NEW YORK STATE OF OPPORTUNITY. | Office for People With Developmental Disabilities

ADMINISTRATIVE DIRECTIVE MEMORANDUM

Transmittal:	24-ADM-03
To:	Executive Directors of Voluntary Provider Agencies Service Access, Program Implementation & Stakeholder Support Regional Field Office (RFO) Directors Developmental Disabilities State Operations Office (DDSOO) Directors Executive Directors of Care Coordination Organizations / Health Homes Willowbrook Consumer Advisory Board
Issuing OPWDD Office:	Division of Service Access, Program Implementation & Stakeholder Support
Date:	December 19, 2024
Subject:	Certified Residential Opportunities (CRO)
Suggested Distribution:	Voluntary and State Operated Residential Service Provider Managers, Care Managers and Supervisors, DDSOO Deputies, RFO Deputies, Eligibility Staff, Front Door Staff, and Clinical Staff
Contact:	Division of Service Access, Program Implementation & Stakeholder Support statewide.cro@opwdd.ny.gov
Attachments:	Attachment 1: Housing Mailboxes Attachment 2: H002 Request for Approval to Fill a Residential Opportunity or Internal Move Notification Attachment 3: H003 Residential Screening Report Attachment 4: H004 Notification of Residential Support Category Attachment 5: H005 Certified Residential Opportunities Referral Attachment 6: H006 Vacancy Announcement Attachment 7: H007 Site Profile Attachment 8: Implementation Phases

Related ADMs/INFs	Releases Cancelled	Regulatory Authority	MHL & Other Statutory Authority	Records Retention
Community Placement Procedures 1/92 (rev. 2/95)	OPWDD Certified Residential Opportunities Protocol (4/28/2015)	14 NYCRR Subparts 636-3 & 636-1; 633.12	MHL §§ 13.01; 13.07; 13.09; 13.17; 16.00; 16.01	18 NYCRR 504.3(a); 517.3; 14 NYCRR §635-4.5; NY State Finance Law §192

Purpose:

This Administrative Directive Memorandum (ADM) identifies New York State Office for People With Developmental Disabilities ("OPWDD") requirements for residential provider agencies and providers of care management in the Certified Residential Opportunities ("CRO") process. OPWDD seeks to ensure the most integrated and least restrictive housing options are explored and made available to people with intellectual and developmental disabilities seeking services in residential facilities certified or operated by OPWDD ("residential facilities").

The CRO process is designed to facilitate sustainable, equitable, and accessible housing and residential supports. Access to housing and residential supports are managed by OPWDD to ensure equity and availability of services for those in greatest need.

Background:

OPWDD adopted regulations at 14 NYCRR Subpart 636-3 governing admission to, and the provision of services in, residential facilities certified or operated by OPWDD on June 14, 2023. This ADM further clarifies the requirements contained in those regulations.

Discussion:

SECTION 1 – OVERVIEW

I. <u>Certified Housing Team</u>

Each of OPWDD's five geographic regions has at least one Certified Housing Team, composed of representatives from the Service Access, Program Implementation & Stakeholder Support Regional Field Office (RFO).

Certified Housing Teams work with people seeking residential services, their families and support systems, residential providers, and referral sources, to:

- Evaluate referrals for residential services only after alternative services have been explored to support people in the most integrated and least restrictive setting possible based on their individual preferences and needs;
- Ensure referral sources provide updated information and keep residential referral packets current and active; and
- Maintain current and updated information in the CRO (Housing Database known as Capacity Management Application) and produce an electronic Referral Report, which can be sorted by county, district, and region.

Residential providers must work collaboratively with Certified Housing Teams in their region to:

- Manage existing and future residential capacity in a manner that aligns with OPWDD's mission and commitment to support personal choice and community integration;
- Provide accurate site profiles of their certified residential facilities to the certified housing team;
- Provide verification of current vacancies in certified residential facilities to the certified housing team;

- Engage in discussion and collaboration on initiatives to facilitate the matching of people on the Emergency Need list with appropriate certified residential opportunities;
- Promptly report vacancy announcements to timely ensure every possible vacancy in a certified residential facility is first considered to serve people designated by OPWDD as having Emergency Need for residential services on the Referral Report.

II. Access to Residential Opportunities Committee (AROC)

Each region has at least one AROC. Each AROC is composed of representatives from:

- Voluntary residential provider agencies;
- State operations, including state-operated Family Care, as appropriate; and
- Members of the Certified Housing Team.

Residential providers should participate in their regional AROC meetings, as the AROC helps to explore available vacancies for people. Participation in the AROC includes:

- Discussion of urgent or unique referrals and placement needs;
- Education for providers about newly identified people on the Emergency Need list (e.g., by the RFO, Care Manager/referral source, the person, or the person's family/advocate); and
- Affords providers the opportunity for a more personal exchange of information.

