



Office of Children and Family Services

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Acting Commissioner

Administrative Directive

Transmittal:	17-OCFS-ADM-13
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	October 6, 2017
Subject:	Administrative Actions Reporting Mechanism (AARM)
Suggested Distribution:	Directors of Social Services Child Protective Services Supervisors Child Welfare Supervisors Foster Care Supervisors Staff Development Coordinators Detention Directors Runaway and Homeless Youth Program Directors Family Type Homes for Adults Program Directors
Contact Person(s):	Justice Center VPCR Resource Group, or Emily Reeb Bray, OCFS Supervising Attorney
Attachments:	AARM Quick Reference Guide

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		18 NYCRR 433.7 18 NYCRR 441.20 18 NYCRR 450.9 9 NYCRR 180.21 9 NYCRR 182-1.19 9 NYCRR 182-2.18 9 NYCRR 166-1.6	SSL § 490, Chapter 501 of the Laws of 2012		

I. Purpose

The purpose of this Administrative Directive (ADM) is to inform residential facilities licensed or certified by the New York State Office of Children and Family Services (OCFS) including congregate care, Close to Home, runaway and homeless youth, and youth detention programs of a specific data reporting requirement under 18 NYCRR 433.7.

II. Background

In 2013 the Justice Center for the Protection of People with Special Needs (Justice Center) began conducting investigations into allegations of abuse and neglect in residential facilities licensed or certified by OCFS. Once an investigation has been concluded, the Justice Center makes a determination as to whether the allegations in the report are substantiated (there is a preponderance of evidence demonstrating the allegation is true) or unsubstantiated (there is not a preponderance of evidence demonstrating the allegation is true). If substantiated, the Justice Center must also determine the severity of the allegations and then appropriately categorize the substantiation as a category 1, category 2, category 3, or category 4. Category 1 findings involve the most serious harm or most significant risks to the health and safety of the residential population. Category 3 findings involve the least serious harm or least significant risks to the health and safety of residents. Category 4 is not relevant to this ADM.

OCFS is informed of each substantiated finding in a program it licenses or certifies. When OCFS is notified of the substantiated finding, OCFS takes immediate action to identify any systemic, programmatic or licensing issues identified by the investigation. OCFS does this work through the program improvement plans and oversight of the programs.

Program improvement plans do not always capture administrative actions against individual persons that result from substantiated findings. OCFS determined there was a need to provide consistent monitoring and tracking of what actions, if any, were taken with respect to subjects of substantiated allegations of abuse or neglect investigated by, or on behalf of, the Justice Center. Therefore, OCFS and the other state oversight agencies under the Justice Center's jurisdiction are requiring administrative action data to be provided for any substantiated report. This response should include information about subject-specific administrative actions.

To better ensure appropriate oversight and monitoring of these actions, facility and provider agencies as defined in Section 488 of the Social Services Law are required to submit information to the Justice Center about any administrative actions taken as a result of a category 1, category 2, or category 3 finding.

III. Program Implications

Residential programs licensed or certified by OCFS, excluding domestic violence shelters and family boarding homes, are required to report administrative actions to the Justice Center. The Justice Center is allowing access to its computer system, the Vulnerable Persons Central Register (VPCR), to allow the centralized collection of this data. OCFS will be reviewing this data as part of the ongoing work to support and improve residential programs. Authority for collection and review of this data is found in Part 433.7 of 18 NYCRR.

IV. Required Action

Effective October 13, 2017, this data will be collected prospectively; that is, for any subjects (including employees, volunteers, contractors, consultants and all others covered by Section 488[12] of the Social Services Law) who are substantiated in a category 1, category 2, or category 3 finding of abuse or neglect on or after the implementation date.

To assist agencies in providing this information, the Justice Center has created a secure web application, the Administrative Actions Reporting Mechanism (AARM). This application can only be accessed by those designated as the provider agency's Authorized Person(s). Authorized Persons are the persons at the agency who have been identified to conduct the Staff Exclusion List (SEL) checks. The AARM will provide a simple interface to relay the administrative actions to the Justice Center. Included with this ADM is a *Quick Reference Guide* explaining how the new web application will work. More detailed information and training will be made available on the Justice Center's website at <https://www.justicecenter.ny.gov/administrative-action-reporting-mechanism-aarm-web-application>.

When a determination is made to substantiate an allegation of abuse or neglect against a subject, the agency's Authorized Person(s) will receive an email informing them that they must go to the AARM web application to enter information about any administrative actions that were taken against that subject. OCFS recognizes that the information being collected is highly confidential, and it will be kept securely in the Justice Center's database. Only a limited number of people will be able to view this highly sensitive information after it is uploaded into the VPCR through the web application, and subject-specific information will not be made publicly available.

V. Systems Implications

When the Authorized Person(s) receives an email notifying them of the need to update the AARM, the email will contain confidential information and must be treated securely. The email will contain the substantiated subject's name, the investigation serial number, and will confirm that a substantiated determination has been issued. As such, the agency's Authorized Person(s) must treat the content of these emails in an appropriate manner.

The Authorized Person(s) will use the same password information to access the AARM web application as they use to access the SEL check system; the screens will look similar.

The Authorized Person(s) will then use the AARM reference number provided in the email notification to select the correct record and will enter the appropriate information relating to the subject listed on the AARM record. Each substantiated individual will have a separate record for each investigation in which they are named as a substantiated subject. Once a record has been submitted to AARM, it is not possible to update that record.

VI. Attachments

AARM Quick Reference Guide

VII. Contacts

Justice Center VPCR Resource Group, 518-549-0240
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Or

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VIII. Effective Date

October 13, 2017

/S/ Thomas R. Brooks

Issued By:

Name: Thomas R. Brooks

Title: Deputy Commissioner

Division/Office: Strategic Planning and Policy Development