrors the previous emergency filing, and simply cleans up some typographical errors, as follows:

Section 524.2(j)-Statewide Central Register of Child Abuse and **Mistreatment**-corrected to read Statewide Central Register of Child Abuse and **Maltreatment**

Sections 524.4(i), 524.5(a)(5) and 524.8(a)-Vulnerable **Persons** Central Register corrected to Vulnerable **Persons'** Central Register

Sections 550.2(c), 550.4(f) and 550.4(m) Justice Center for the Protection of **Persons** with Special Needs corrected to Justice Center for the Protection of **People** with Special Needs

Also, please note that the emergency regulations which were filed in March 2014, eliminated the category of "Reviewable Incidents". As such, the old NIMRS card is no longer accurate. A replacement card will be issued very soon. Also, please note, that the emergency regulations filed in September 2013 made it possible for the IRC to meet as often as necessary in order to comply with new deadlines.

Training

- NIMRS: OMH is in the process of completing a series of training opportunities. A web-based training "How to Close an Incident" is being developed and will be available on the OMH Quality Management Web Page.
For this and other NIMRS training videos, please see: [NIMRS Training Webinars and Videos](#)
- How to Conduct a Special Investigation: This training is designed exclusively for staff of OMH operated or licensed facilities that conduct investigations or directly supervise those conducting investigations. The training is a 1 ½ day intensive workshop (9 a.m. – 4 p.m. the first day and 9 a.m. – 12 p.m. the second day) plan to participate in the full training.

This training will be held on the following dates at the specified locations:

September 29-30, 2014:	Kingston, NY — Health Alliance
October 6-7, 2014:	New York City — OMH NYC Field Office
October 7-8, 2014:	Rochester, NY — Rochester Psychiatric Center
October 15-16, 2014:	Syracuse, NY— Hutchings Psychiatric Center
October 21-22, 2014:	New York City— OMH NYC Field Office
December 10-11, 2014:	Long Island — Pilgrim Psychiatric Center

For more information please see the [Special Investigation Save the Date](#)

- CAPS & REGS: Training that will cover OMH and the NYS Justice Centers expectations for Corrective Action Plans (CAPS) and an overview of recent changes to OMH Part 524 Incident Management Programs regulations. The training is a ½ day workshop (9 a.m.-12 p.m.).

This training will be held on the following dates at the specified locations:

September 9, 2014:	Buffalo, NY — Buffalo Psychiatric Center
September 10, 2014:	Syracuse, NY — Hutchings Psychiatric Center
September 16, 2014:	Albany, NY — Capital District Psychiatric Center
September 18, 2014:	Long Island — Pilgrim Psychiatric Center
September 23, 2014:	New York City — NYC HHC Metropolitan Hospital

For more information please see the [CAPS & REGS Save the Date](#)

Please email Ayla.Bass@omh.ny.gov to register for one of these trainings. Please specify which training you are interested in. If you have any questions, contact the Bureau of Quality Improvement at 518-474-2993.

OMH Customer Service Line:

OMH is making every effort to reduce the volume of calls to the Justice Center, particularly with respect to those calls made by recipients who may have clinical concerns or who are clearly symptomatic. One of the ways we are doing this is to increase capacity to take additional calls on our 1-800 customer service line. Please put information out about OMH's customer service line prominently, so that recipients who are experiencing clinical symptoms or who have complaints about their care know that they can call OMH for assistance. The OMH **Customer Service Line** is 1-800-597-8481. Posters will be sent shortly.

Jonathan's Law:

Please check the Justice Center webpage for updated FAQ's which include new guidance regarding Jonathan's Law reporting: [Jonathan's Law FAQ](#)

Code of Conduct Annual Attestation:

A reminder that the Justice Center requires the Code of Conduct be signed at least annually by any custodian who has regular and substantial contact with people with special needs. You must maintain the newly signed Code of Conduct as well as the previously signed Code of Conduct in the employees' personnel file. This documentation will be reviewed during your periodic licensing visit.

As always, we appreciate your cooperation with this important initiative. If you have questions regarding the content of this email, or any other issues with respect to Justice Center Implementation, please contact Cody Catalfamo at 518-474-3619.

Thank you for your attention to this matter.

Sincerely,

Marcia L. Fazio
Deputy Commissioner
NYS OMH Division of Quality Management