

**Part 624 Incident Definitions at a Glance-Apply to incidents that occur under our auspices; i.e. under our watch, our staff was involved**  
**Effective 6/30/2013, rev.07/30/13**

<b>Reportable Abuse and Neglect</b>	
Physical Abuse	Intentional contact (hitting, kicking, shoving etc.) corporal punishment, injury which cannot be explained and is suspicious due to the extent or location, the number of injuries at one time, or the frequency over time
Example	John did not put his dish in the sink when staff asked. Staff pinched John to get him to comply.
Psychological Abuse	Taunting, name calling, using threatening words or gestures
Example	Sally saw staff texting while driving the van. Staff threatened to lock Sally in her room and not give her any dinner if she told the manager.
Sexual Abuse	Inappropriate touching, indecent exposure, sexual assault, taking or distributing sexually explicit pictures, voyeurism or other sexual exploitation. All sexual contact between a Custodian and a service recipient is sexual abuse, unless the Custodian is also a person receiving services
Neglect	Failure to provide supervision, or adequate food, clothing, shelter, health care; or access to an educational entitlement
Example	John was very lethargic and had a fever. The On-Call Nurse told staff to take John to the ER. Staff waited 3 hours to take John to the ER because his assigned staff came in late. John had to have his gall bladder removed because it was infected.
Deliberate misuse of restraint or seclusion	Use of these interventions with excessive force, as a punishment or for the convenience of staff
Example	Staff wanted to watch the ball game. Sally kept getting up and going into the kitchen. Sally needs supervision in the kitchen. Staff used a seated wrap to keep her still.
Controlled Substances	Using, administering or providing any controlled substance contrary to the law
Example 1	John is not prescribed any psychotropic medication. Staff gave John Ativan so he would go to bed early.
Example 2	Instead of throwing the discontinued Ativan away, staff sold it to a friend.
Aversive conditioning	Unpleasant physical stimulus used to modify behavior without person-specific legal authorization
Example	Sally always hugs staff. Staff uses a spray bottle with water to keep her from hugging.
Obstruction	Interfering with the discovery, reporting or investigation of abuse / neglect, falsifying records or intentionally making false statements
Example	Staff was not documenting John's BMs. John had a bowel obstruction. Staff filled in the BM monitoring sheet before the document was secured for the investigation.

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<b>Reportable Significant Incidents</b>	
Conduct between persons receiving services	Conduct between persons receiving services that would constitute abuse as described in Reportable Abuse and Neglect if committed by a custodian, except sexual activity involving adults who are capable of consenting and consent to the activity.
Example	Sally and John attend the same day program. John reported that Sally touched his private part.
Other Mistreatment	Conduct on the part of a custodian, that is inconsistent with the individual's plan of services, generally accepted treatment practices, and/or applicable federal or state laws, regulations or policies, and which impairs or creates a reasonably foreseeable potential to impair the health, safety, or welfare of an individual receiving services.
Example	Instead of following the behavior support plan, staff engages in a power struggle with John over doing his laundry. John becomes aggressive and causes major property damage in the laundry room.
Seclusion	The placement of an individual receiving services in a room or area from which he or she cannot, or perceives that he or she cannot, leave at will.
Unauthorized use of time-out	The use of a procedure in which a person receiving services is removed from regular programming and isolated in a room or area for the convenience of a custodian, or as a substitute for programming.
Inappropriate use of restraints	The use of a restraint when the technique that is used, the amount of force that is used, or the situation in which the restraint is used is inconsistent with an individual's plan of services
Example	Staff used Sally's arm splints after they have been discontinued from the plan.
Medication Error with Adverse effect	Administration of a prescribed or over-the-counter medication, which is inconsistent with a prescription or order issued for a service recipient by a licensed, qualified health care practitioner, and which has an adverse effect on an individual receiving services. For purposes of this clause, "adverse effect" shall mean the unanticipated and undesirable side effect from the administration of a particular medication which unfavorably affects the wellbeing of a person receiving services
Missing Person	The unexpected absence of an individual receiving services that based on the person's history and current condition exposes him or her to risk of injury
Choking, with known risk	The partial or complete blockage of the upper airway by an inhaled or swallowed foreign body, including food, that leads to a partial or complete inability to breathe, involving an individual with a known risk for choking and there is a written plan in place to prevent choking.
Self-abusive behavior with injury	A self inflicted injury to an individual receiving services that requires medical care beyond first aid.