AROC meetings occur at least monthly and are held in the form and format that best meets that area's needs. Meetings may be held more frequently, as deemed appropriate by the RFO.

The Care Manager/referral source and/or the person and their family, advocate, or representative may request or be asked to attend an AROC meeting to present information and answer questions to facilitate identifying and meeting the person's needs.

SECTION 2 – RESIDENTIAL REFERRAL PROCESS

I. Referral Criteria

Prior to referring a person for a certified residential opportunity, the referral source (including the RFO specialty liaison in cases when someone is not enrolled with a CCO) must fully explore with the person and their family, advocate, or chosen representative the possibility of remaining in their current home or a different non-certified setting in the community. This exploration should include additional supports and services that indicate the less restrictive option to accommodate the person's needs and address concerns with the current home or other potential non-certified setting in the community. Additional supports and services may include natural supports, community integrated supports, or other waiver services. Housing opportunities in settings that are not certified or operated by OPWDD must be considered.

The person-centered planning process (*see, e.g.,* 14 NYCRR Part 636-1) must be used to ensure

that people are afforded the opportunity to choose where they live to the greatest extent possible, which includes consideration of settings that are not solely designated for people with developmental disabilities. Referral by a Care Manager/referral source to certified residential opportunities can be made only after less restrictive residential opportunities have been explored and deemed inappropriate for the person. After the exploration, referrals for consideration of a certified residential opportunity are made to the RFO Certified Housing Team.

II. Referral and Acknowledgement of Information Sharing

As part of the initial process for establishing eligibility for OPWDD services, anyone applying for eligibility must grant consent for the receipt of OPWDD services. By requesting OPWDD services, a person further grants permission to Certified Housing Teams to make referrals to, and share necessary information with, residential providers and providers of Care Management services, as deemed appropriate by OPWDD. It is not necessary for Certified Housing Teams to capture specific consent for information sharing with residential providers and providers of Care Management services during the CRO referral process.

Prior to referral of a person for certified residential services, the Care Manager or referral source must ensure that the person and/or their family, advocate, or representative, as applicable, acknowledges and understands that their information will be shared with OPWDD staff and provider agencies involved in the CRO process. This information may include, but is not limited to, the urgency of their need; their age; current residence; and their specific needs (e.g. assistance with fire evacuation, communication, ambulation). Documentation of this acknowledgment is provided by completion of the Certified Residential Opportunities Referral form (H005) (*see* attachment 5).

Certified Housing Teams will consider each person's stated county/district/regional preference when making referrals to residential providers. However, referrals may be impacted by several factors. These include, but are not limited to, the urgency of need for residential services in certain areas of the state; the certified residential opportunities available statewide at any given time; the goal of maximizing individual choice; and the availability of opportunities in a person's preferred geographic areas that meet their support needs. Accordingly, Certified Housing Teams may explore residential providers outside of a person's preferred geographic areas.

III. Residential Referral Packets

Complete and current residential referral packets are required for all CRO referrals. Referral packets must be submitted as one complete packet to the RFO of the person's home district (i.e., the district in which the person or their family resides, and which has responsibility for service planning). Portions of the referral packet cannot be submitted in stages.

Referrals will only be accepted via the Capacity Management Application or in the form and format requested by the RFO. Incomplete referrals will not be accepted for review or added to CRO in the Capacity Management Application. Care Managers will be informed of incomplete and/or outdated referral packets. The Care Manager/referral source must regularly amend and update information in

the referral packet to keep a CRO referral active.

To be considered complete and current, residential referral packets must include:

- Current Certified Residential Opportunities Referral form (H005);
- Current signed Life Plan, in-process Life Plan, or other comprehensive plan, as applicable (e.g., Comprehensive Functional Assessment [CFA], Treatment Plan, etc.);
- Current physical examination report/comprehensive medical report (issued within 365 days of the exam);
- Psychological report(s) reflective of current functioning; and
- Additional supporting documentation, as applicable, which may include, as applicable:
    - Current social or psychosocial history;
    - Current Individualized Education Plan (IEP);
    - Staff Action Plan (including any referenced internal guidance document(s));
    - Strength-based referral summary (if a person is transitioning from an Intensive Treatment Options [ITO]);
    - Functional Behavior Assessment;
    - Current Behavioral Support Plan (BSP);
    - Current behavioral data;
    - Risk Assessment/Risk Management Plan;
    - Forensic reports (including, e.g., parole/probation conditions, Strict & Intensive Supervision and Treatment [SIST] conditions, Sex Offender Registration Act [SORA] status, orders of protection, Assisted Outpatient Treatment [AOT] conditions);
    - Historical educational and clinical data for people in or transitioning from residential schools;
    - Documentation of legal guardianship;
    - Most recent Occupational Therapy (OT) / Physical Therapy (PT) / Speech and Language reports;
    - Most recent habilitation and functional communication plan;
    - Any other relevant reports, assessments, or documents; and
    - Documentation requested by the RFO.

