




Policy Title: Right to Request Incident Records	Department: Compliance and Risk
Effective Date: 7/1/2018	Audience: All LIFEPlan Employees, Volunteers, Board Members
Revised/ Reviewed Date: 7/29/2021	References: (Attachments, Supporting Document):
Version: 1	Pages: 3
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Department Head Signature: x 	Date: August 2, 2021

Summary: LIFEPlan CCO ("Organization") is committed to ensuring health and wellbeing of members. We take incidents very seriously and want to ensure that members, their families, and advocates, understand what an incident is, how to report an incident, what the regulations are for incidents and how to request records on any incident involving them.

Instructions for Life Plan Staff and members	<p>Members have the right to request copies of LIFEPlan CCO's Incident Management policies, a copy of the Part 624/625 OPWDD regulations, the OPWDD brochure titled, "Learning about Incidents" and any other guidance/regulations provided by OPWDD. This information can be accessed on our website. If a member would prefer a paper copy, they should request this from their Care Manager.</p> <p>Care Managers will ensure:</p> <ul style="list-style-type: none"> Members and their family/advocate are provided with information about how to access LIFEPlan CCO Incident Management Policies, Part 624/625 regulations, and OPWDD Learning about Incidents brochure electronically and/or offered a paper copy upon intake and annually thereafter. <p>Any member who is the subject of a reportable 624 incident is entitled to request records and documents</p>
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related to the incident. The only people who can request the records are:

- A person receiving services who is the subject of the reportable incident and/or:
- Any guardian, parent, spouse, adult child, or adult sibling of the person receiving services who is the subject of the reportable incident, so long as they meet the definition of a "qualified person" according to paragraph 33.16(a)(6) of Mental Hygiene Law.
- If the person receiving services is an adult, 18 or older and is a capable adult, as defined in part 624 regulations, they can object to the records release to an otherwise eligible requestor. All objections and denial of records release will be documented in writing.
- If an otherwise eligible requestor is the alleged abuser, they are not entitled to the records.
- LIFEPlan CCO will provide the requested records no later than 21 days after receipt of the request unless the incident has not yet been closed. In that case, LIFEPlan CCO will provide the records within 21 days of closure of the incident.
- Records must have a cover letter, starting "pursuant to section 33.25 of the Mental Hygiene Law, the enclosed records and reports shall not be further disseminated, except that you may share the report with:
 - o A health care provider
 - o A behavioral health care provider
 - o Law enforcement if you believe a crime was committed or

Your attorney

To request a copy of the records for the incident, the eligible requestor should make the request in writing via email at

incidentmanagement@lifeplancony.com or:

via mail at LIFEPlan CCO, 290 Elwood Davis Rd, Suite 102, Liverpool NY 13088 Attn: Director of Compliance and Incident Management.

Upon receipt of the request, LIFEPlan CCO will:

- Review the request to ensure the person is an eligible requestor.
- If eligible, LIFEPlan will ensure that all reports are redacted to remove the names and other identifying information of employees and other person's receiving services.
- Release all records related to the incident. This will not include personnel files or disciplinary records.
- All records requests will be documented, including the date and time of receipt of the request. Additionally, the released records and the date and time of the release of records will also be documented.

Commented [ALB]: (not sure I understand this section) Are the records of the employee will not include in the report?