

Jonathan's Law Requirements

Effective June 30, 2013

<p><u>Notification to the Qualified Party</u> A qualified party is: Individual receiving services, Guardian, Parent, Spouse, Adult Child, Adult Sibling</p>		
made for all Reportable Incidents and Notable Occurrences		
<p><u>Report on Actions Taken (OPWDD 148)</u></p>		
provided within 10 working days for all Reportable Incidents and Notable Occurrences		
<p><u>Release of Investigative Records After Closure of the Incident</u> All Reportable Incidents (Abuse and Neglect and Significant Incidents)</p>		
Must be requested in writing by the qualified party and disclosed to the qualified party within 21 days of the request or the closure of the incident (whichever is later)		
<p>Closure of Reportable Abuse and Neglect for programs certified or operated by OPWDD occurs when the agency receives the letter of determination from the NYS Justice Center</p>	<p>Closure of Reportable Abuse and Neglect for voluntary operated non-certified services (not under the authority of the NYS Justice Center) occurs:</p> <ul style="list-style-type: none"> • if the agency conducts the investigation, when the IRC has ascertained that no further investigation is necessary; or • if the investigation is conducted by the Central Office of OPWDD, when the Central Office of OPWDD notifies the agency of the results of the investigation 	
<p>Closure of all Significant Incidents: when the IRC has ascertained that no further investigation is necessary</p>		
<p>Responsibility for Disclosure of Investigative Records for Reportable Incidents that Occurred On or After June 30, 2013 (The disclosing entity must redact the investigative records)</p>		
Investigated by:	Records to be disclosed:	Responsible for disclosure:
Agency	All records and documents pertaining to reportable incidents	Agency
OPWDD OIIA	All records and documents pertaining to reportable incidents. Please note the agency receiving the request must provide a copy of the written request to OPWDD OIIA	Agency
NYS Justice Center	Investigative Report provided by the NYS Justice Center	Agency

Note: For incidents that occurred **prior to June 30, 2013**, Jonathan's Law notifications were required for all allegations of abuse and neglect; reportable incidents of "injury," "medication error," or "death"; and serious reportable incidents of "injury," "medication error," "death," and "missing person." The release of investigative records was limited to allegations of abuse and neglect.