Note: The Care Manager/referral source must also ensure that the Developmental Disabilities Profile (DDP-2) and Coordinated Assessment System (CAS) or Child and Adolescent Strengths and Needs assessment (CANS) is current and reflects the person's current needs and functioning.

IV. Certified Residential Referral Review Process

Once a complete referral has been received, the Certified Housing Team will review all the information submitted to determine whether the person has a demonstrated need for residential services in a facility certified or operated by OPWDD. If so, the person will be assigned a residential support category. The Certified Housing Team may ask the referring entity for additional and/or updated information necessary to facilitate a determination.

The Certified Housing Team will determine, based on its assessment and review of the complete referral and all supporting documentation, whether the person has a need for a certified residential

opportunity. When a determination is made, a Notice of Decision ("NOD") will be issued to the person and referral source either authorizing or denying the application for a certified setting. If supported, the Certified Housing Team will contemporaneously designate a residential support category for the person, open a record in the Capacity Management Application, and inform the Care Manager/referral source of the designation using the Notification of Residential Support Category form (H004) (*see* attachment 4). The Certified Housing Team in the person's home region will designate a residential support category only when a complete residential referral packet has been received, reviewed, and accepted. The Care Manager/referral source must immediately (within five (5) calendar days) notify the person and their family, advocate, or representative, as applicable, when a residential support category is designated.

The Certified Housing Team may reevaluate a person's designation of residential support category based on updates to referral information or other significant indications or change to a person's residential needs, including if a person has repeatedly declined previous offers of certified residential opportunities. Updated referral information should be submitted in the Capacity Management Application or in the form and format requested by the RFO.

If the Certified Housing Team determines, based on its assessment, that the person does not have a demonstrated need for certified residential services in facilities certified or operated by OPWDD, it will issue a NOD to the person and referral source. (*see* Section 8(II) at page 17 herein for more detail on the NOD process).

SECTION 3 – OPWDD STATEWIDE RESIDENTIAL SUPPORT CATEGORY CRITERIA

People qualifying for residential services in facilities certified or operated by OPWDD are categorically prioritized by OPWDD based upon their level of need. The residential support categories are: Emergency Need, Substantial Need, and Current Need. The person's circumstances, and/or the circumstances of a person's family or caregivers, are considered when determining need for certified residential opportunities. These categories are applied only when a person is ready to actively seek a certified residential opportunity.

I. Emergency Need

People are designated as having Emergency Need when any of the following are applicable:

(1) the person has no permanent place to live or is at imminent risk of having no permanent place to live;
(2) there is an imminent risk to the health and safety of the person or others;
(3) the primary caregiver of the person is incapacitated (for example, due to long term illness or permanent injury) and there is no other available caregiver;
(4) the person is ready for discharge from a hospital or psychiatric facility;
(5) the person is ready for release from incarceration;
(6) the person is in a temporary setting, such as a hotel, shelter, hospital, or emergency department;
(7) the person is transitioning from any of the following settings:

(a) residential schools (including, but not limited to Children's Residential Projects [CRP]), currently in their graduating year, and without a viable and timely plan for securing housing;
(b) developmental centers, including, but not limited to, Intensive Treatment Option (ITO) programs; or Skilled Nursing Facilities;

(8) the person is a member of the Willowbrook Class whose residential opportunity is closing or closed, or can no longer meet the health and safety needs of the person; or
(9) the person is a member of the Willowbrook Class who is currently in a Skilled Nursing Facility (SNF) and seeking a less restrictive setting.

II. Substantial Need

People are designated as having Substantial Need when any of the following are applicable:

(1) the person is at increasing risk of having no permanent place to live, including when the person's family or caregivers are becoming increasingly unable to continue to provide for care to manage the person's needs;
(2) there is increasing risk to the health and safety of the person or others.
(3) the person is in a residential school (including, but not limited to a CRP), Comprehensive Adult Transitional Housing (CATH), or Extended Treatment Units (ETU), and is not currently ready for discharge or transition from those settings.

III. Current Need

People are designated as having Current Need when either of the following sets of criteria are applicable:

(1) the person:
(a) has a need for certified residential services;
(b) is ready to actively seek a residential opportunity; and
(c) does not meet the criteria to be designated as having Emergency Need or Substantial Need.

