

OPWDD ASSESSMENT OF PUBLIC COMMENT

Proposed MIPS ADM

This ADM recognizes that individuals with developmental disabilities may need medical immobilization/protective stabilization (MIPS) and/or sedation during medical or dental appointments to facilitate the comfort and cooperation of the individual receiving services, to prevent injury, and to protect the health and safety of the individual and/or others. MIPS and/or sedation are to be used only when necessary to successfully provide the requisite medical or dental treatment, and there are no other clinically acceptable techniques that would be appropriate or effective. This ADM defines medical immobilization/protective stabilization (MIPS) and sedation and establishes requirements pertinent to the performance of MIPS and administration of sedation. MIPS and sedation for medical or dental appointments may only be used in accordance with this ADM.

Comment: Under the section on consent for surrogates for individuals who are unable to provide their own consent for MIPS plan #8 says “An informed consent committee (see paragraph [8] of this subdivision), or a court of competent jurisdiction.” For clarification does # 8 mean an existing Informed Consent Committee established for Person Centered Behavioral Interventions would now be applicable to MIPS consents?

Response: Yes. Existing ICCs may now review a consent to MIPS.

Comment: D. Plan for Use of MIPS – Is there an outline one should follow? Who should be developing and reviewing the plan? How often is this reviewed? Does HRC need to approve?

Response: Sample forms have been developed by OPWDD and will be shared publicly for adaptation and use but similar forms may be developed by the provider agency. The program planning team, in conjunction with the medical or dental health care provider, should develop and review the plan. Consent is needed on an annual basis so the plan should be reviewed at least that often. The plan should be reviewed sooner in the event that outcome forms indicate that there are any concerns, issues, or difficulties with implementation of the existing plan.

Comment: J. Staff Training – SLMS training a requirement?

Response: Training will be made available on SLMS. OPWDD is not mandating that this training be completed by any particular staff. Agencies may make their own decisions in this regard.

Comment: L. Forms were not attached to review – Will these be available prior to approval of ADM?

Response: Sample forms will be provided at the time of the ADM's release. The current MIPS Order/Plan form is available on the OPWDD website <https://opwdd.ny.gov/regulations-guidance/adm-2024-01-medical-immobilizationprotective-stabilization-mips-and-sedation>