



## Office for People With Developmental Disabilities

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Governor

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Commissioner

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Executive Deputy Commissioner

March 16, 2021

The Honorable Mike Martucci  
Ranking Member, Senate Committee on Disabilities  
Room 415, Legislative Office Building  
Albany, NY 12247

Dear Senator Martucci,

Thank you for your February 26 inquiry regarding the Office for People With Developmental Disabilities (OPWDD) COVID-19 response. Your correspondence sought information regarding hospital discharge protocols and COVID-19 data for certified residential settings, funding for personal protective equipment (PPE), and visitation restrictions at OPWDD certified residences.

OPWDD is proud of the significant efforts New York has made to ensure the safety of people with developmental disabilities. At the onset of the pandemic, OPWDD recognized the impact that COVID-19 could have on people we support and took immediate action to close congregate day habilitation sites, suspend visitation in community residences, limit community outings, issue emergency regulations and guidance documents, and began conducting a series of trainings on infection control measures. In addition, people living in OPWDD certified residences and all staff who support people with intellectual and developmental disabilities were placed in the 1a eligibility grouping, making them immediately eligible for vaccination when it became available. People who receive OPWDD services and live independently or with their family are also eligible for vaccine as they are in the 1b category. OPWDD continues to work with local health departments to ensure that eligible people who want a vaccine can be vaccinated.

In April, OPWDD issued guidance, consistent with NYS Department of Health guidance and Federal Centers for Disease Control and Prevention (CDC) recommendations, that instructs providers to allow individuals back into their homes, when they are ready to be discharged from the hospital, only if they can be safely accommodated. People who could not be safely discharged back to their home either remained at the hospital or were served in one of the over 100 temporary quarantine respite sites established for COVID-19 recovery efforts in partnership with OPWDD provider agencies. As per your request, attached is information regarding the use of alternative locations for individuals who could not be safely served in their home.

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OPWDD has made data regarding the number of infections and COVID-related deaths in group homes available throughout the pandemic to any legislator or legislative staff upon request, on weekly calls with our stakeholders, in response to multiple media inquiries and FOIL requests, and to others who have requested it.

As of March 3, 2021, there are 6,915 OPWDD certified residential programs in New York State with a total of 34,546 current residents. These locations include all voluntary and state operated Intermediate Care Facilities (ICF's) Developmental Centers, Small Residential Units, Children's Residential Programs, and Independent Residential Alternatives (IRA's). Since the beginning of the pandemic, the cumulative number of individuals living in these locations who have tested positive for COVID-19 is 6,908. Unfortunately, a total of 548 people who resided in these locations had a positive COVID-19 diagnosis at the time of their passing. This data includes people who passed in a hospital as well as at their certified residence.

The issue of funding for PPE is important. Our response to COVID-19 has been made possible only by the incredible work of the direct support professionals and clinical staff who daily have demonstrated courage, commitment, and compassion in supporting individuals with developmental disabilities over this past year. These amazing women and men have been at the front lines of the fight against the pandemic and I am personally grateful for their continued dedication. Purchasing PPE was a problem for everyone at the beginning of the pandemic. At the onset of this public health emergency, OPWDD created a 24-hour emergency services number for providers and staff to call with any issues or PPE needs. New York quickly set up a distribution chain which had the local counties distributing PPE to hospitals for essential workers, including OPWDD group home staff. At this juncture, our provider community has indicated that they have access to enough PPE to meet their ongoing needs. Throughout the pandemic OPWDD assisted many providers in accessing necessary equipment and we remain available to assist providers if they face future challenges with accessing PPE. The expenses associated with increased use of PPE's is reflected in OPWDD's expense reimbursement-based rate-setting system. The federal government has also provided some assistance with PPE funding.

Your correspondence also touched on the difficulty of being isolated from friends and family and urged OPWDD to loosen visitation restrictions to allow people to safely reconnect with their loved ones. While visitation was temporarily prohibited at the height of the pandemic, on June 18, 2020, OPWDD removed the prohibition for in-person visitation and certified residences began allowing visitors on site, as well as community outings and home visits offsite, with certain safety precautions in place. Visitation limitations have been initiated only when necessary to combat high infection rates and in areas designated as cluster zones to limit spread and ensure the safety of people living in congregate settings. When visitation has been suspended, providers have been directed to ensure families could maintain contact with their loved ones through the use of window visits, online video chats and phone calls. We continue to encourage safe community outings and visits with loved ones whenever possible. The June visitation guidance is attached to this letter.

Thank you very much for your advocacy on behalf of your constituents and all New Yorkers with intellectual and developmental disabilities. Please feel free to contact my office at 518-473-1997 if

you have any questions or would like to discuss these or other issues. I look forward to working with you and your colleagues as we focus efforts on providing vaccines to this vulnerable population and the incredible staff who support them.

Respectfully,



Dr. Theodore Kastner, MD., MS.  
Commissioner, New York State Office for People with Developmental Disabilities

CC: Senator Anthony Palumbo, Member, Senate Committee on Mental Health  
Senator James Tedisco, Ranking Member, Senate Committee on Mental Health  
Senator Fred Akshar Member, Senate Committee on Disabilities  
Senator John Mannion, Chair, Senate Committee on Disabilities  
Howard Zucker, Commissioner, New York State Department of Health