OR

(2) the person is 16 years of age or older and:
(a) resides in a residential school (including, but not limited to a CRP), and does not have identified an alternative adult residential placement or housing option; or
(b) is placed by the New York City Administration for Children's Services (ACS) with Another Planned Permanent Living Arrangement (APPLA) goal, and does not have identified an alternative adult residential placement or housing option;

SECTION 4 – PEOPLE MOVING FROM HCBS WAIVER INELIGIBLE AND SPECIALIZED SETTINGS

People residing in specialized settings will be considered for a certified residential opportunity consistent with the residential support category statewide criteria.

When a person is preparing to transition from a specialized setting, the RFO specialty liaison will collaborate with RFO Certified Housing Teams, the Care Coordination Organization selected by the person/family, and/or the proposed residential providers to develop a plan for supports and services to be provided to the person upon transition from their current setting. Depending on the person's setting, these plans may be referred to as a Community Service Plan or Preliminary Adult Service Plan. Residential providers are required to participate in the transition planning process.

The following are considered specialized settings:

- Skilled Nursing Facilities (SNF);
- residential schools or Children's Residential Projects (CRP);
- Intensive Treatment Options (ITO) programs;
- carceral settings, including state or federal prisons, local or county jails, or immigration detention facilities; and
- hospitals, including emergency departments or Comprehensive Psychiatric Emergency Programs (CPEP).

SECTION 5 – OUT OF DISTRICT AND STATEWIDE REFERRALS

I. Out of Region/District Referrals

Out of region/district referrals are those made to one or more districts or regions outside of the person's home district (i.e., the district in which the person or their family resides, and which has responsibility for service planning). These referrals are made when the person or their family requests such a referral or, after reviewing local opportunities, the Certified Housing Team concludes that an appropriate local residential opportunity is not available and is not likely to become available within a reasonable timeframe. In most cases, a decision to make an out of district referral will be made in consultation with the person and their family. However, the Certified Housing Team may make out of district referrals as deemed necessary by OPWDD.

II. Statewide Referrals

Statewide referrals may be necessary in some circumstances. However, given their greater complexity, statewide referrals should only be considered when all other options, including out of region/district referrals, have been explored.

SECTION 6 – CHANGES, UPDATES, AND REPORTING TO THE CERTIFIED HOUSING TEAM

I. Change in Priority Status/Referral Update

If any changes in circumstances occur that may impact a person's designated residential support category, the Care Manager/referral source must notify the Certified Housing Team as soon as possible, in writing by updating the residential referral packet. An update to the referral packet must include appropriate updates to the fields on the H005 referral form, an amended Life Plan, and any

other relevant documents that adequately describe the change in circumstances that may impact a person's designated residential support category. The Certified Housing Team will review the updates and adjust the person's designated residential support category, if appropriate, based on the information in the updated Referral Packet.

The Care Manager/referral source must continue to monitor the status of a person referred for CRO, and must continue to explore other opportunities, including non-certified settings in the community, as well as service changes that may alleviate or reduce the need for certified residential services.

II. Change in Provider of Care Management Services or Care Manager

If there is a change in Care Manager or provider of care management services, the legacy Care Manager supervisor must immediately (within five (5) calendar days) notify the Certified Housing Team of the change. The legacy Care Manager supervisor must document any changes by updating fields on the H005 referral form in the Capacity Management Application, or in the form and format otherwise requested by the RFO.

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III. People Who Have an Active CRO Referral

To keep CRO referrals active, Care Managers/referral sources representing people already referred for CRO must ensure that all information is kept current. At a minimum, to maintain a referral packet as current, the RFO must receive an annual update to a person's CRO referral packet, and the Certified Housing Team must be notified whenever there are substantive changes to referral information, or a person's circumstances.

CRO packets must be updated after each annual review, and whenever there are substantive changes in a person's life or circumstances. An active annual packet or amendment includes the following, at a minimum:

- an amended Certified Residential Opportunities Referral form (H005);
- current signed Life Plans (or other treatment plans) (updated within the past year);
- current physical examination report/comprehensive medical report (conducted within one year of the previous exam); and
- other updated/clinical information relevant to ensure the person is appropriately served.

These substantive changes are documented on the H005 referral form by updating all relevant fields and submitting/uploading updated documents in the Capacity Management Application, or in the form and format otherwise requested by the RFO. All assessment tools (CAS, CANS, and DDP2) must be kept current for a CRO referral to be maintained as active, and for future screenings to occur.

