



DUE PROCESS AND INAPPROPRIATE DISCHARGE FROM RESIDENTIAL SERVICES

SEPTEMBER 19, 2020

This is a summary of the memorandum released on September 9th, 2020 by the Office for People with Developmental Disabilities (OPWDD).

People receiving services certified or operated by OPWDD, including those who live in residential facilities, have the right to be provided due process whenever a provider would like to:

- Modify services provided
- Discharge someone from a program or service (including residential and nonresidential setting)
- Reduce, suspend or terminate HCBS waiver services
- Initiate changes to service plans, including Life Plans

All providers must have established procedures to resolve any objections to services. If a resolution is unable to be reached action must be taken in accordance with OPWDD regulation **14 NYCRR 633.12**.

- Provide notice of their intention to the person/guardian
- Inform the person/guardian of their right to object and to have a hearing

If a provider does not adhere to the regulations in place, OPWDD will address as needed.

[View complete guidance here](#)

