

PART 836

INCIDENT REPORTING IN OASAS CERTIFIED, LICENSED, FUNDED, OR OPERATED SERVICES

(Statutory Authority: Mental Hygiene Law Sections 19.07(c), 19.07(e), 19.09(b), 19.20, 19.20-a, 19.21(b), 19.40, 22.07(c), 32.01, 32.02, 32.07(a), 33.16, 33.23, 33.25; Executive Law sections 296, 491 and 495, ; Civil Service Law section 50; Corrections Law Article 23-A; Protection of People with Special Needs Act (Chapter 501 of the Laws of 2012)

Section:

- 836.1 Background and intent
- 836.2 Legal base
- 836.3 Applicability
- 836.4 Definitions
- 836.5 Incident management plan and incident review committee
- 836.6 Incident reporting, notice, and investigations in facilities and provider agencies certified, licensed or operated by the Office
- 836.7 Incident reporting, notice, and investigations in programs funded, but not certified or licensed, by the Office
- 836.8 Additional notice and reporting requirements for reportable incidents
- 836.9 Recordkeeping and release of records to qualified persons
- 836.10 Duty to cooperate and inspection of facilities
- 836.11 Severability

Section 836.4(d)(3)(ii) is amended as follows:

(ii) Body cavity search; **which is explicitly prohibited pursuant to Part 815 of this Title**~~[must be with client consent]~~;

Section 836.8 (c) is amended as follows:

(c) In the event of a client's death in an inpatient or residential program under any circumstances or within 30 days of such client's discharge, immediate notification must be made to both the VPCR and the Justice Center's Mortality Review Unit (subject to the provisions of 42 CFR Part 2), the process for which can be found **on the Justice Center's website** ~~[here: <https://www.justicecenter.ny.gov/mortality-review>]~~, the local coroner or medical examiner, or any other state or local agency identified under state laws requiring the collection of health or other vital statistics.