If, after two consecutive notifications of an outdated referral packet and requests for update, the Certified Housing Team has not received updated information from the Care Manager/referral source, the CRO referral will be deactivated 30 days from the date of the second and final notification. The Certified Housing Team will notify the Care Manager/referral source of the deactivation. *(See OPWDD Certified Residential Opportunities Procedure Guidance Manual for Providers and Care Coordination Organizations,* located on the OPWDD website*)*.

SECTION 7 – MANAGING RESIDENTIAL SERVICE OPPORTUNITIES

I. Residential Site Profiles

All residential providers must submit site profile information for all residences to the Certified Housing Team using the Certified Residential Opportunities Site Profile form (H007) (*see* attachment 7). Site profiles must be updated whenever a new residence is added to an agency's residential inventory, or when there is a substantive change in the home's residents or features within five (5) calendar days. The H007 form contains detailed information about the type of residence, physical layout, and staffing composition. To ensure a greater likelihood of appropriate referrals and admission approvals, Certified Housing Teams must have adequate and accurate information about each residential provider's residential portfolio. Residential providers must submit and update H007 forms in the Capacity Management Application, or in the form and format requested by the RFO.

II. Vacancy Announcements Forms

For effective management of certified residential opportunities and admission approvals, residential providers must inform the Certified Housing Team of all new and existing vacancies within five (5) calendar days. To fill a vacancy, residential providers must submit updated Certified Residential Opportunities Vacancy Announcement forms (H006) to the Certified Housing Team (*see* attachment 6), describing the details of the vacancy, including the type and timing of the vacancy, and any updated information about the residence. Residential providers must submit H006 forms in the Capacity Management Application, or in the form and format requested by the RFO.

A list of current vacancies is maintained by the Certified Housing Team. To ensure accuracy, the list of vacancies will be updated routinely based on updates received from agencies and completed moves or capacity changes.

III. Internal Moves in Residential Programs

Residential providers must continually collaborate with Certified Housing Teams to maximize the likelihood that new residential vacancies serve people designated as having Emergency Need. Whenever possible, provider agencies must orchestrate internal moves that support the greater availability of residential opportunities for people designated as having Emergency Need, while also considering the needs and preferences of current residents of a home.

Internal moves occur when a person currently residing in an OPWDD-certified or operated residential facility moves to another residential facility operated by the same residential provider agency. Certified Housing Teams must be notified prior to all internal moves using the Request for Approval to Fill or Internal Move Notification form (H002) (*see* attachment 2) Residential providers must submit H002 forms in the Capacity Management Application, or in the form and format requested by the RFO.

Formal approval from the RFO Director is required prior to any internal move that will result in the relocation of a person outside of their current district or region. Formal approval from the RFO Director is also required prior to any internal move that will result in the relocation of a person to a more

restrictive setting (e.g., from an IRA to an ICF, from Family Care to a Supervised IRA, etc.)

Formal approval by the RFO Director is not required for internal moves orchestrated to support a person on the Emergency Need list that do not involve the relocation of another person outside of their current district or region.

If an internal move will change the location of a vacancy that was previously announced, the Certified Housing Team must be notified of the new vacancy location using the H006 form. For any new vacancy created by an internal move, the H006 form must be submitted within five (5) calendar days.

All internal moves must comply with formal relocation procedures (*see* Section 8 below; 14 NYCRR 633.12; and *Community Placement Procedures* handbook, CP-2, CP-6 and CP-9). A copy of a relocation notification (sometimes referred to as a "placement notification" or a "due process letter") must be accompanied with the H002 form. Moves, removals and adds using a Developmental Disabilities Profile Registration/Movement form (DDP-1) should be submitted within 24 hours of the move but must be submitted no longer than 72 hours after the move.

IV. Review and Screening of People Designated Emergency Need

a. Notice

The list of people who have been designated as having Emergency Need, produced through the RFO, will be made available and discussed in detail during AROC meetings. This Emergency Need list is used by residential providers to request complete referral packets based on a person's basic profile, including, but not limited to age, gender identification, ISPM score, behavioral needs, medical needs, and geographical area of interest.

b. Review

The Emergency Need lists are distributed to residential providers. Residential providers must perform a preliminary review of these lists at each distribution against current vacancies. This preliminary review will allow providers to obtain a generalized understanding of the needs of people designated as having Emergency Need, so that they may more easily identify changes to the Emergency Need list at subsequent distributions and respond quickly when a vacancy arises that would be responsive to a person's needs. These changes may include the addition of people who have been newly designated as having Emergency Need, or changes to the circumstances of people previously designated as having Emergency Need.

As part of their review of the Emergency Need list, residential providers must consider people who match the basic profile for the homes with announced and or anticipated vacancies (including, but not limited to requirements related to gender identification, shared/single bedroom, barrier free residence).
Residential providers are not required to conduct a screening of every person on the Emergency Need list for every announced vacancy. However, at minimum, the profile information on the Emergency Need list must be reviewed at each distribution.

