

Compilation of Codes, Rules and Regulations of the State of New York
Title 14. Department of Mental Hygiene
Chapter XIV. Office for People with Developmental Disabilities
Part 633. Protection of Individuals Receiving Services in Facilities and
Services Operated and/or Certified by Opwdd (Refs & Annos)

14 NYCRR 633.8

Section 633.8. Training of employees, volunteers, family
care providers and persons receiving services with regard
to their safety and the prevention of abuse to those persons

Currentness

<Pursuant to Executive Order No. 210, Executive Orders 202 through 202.111 and
Executive Orders 205 through 205.3, addressing the COVID-19 crisis, are hereby
rescinded effective June 25, 2021.>

(a) *Principles of compliance.*

(1) It is the responsibility of the agency or the sponsoring agency to heighten
the awareness of its employees, volunteers, and family care providers to those
factors which affect and/or contribute to situations that can be potentially abusive
or harmful. To this end, there shall be training (see section 633.99 of this Part)
of employees, volunteers and family care providers to meet the needs of staff,
volunteers and persons who receive services in the following topics:

- (i) principles of human growth and development;
- (ii) characteristics of the persons served;
- (iii) promoting positive relationships;

(iv) abuse prevention, identification, reporting, and processing of allegations of abuse;

(v) laws, regulations and policies/procedures governing protection from abuse;

(vi) incident and abuse reporting and processing;

(vii) the agency's safety and security procedures (including fire safety);

(viii) the prevention of circumstances that would result in exposure to body substances which could put persons or others at significant risk (see glossary) for HIV infection (see glossary);

(ix) the program for managing anyone exposed to significant risk body substances during circumstances which meet the criteria for significant risk contact; and

(x) other appropriate topics relative to safety and welfare, especially those that may be related to the functions of the employee, volunteer or family care provider.

(2) Individuals receiving services shall be provided training in techniques and procedures to protect themselves from abuse and other events and circumstances that constitute reportable incidents as defined in Part 624 of this Title.

(i) Training is only required for individuals who have been identified by their program planning team as being capable of benefiting from such training.

(ii) Training shall be provided to the extent possible consistent with an individual's disabilities, age, needs, and circumstances.

(3) The agency or sponsoring agency shall monitor the need for and supervise the provision of such training specified in paragraphs (1)--(2) of this subdivision.

(4) All reasonable and necessary actions shall be taken to ensure that employees, volunteers and family care providers are kept apprised on a current basis of all applicable policies and procedures relating to the protection of individuals receiving services from abuse.

(b) Standards of certification.

(1) OPWDD shall verify that employees, volunteers, and family care providers have received or will receive training within three months of initial employment, commencing volunteer activities, or initial certification as a family care provider. The training shall be on:

(i) principles of human growth and development;

(ii) characteristics of the persons served;

(iii) promoting positive relationships;

(iv) abuse prevention, identification, reporting, and processing of allegations of abuse;

(v) laws, regulations and policies/procedures governing protection from abuse;

(vi) incident reporting and processing;

(vii) the agency's safety and security procedures (including fire safety); and

(viii) other appropriate topics relative to the safety and welfare as may have been specified by the agency.

(2) Employees, volunteers and family care providers shall receive training in the following areas on at least an annual basis:

(i) promoting positive relationships;

(ii) abuse prevention, identification, reporting, and processing of allegations of abuse;

(iii) laws, regulations and policies/procedures governing protection from abuse;

(iv) incident reporting and processing; and

(v) the agency's safety and security procedures (including fire safety).

(3) There is a mechanism for monitoring the type, frequency and amount of training employees, volunteers or family care providers need and received, and that:

(i) the records are current; and

(ii) employees, volunteers or family care providers, through interview, concur that they have received the specified training.

(4) OPWDD shall verify that persons identified by their program planning team as being capable of benefiting from training in techniques/procedures which will enable them to protect themselves from abuse, have received such training.

(5) Effective November 1, 2011, members of boards of directors of certain not-for-profit corporations shall receive a one-time training within three months of the date the party becomes a board member.

(i) This requirement applies only to not-for-profit corporations which operate certified facilities and/or provide Home and Community Based Waiver Services and/or provide Medicaid Service Coordination.

(ii) Training of board members is required in the following topics:

(a) abuse prevention, identification, reporting, and processing of allegations of abuse;

(b) laws, regulations and policies/procedures governing protection from abuse; and

(c) incident reporting and processing.

(iii) All parties serving on boards of directors on November 1, 2011 shall receive the specified training by February 1, 2012 (if the party remains on the board of directors on February 1, 2012).

Credits

Sec. filed Dec. 1, 1987; amds. filed: June 20, 1989; March 20, 1990 eff. May 15, 1990; amd. filed Oct. 11, 2011 eff. Nov. 1, 2011; emergency rulemaking eff. June 30, 2013, expired Sept. 25, 2013; emergency rulemaking eff. Sept. 26, 2013, expired Dec. 24, 2013; emergency rulemaking eff. Dec. 25, 2013, expired March 23, 2014; emergency rulemaking eff. March 24, 2014, expired June 21, 2014; emergency rulemaking eff. June 22, 2014, expired Sept. 16, 2014; emergency rulemaking eff. Sept. 17, 2014, expired Dec. 14, 2014; emergency rulemaking eff. Dec. 15, 2014, expired March 14, 2015; emergency rulemaking eff. March 15, 2015, expired June 10, 2015; emergency rulemaking eff. June 11, 2015, expired Sept. 8, 2015; emergency rulemaking eff. Sept. 8, 2015, expired; amd. filed Nov. 17, 2015 eff. Dec. 2, 2015; amd. filed Sept. 6, 2016 eff. Sept. 21, 2016.

Current with amendments included in the New York State Register, Volume XLIV, Issue 9 dated March 2, 2022. Some sections may be more current, see credits for details.

N.Y. Comp. Codes R. & Regs. tit. 14, § 633.8, 14 NY ADC 633.8

End of Document

© 2022 Thomson Reuters. No claim to original U.S.
Government Works.