**Emergency Preparedness Plan**

**Addition of 14 NYCRR Section 633.25**

**Adopted Regulations**

**Effective Date: Upon Adoption**

- **A new section is added to Part 633 to read as follows:**

Section 633.25 Emergency Preparedness Plan

(a) Applicability

(1) This section applies to all providers of facilities that are certified or operated by OPWDD, except for family care providers (hereinafter "Providers of Services").

(2) Intermediate Care Facilities (see Part 681 of this Title), including State operated developmental centers, must also comply with the requirements set forth in 42 CFR part 483. In some instances, these Federal requirements are more stringent than the requirements of this Part.

(b) Legal Basis

(1) Section 13.07 of the Mental Hygiene Law charges OPWDD with the responsibility for seeing that persons with developmental disabilities are provided with care and treatment, and that such care, treatment and rehabilitation is of high quality and effectiveness.

(2) Section 13.09 of the Mental Hygiene Law gives the commissioner of OPWDD the power and responsibility to adopt regulations that are necessary and proper to implement matters under their jurisdiction.

(3) Section 16.00 of the Mental Hygiene Law grants the commissioner of OPWDD the power and responsibility to adopt regulations to effectuate the provisions and purposes of article 16 of such law, including procedures for the issuance and amendment of operating certificates, and for setting standards of quality and adequacy of facilities.

(4) Section 16.11 of the Mental Hygiene Law authorizes the commissioner of OPWDD to provide for the oversight of facilities and providers of services holding operating certificates pursuant to section 16.03 of this article.

Note: The entire text is new.

(c) Emergency Preparedness Plan Requirements

(1) All Providers of Services, as defined in subdivision (a) of this section, shall maintain an agency-wide Emergency Management Plan (EMP) which shall include the development and maintenance of an Emergency Preparedness Plan (EPP) for each facility certified or operated by OPWDD.

(2) A documented risk assessment must be conducted to develop the EPP. This risk assessment must be based on an all-hazards approach and must take into account the needs of the individuals who reside in or attend the facility. An all-hazards approach is an integrated approach to emergency preparedness planning that focuses on capacities and capabilities critical to the preparedness of Providers of Services for a full spectrum of emergencies. The plan must account for future public health emergencies, natural hazards/disasters or human-made hazards, including those originating internally at the Provider of Services or externally within the community. This approach is specific to the location of the Provider of Services and considers the hazards most likely to occur in their areas. These may include, but are not limited to, care-related emergencies, equipment and power failures, and interruptions in the normal supply of essentials such as water and food. All-hazards approach planning does not specifically address every possible threat but ensures that Providers of Services are prepared to address a broad range of emergencies.

(3) At a minimum, each EPP must include preparedness strategies and response actions to address natural and human-made disasters identified within the documented risk assessment, including any future public health emergencies.

(4) OPWDD shall verify that employees and volunteers have received or will receive training on the EPP(s) within three months of initial employment, commencing volunteer activities, or initial certification and shall receive training on the EPP(s) on at least an annual basis as part of the agency's safety and security procedures.

(5) Each EPP must be reviewed at least annually by the Provider of Services and updated if changes are warranted.

Note: The entire text is new.