When, from their review of the Emergency Need list, a residential provider identifies a person who appears to be a match for a current or anticipated vacancy, they must request from the Certified Housing Team a residential referral packet for the identified person.

c. Screenings

Upon receipt of a residential referral packet, residential providers must conduct a screening of the person to determine whether they would be a suitable match for a current or anticipated vacancy. Providers must complete screenings within 14 calendar days of receiving a referral packet.

Residential providers must re-screen people on the Emergency Need list who are being reconsidered for a current or anticipated vacancy:

- if the person in question has not been screened within ninety (90) days by that residential provider with vacancies, unless deemed unnecessary by the Certified Housing Team; or
- whenever the person has a relevant change in needs.

Screenings must be face-to-face unless prohibited by unique circumstances. If a preliminary face-to-face screening is not possible, such as for an out of district referral, virtual screenings may be used. If neither a face-to-face nor a virtual screening are possible, a thorough review of the person's complete residential referral packet may be acceptable. The type of screening conducted must be recorded in the Residential Screening Report form (H003) (*see* attachment 3). If a person is accepted for a residential opportunity, and a face-to-face screening was not initially conducted, a face-to-face meeting must take place before the person moves into the residence. If a person is transitioning from a residential school, all practicable attempts should be made to facilitate a face-to-face or virtual meeting before the person moves into the residence; however, if a meeting is not possible, the move may still be implemented as planned.

Upon completing a screening, residential providers must complete the H003 form in the Capacity Management Application, or in the form and format requested by the RFO. The completed H003 screening form must be submitted within 14 calendar days of conducting the screening. H003 forms must be completed in full, with comprehensive information regarding the outcome of the screening, including whether the screening occurred by face-to-face, virtually, or review of the person's complete residential referral packet alone. Residential providers must work with the Certified Housing Team if there are additional questions related to the H003 (e.g., if the form does not comprehensively document the screening outcome). H003 forms are reviewed upon receipt by the Certified Housing Team to evaluate whether the residential provider's suitability determination is acceptable.

Certified Housing Teams will routinely follow up with residential providers on targeted referrals and review progress updates on current vacancies to ensure residential providers promptly and regularly screen people to fill vacancies.

d. Targeted Referrals

Targeted referrals are direct referrals made by the Certified Housing Team of people whose needs

appear to match the characteristics and supports of an announced vacancy, based on the review of the Certified Housing Team. Targeted referrals may include a request that the provider evaluate a specific person's service needs against appropriate /matched vacancies that have occurred. or are expected to occur within the provider's residential footprint. Targeted referrals will most often be for people on the Emergency Needs list. However, Certified Housing Teams may send targeted referrals from the Substantial or Current Need Lists to residential providers.

A targeted referral from the Substantial or Current Need Lists from the Certified Housing Teams expressly indicates RFO approval to serve for current or anticipated vacancies if the subsequent screening results in a request to fill. Any targeted referral of a person from the Substantial or Current Need list is site-specific, and does not allow residential providers to consider the indicated person for other vacancies, or to consider other people from the Substantial or Current Need lists.

Upon receipt of a targeted referral, residential providers must conduct a screening within 14 calendar days, including assessing the appropriateness of the person referred, reviewing their service needs, and assessing the appropriateness of all available or anticipated vacancies. Residential providers must always screen people upon request from the Certified Housing Team or other RFO representative, and in the form requested or deemed appropriate by the Certified Housing Team. Following a screening of a targeted referral, residential providers must complete a an H003 form in the Capacity Management Application, or in the form and format requested by the RFO within 14 calendar days.

If a referred person is determined by the Certified Housing Team to be in crisis, residential providers must expeditiously screen the person.

e. No Appropriate Opportunities for People on the Emergency Need List

If a residential provider determines that there are no appropriate residential opportunities suitable for the people on the Emergency Need List as evidenced by the completed H003 forms returned to the Certified Housing Team, and an internal move cannot occur to create a backfill opportunity, they may request and receive approval via email through appropriate mailbox (see attachment 1) from the RFO to review people on the Substantial Need List.

Residential providers may only screen people on the Substantial Need List when all those on the Emergency Need List, and any targeted referrals made by the region's Certified Housing Team, have been considered and found not appropriately matched with any current or anticipated vacancies. When approval is granted by the RFO for consideration of people on the Substantial Need List, such approval shall only apply for the consideration of the specific vacant opportunity reflected on completed H003 forms.

