

SUBCOMMITTEE #: 1

NAME: **SCR, documentation and record keeping**

DATE: May 7, 2009

Ref. No.	Regulation Citation (if applicable)	Specific Proposed Change	Brief Rationale for Proposal	Comments
1	18 NYCRR 452.4(f)(5) 18 NYCRR 452.9(e)(6) 18 NYCRR 453.9(a) 18 NYCRR 454.9(d)(10) 18 NYCRR 455.9(k)	Change “disaster emergency plan” to “emergency disaster plan.”	“Disaster” is both redundant and vague when referring to emergency plan.	453.9 contains a good definition of what constitutes a disaster. Other regulations should adopt that language or refer to 453.9.
2	18 NYCRR 452.4(g)(1) 18 NYCRR 452.9(b)(5)(i)	Delete “age” of staff members from the list of information programs must include in application and collect in personnel records for volunteers.	Including age isn’t necessary, is generally not available via resumes and is a potentially discriminatory inquiry to make of potential employees and volunteers.	
3	18 NYCRR 452.4(g)(3)	Add “confidentiality agreement” to the sample forms that programs must include.	A program’s confidentiality agreement is a key form.	
4	18 NYCRR 452.8(d)(3)	Delete “deficiencies” in this section and replace with “any regulatory violations.”	“Deficiencies” is vague and open to various interpretations.	

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5	18 NYCRR 452.9(a)(7)(i), (v), (vi)	Delete "treatment" and replace with "services." Delete "care and treatment" replace with "services."	"Treatment" is ambiguous, may be inaccurate and creates an inappropriate mental health connotation.	
6	18 NYCRR 452.9(a)(7)(ix)	Delete "evict" and replace with "discharge."	"Evict" creates an inappropriate landlord-tenant connotation.	

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7	18 NYCRR 452.9(b)(5)(iv)	Add “any” before “supervisory conferences.”	Depending on the work volunteers engage in, there may not be a need for formal supervisory conferences.	
8	18 NYCRR 452.9(c)(1) 18 NYCRR 462.7(a)	<p>Add provision that provides specific time frames:</p> <p>The following was our initial language, however, some members expressed concerns, so this is not a final suggestion. See comments in column 4.</p> <p>“Subject to any local district contract provisions or other superceding law or regulation, individual case records shall be maintained for seven years after a case has been closed. Where the primary client is a child, the individual case records shall be maintained for <i>seven years following the child’s 18th birthday</i>.¹ A child receiving childcare and/or participating in recreational programs shall not be considered a primary client.”</p>	Programs incur considerable costs for indefinite storage of archives and/or record shredding, and need clarity on how long records should be kept.	<p>Consider adding new provision to 18 NYCRR 452.9(c)(7), instead of (c)(1).</p> <p>While the subcommittee favored a defined time as opposed to the existing indefinite time period for record retention, several agencies expressed concern about the cost to maintain records for the times set forth in the subcommittee’s recommendation.</p> <p>The subcommittee could not agree on or find clear evidence of the best practices with respect to the length of time to retain children’s records. The subcommittee recommends further consideration of any relevant legal standards on this point.</p>

¹ The italicized language reflects a point on which the subcommittee could not agree.

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9	18 NYCRR 452.9(c)(7)	Delete “of staff” from the phrase “upon change of staff or ownership” regarding how long the records must be retained.	Staff changes frequently. This provision seems to relate to a major change in management/ownership. The recommended change seeks to clarify that.	Consider clarifying which records should be retained upon a change in ownership. All? Individual case records? Program personnel and fiscal records?
10	18 NYCRR 452.9(e)	Replace “roster or other mechanism to record” with “record of” so that the sentence reads: “The program must maintain at the program office a daily record of the number of residents in the program at all times.”	Existing language is confusing.	
11	18 NYCRR 462.7(b)(1)	Revise so that the sentence reads: “Each program must maintain a daily record of telephone hotline calls. Hotline calls are defined as any unsolicited calls from individuals who are not active program participants requesting information, referral and/or domestic violence services.”	Existing language is confusing. This change will allow for various methods of tracking hotline calls rather than limiting programs to a log format.	