

March 30, 2020

Temporary Emergency Respite Capacity in Response to COVID-19

During the current state of emergency resulting from COVID-19, individuals eligible for services from the NYS Office for People With Developmental Disabilities (OPWDD) may require emergency assistance, including a COVID-19 Temporary Emergency Respite Opportunity. This document describes the process for making referrals to OPWDD for this purpose. Please note that COVID-19 Temporary Emergency Respite Opportunities are designed to be short-term and generally limited to no more than two weeks. Length of stay will be dictated by medical necessity and the ability for the individual to safely return to their previous residential setting.

Criteria for Accessing COVID-19 Temporary Emergency Respite Opportunity

A determination as to whether an individual will access a COVID-19 Temporary Emergency Respite Opportunity, either uncertified or certified through a voluntary-operated or State-operated setting, will be made at the sole discretion of OPWDD, in consultation with the hospital and the local department of health, after carefully weighing the needs of the individual and OPWDD's capacity to offer respite opportunities that address those needs.

Determinations of need for a COVID-19 Temporary Emergency Respite Opportunity will include consideration of the following, with priority given to individuals ready to be discharged from a hospital setting:

1. Individuals who currently receive certified residential services, but the individual is hospitalized with COVID-19 and deemed ready for discharge, and it is determined that the residential provider cannot return the individual to their current residential opportunity.
2. Individuals who are living with their family but whose caregivers have developed COVID-19 and temporarily cannot provide care, placing the individual at imminent risk of harm.

3. Individuals who are living on their own or with their family but cannot be maintained safely at home due to that individual developing severe symptoms related to COVID-19.
4. Individuals living in certified residential settings who have tested positive or are presumed positive for COVID-19 and cannot be safely maintained in their current residential opportunity, as determined by OPWDD.
5. Other considerations deemed relevant by OPWDD to the determination.

Process for Accessing a COVID-19 Temporary Emergency Respite Opportunity

When evaluating an individual's need for a COVID-19 Temporary Emergency Respite Opportunity, care managers must consider the following:

1. Care Coordination Organization (CCO) care managers must ensure that all available services have been explored to establish supports to maintain the individual in his/her current setting before pursuing a Temporary Emergency Respite Opportunity.
2. For any individual being reviewed for a COVID-19 Temporary Emergency Respite Opportunity, the care manager should contact the OPWDD Regional Contact. The care manager will provide a summary, including where the individual currently resides, an overview of the situation and nature of the emergency need.
3. If the individual's home is an OPWDD-certified residence, the care manager will document that the current provider understands it has an obligation to monitor the individual's progress and that there is an expectation he or she will return to their primary residential facility as soon as it is safe to do so.
4. If the individual is currently living at home with family but their caregiver cannot temporarily meet their needs due to COVID-19, the care manager must document that the family understands that any emergency respite opportunity is temporary and that the family will need to stay in contact and monitor their ability for the individual to return home as soon as it is safe to do so. OPWDD and the CCO care manager will continue to support the family to address any COVID-19 related issues.

5. The Regional Office Contact will request and review any necessary information which will support a determination by OPWDD. The Regional Office Contact will obtain additional information about the individual from the care manager, including the individual's need(s), any special circumstances related to the COVID-19 Temporary Emergency Respite Opportunity, and any other pertinent information about the person.
6. Determinations will be made by the Regional Office within twenty-four hours of receiving a request for a COVID-19 Temporary Emergency Respite Opportunity.
7. If a determination is made by OPWDD that a COVID-19 Temporary Emergency Respite Opportunity is approved, the Regional Office Contact will review available COVID-19 Temporary Emergency Respite opportunities and reach out to facilitate placement of the individual in need.
8. Once an appropriate COVID-19 Temporary Emergency Respite Opportunity is identified, the individual's family will be asked to acknowledge the following:
 - a. That the family will return the individual to their home at the conclusion of the term of the agreement. OPWDD will provide any specific COVID-19 related supports required for a safe transition home;
 - b. That the family accepts the community outing and visitation restrictions contained in the *OPWDD COVID-19 Guidance for Individualized Residential Alternatives, Community Residences and Private Schools* that are in force during the COVID-19 pandemic and agrees to abide by the restriction. Electronic technology is encouraged to be used to support and maintain relationships during this time; and
 - c. An agreement that the respite opportunity is time-limited and that due process rights do not apply to the COVID-19 Temporary Emergency Respite Opportunity.
9. The COVID-19 Temporary Emergency Respite Opportunity provider and the care manager will coordinate to support the individual during the transition:
 - a. The identified provider will have staff available to connect with the care manager, individual, and/or the person's caregiver/current residential

provider to make all necessary arrangements for temporary emergency respite placement and ensure all needed services and supports are in place. This includes but is not limited to medications, current support Plans; Life Plan, Staff Action Plan, behavioral or medical plans/needs, and self-preservation needs.

- b. The care manager, once an appropriate temporary respite opportunity is identified, will need to contact the OPWDD Regional Office to provide all relevant and requested information for tracking purposes.