V. Review and Screening of People Designated Substantial or Current Need

a. Notice

Information from the Substantial Need list is only made available to residential providers with an

announced vacancy who have considered (i.e., reviewed and/or screened) people designated by OPWDD as having an Emergency Need for services in a residential facility, concluded that none of the people designated as Emergency Need can be appropriately served in the announced vacancy or vacancies, and have received RFO approval to consider people designated as having lower levels of need.

b. Review

The Substantial Need lists are distributed to residential providers. Residential providers must perform a preliminary review of these lists at each distribution. This preliminary review will allow providers to obtain a generalized understanding of the needs of people designated as having Substantial Need, so that they may more easily identify changes to the Substantial Need list at subsequent distributions and respond quickly when a vacancy arises that would be responsive to a person's needs. These changes may include the addition of people who have been newly designated as having Substantial Need, or changes to the circumstances of people previously designated as having Substantial Need. Approval to consider a person on the Substantial Need list only permits consideration for the specific vacant opportunity reflected on the completed H003 form.

As part of their review of the Substantial Need list, residential providers must consider people who match the basic profile for the homes with announced and or anticipated vacancies (including, but not limited to requirements related to gender identification, shared/single bedroom, barrier free residence).

Residential providers are not required to conduct a screening of every person on the Substantial Need list for every announced vacancy. However, at minimum, the profile information on the Substantial Need list must be reviewed at each distribution.

When, from their review of the Substantial Need list, a residential provider identifies a person who appear to be a match for a current or anticipated vacancy, they must request from the Certified Housing Team a residential referral packet for the identified person.

c. Screening

Screenings must be face-to-face unless prohibited by unique circumstances. If a preliminary face-to-face screening is not possible, virtual screenings may be used. If neither a face-to-face nor a virtual screening are possible, a thorough review of the person's complete residential referral packet may be acceptable. The type of screening conducted must be recorded in the H003 form. If a person is accepted for a residential opportunity, and a face-to-face screening was not initially conducted, a face-to-face meeting must take place before the person moves into the residence (unless a person is transitioning from a residential school and a meeting cannot practicably be facilitated).

Within 14 calendar days of conducting a screening, the residential provider must complete and submit the H003 form in the Capacity Management Application, or in the form and format requested by the RFO. H003 forms must be completed in full, with comprehensive information about the outcome of the screening, including whether the screening occurred by face-to-face, virtually, or by review of the

person's complete residential referral packet alone. Residential providers must work with the Certified Housing Team if there are additional questions related to the H003 (e.g., the form does not comprehensively document the screening outcome). H003 forms are reviewed upon receipt by the Certified Housing Team to evaluate whether the residential provider's suitability determination is acceptable.

d. No Appropriate Opportunities for People on the Substantial Need List

If the residential provider believes there are no people on the Emergency Need or Substantial Need list that are appropriate for the specific vacant opportunity, as evidenced by the completed H003 forms returned to the Certified Housing Team, and an internal move cannot occur to create a backfill opportunity, they may request approval from the RFO to review people on the Current Need List.

Residential providers may only screen people on the Current Need List if they have considered all people designated as having Emergency and Substantial Need and any targeted referrals made by the region's Certified Housing Team and have received approval by the RFO to review people on the Current Need List. Approval to consider a person on the Current Need list only permits consideration for the specific vacant opportunity reflected on the completed H003 form.

VI. Accepting People for Admission

If the screening process results in a successful match between a person and a vacancy, the residential provider must complete and submit the Request for Approval to Fill or Internal Move Notification form (H002) in the Capacity Management Application, or in the form and format requested by the RFO. Providers must submit the completed H002 form within two calendar days. If approved by the RFO, the residential provider may initiate formal admission procedures.

If the person is to be transferred internally or is relocating from another residential setting certified or operated by OPWDD, formal relocation (formerly referred to as "placement") procedures must be followed (*see Community Placement Procedures* handbook, CP-2, CP-6 and CP-9). A copy of a formal relocation notification (sometimes referred to as a "placement notification" or a "due process letter") must be submitted together with the H002 form. Note: *Community Placement Procedures* includes required notice and objection timeframes for all relocations (including internal moves), so approval of the H002 by the RFO does not mean that a person's move can take place immediately.

For all moves and relocations, whether internal or external, residential providers must submit a DDP-1 to the Certified Housing Team, in the form and format required by OPWDD, preferably within 24 hours of the move, but no later than 72 hours after the move takes place.

Residential providers are prohibited from directly offering a vacancy or making a specific commitment to a person, or their family, advocate, Care Manager, or referral source prior to receipt of formal approval from the RFO, which will include review of relocation notification as appropriate.