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<b>Notable Occurrences</b>	
<b>Serious Notable Occurrences</b>	
Injury	Any injury that results in the admission of a person to a hospital for treatment or observation because of injury.
Unauthorized Absence	The unexpected or unauthorized absence of a person after formal search procedures have been initiated by the agency. It is required that formal search procedures must be initiated immediately upon discovery of an absence involving a person whose absence constitutes a recognized potential danger to the wellbeing of the person or others.
Death	The death of any person receiving services, regardless of the cause of death, is a serious notable occurrence. This includes all deaths of individuals who live in residential facilities operated or certified by OPWDD and other deaths that occur under the auspices of an agency.
Choking, with no known risk	Partial or complete blockage of the upper airway by an inhaled or swallowed foreign body, including food, that leads to a partial or complete inability to breathe and there is no plan in place to prevent choking.
Theft/Financial Exploitation	Any suspected theft of a service recipient's personal property (including personal funds or belongings) or financial exploitation, involving a value of more than \$100.00; theft involving a service recipient's credit, debit, or public benefit card (regardless of the amount involved).
Sensitive Situation	Those situations which may be of a delicate nature to the agency, and which are reported to ensure awareness of the circumstances; for example, but not be limited to, possible criminal acts committed by an individual receiving services.
ICF Violation	Events and situations concerning residents of Intermediate Care Facilities (ICFs) that are identified as violations in federal regulation applicable to ICFs and do not meet the definitions of reportable incidents as specified in section 624.3 of this Part or other notable occurrences as specified in this section.
<b>Minor Notable Occurrences</b>	
Injury	Any suspected or confirmed harm, hurt, or damage to an individual receiving services, caused by an act of that individual or another, whether or not by accident, and whether or not the cause can be identified, which results in an individual requiring medical or dental treatment (see glossary, section 624.20) by a physician, dentist, physician's assistant, or nurse practitioner, and such treatment is more than first aid.
Theft/Financial Exploitation	Any suspected theft of a service recipient's personal property (including personal funds or belongings) or financial exploitation, involving values of more than \$15.00 and less than or equal to \$100.00, that does not involve a credit, debit, or public benefit card, and that is an isolated event.

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1-855-373-2122

**WHAT TYPE OF INFORMATION SHOULD A MANDATED REPORTER BE PREPARED TO PROVIDE TO THE JUSTICE CENTER?**

- Details regarding the victim(s), suspects(s), and witnesses (s).
- Details of the incident, including the date and time, location, description of incident and injury/impact to the victim.
- State Agency Responsible for oversight of Aspire: **OPWDD**
- Name and address of the agency, facility, and or Program

**Agency:** Aspire of WNY  
**Region:** Western New York  
**Agency Address:** 2356 North Forest Road  
Getzville, NY 14068  
**Program Address:**

**ALSO IMMEDIATELY REPORT THE INCIDENT TO YOUR SUPERVISOR OR THE ASPIRE HOTLINE (505-5676) TO BE SURE IMMEDIATE PROTECTIONS ARE IN PLACE!**



**THE JUSTICE  
CENTER  
AND YOU**

# Here are 10 important things to know

**VPCR Hotline: 855-373-2122**

1. **The Justice Center** is a **law enforcement agency**, which means it has the ability to press criminal charges and prosecute.
2. The Justice Center maintains a **Staff Exclusion List** of anyone found responsible for serious abuse or neglect of a person with special needs.
3. Anyone entered onto the **Staff Exclusion List** is prohibited from ever working again with vulnerable persons in New York State
4. **Anyone** can call and report to the Justice Center, not just employees.
5. You are a **mandated reporter** and **are required** to report alleged abuse or neglect to the Justice Center.
6. When reporting an incident to the Justice Center, you **must** provide your name and contact information.
7. **As a mandated reporter, you have the right to:** immunity from liability and protection from retaliation by the agency when making a good faith report to the Justice Center.
8. If you are identified as the subject of an investigation, **your name, address, date of birth, and Social Security #** is required to be provided to the Justice Center as part of the investigation.
9. **As the subject of an investigation, you have the right** to have a union delegate present during your interview.
10. As the subject of a substantiated abuse or neglect incident, you have the right to appeal the decision.



# Keep People Safe!

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## *See It...Hear It...Stop It...Report It*

- You are a mandated reporter
- If you see abuse, stop it and make sure individuals are safe
- Call the Justice Center 1-855-373-2122... **YOU DO NOT NEED PERMISSION TO MAKE THIS CALL!**
- Immediately call your supervisor or 505-5676 to ensure further corrective measures are taken