VII. Individual Satisfaction and Choice in Living Arrangement

Residential providers must have mechanisms to assess each person's satisfaction with their living arrangements and provide people with an opportunity to confidentially discuss issues or concerns regarding roommate(s), housemate(s), and other aspects of their living arrangement. People who are dissatisfied with their living arrangement must receive timely support and assistance from their residential provider agency and Care Manager, as appropriate. Residential provider agencies and Care Managers must make all reasonable efforts to fully address the person's concerns, and if no resolution can be found, to identify and pursue alternative options.

SECTION 8 – DUE PROCESS REQUIREMENTS

I. Relocations, Inter-District Transfers (IDT), Internal Moves, and Discharges

Residential providers are required to follow all due process, and community placement procedures in accordance with 14 NYCRR 633.12 and the *Community Placement Procedures* handbook. When there is a proposed relocation (previously referred to as a "placement"), including an inter-district transfer (IDT) or planned internal move, or a proposed discharge, the residential provider agency must ensure that all required due process and community placement procedures are followed. These include processes for both non-Willowbrook Class members and additional processes only for members of the Willowbrook Class. Care Managers must also assist in ensuring due process is provided, when necessary.

All relocation and discharge notifications (sometimes referred to "due process letters" or "placement notifications") sent to people receiving services, guardians, advocates, families, and MHLS, including those for internal moves, must also be sent to all relevant Certified Housing Team(s) and relevant RFO Directors. For all internal moves, residential providers must submit a copy of the relocation notification to the Certified Housing Team(s) with submission of the H002. When a person is a member of the Willowbrook Class, it is the person's Care Manager who is responsible for relocation notifications. For all other people, the residential provider operating the residence from which the person is moving is responsible for relocation notifications.

More information on relocation and discharge can be found on the OPWDD website at: https://opwdd.ny.gov/due-process, in the *Community Placement Procedures* handbook, and in OPWDD regulations at 14 NYCRR 633.12.

More information specific to members of the Willowbrook Class can be found on OPWDD's *Beyond Willowbrook* website at: https://opwdd.ny.gov/willowbrook and in the requirements outlined in the Memorandum for Residential Notifications/Due Process for Willowbrook Class, issued on February 20, 2014.
(available at:
https://opwdd.ny.gov/system/files/documents/2019/11/notification_due_process_memorandum. pdf)

II. Need for Certified Housing

If OPWDD determines, based on its assessment and review of the referral packet and all supporting

documentation, that a person does not have a demonstrated need for residential services in a facility certified or operated by OPWDD, it will issue a Notice of Decision (NOD) explaining the reason for denial.

The NOD regarding residential services in facilities certified or operated by OPWDD will contain instructions for people who wish to appeal the decision rendered.

People who wish to appeal will have the option of requesting a conference with the RFO and/or a Fair Hearing with a state hearing officer from the New York State Office for Temporary and Disability Assistance (OTDA). To prepare for a conference or Fair Hearing, people have the right to review their case file. People have 60 days from receipt of the NOD to request a Fair Hearing.

Only the decision to approve or deny residential services in facilities certified or operated by OPWDD may be appealed in a Fair Hearing. For objections to all other decisions or actions taken by the Certified Housing Team, the dispute resolution process described in Section 9, below, must be used instead.

SECTION 9 – DISPUTE RESOLUTION

The following dispute resolution process must be followed in instances when a person receiving services or a residential provider disagrees with a decision or action taken by the Certified Housing Team, except determinations that a person does not have a demonstrated need for residential services in a facility certified or operated by OPWDD (*see* Section 8, II, above).

People receiving services, residential providers, and referral sources may at any point contact the Certified Housing Team to discuss referrals, reviews, screenings, or any other processes or issues related to the CRO process.

A party who objects to a decision or action taken by the Certified Housing Team may submit a written request for reconsideration that briefly explains the central issue, the decision or action taken by the Certified Housing Team, and the specific reasons for asserting that the decision or action should be modified. The written request must be submitted to the RFO Director via email, (*see* attachment 1) within 30 days of receiving notice of the action taken from the Certified Housing Team.

The RFO Director, or their designee, will review the decision or action, obtain necessary information, render a written decision and notify all relevant parties of the decision in writing. The RFO Director or their designee may also schedule a meeting with the relevant parties in an attempt to resolve the matter in a mutually satisfactory way.

If the objecting party is not satisfied with the RFO Director's decision and wishes to appeal, a written appeal must be made to the Commissioner of OPWDD or their designee within fourteen days of receiving the RFO Director's decision. The Commissioner or their designee will review the administrative record and issue a written decision.

SECTION 10 – RECORDS RETENTION

All documentation, including the Life Plan, and service documentation, must be retained for a period of at least ten years from the date the service was provided or when the service was billed, whichever is later.