



Administrative Action

Reporting Mechanism (AARM)

Frequently Asked Questions (FAQs)

Justice Center for the
Protection of People
with Special Needs

Office for People With
Developmental Disabilities

Office of
Mental Health

Office of Addiction
Services and Supports

Office of Children
and Family Services

Department
of Health

1. What is the AARM?

Answer: The AARM, or Administrative Actions Reporting Mechanism, is a new Web Application that will enable Authorized Persons at facilities and provider agencies to submit information, which is required to be submitted by the State Oversight Agencies, about all administrative actions taken against custodians at that facility or provider agency who have been substantiated for Category 1, 2, or 3 abuse or neglect. To facilitate having this information reported in a consistent manner across all of the systems of care serving vulnerable persons, the Justice Center will be the repository for this information.

2. What will this information be used for?

Answer: It will allow the State Oversight Agencies to ensure that provider agencies under their jurisdiction are taking appropriate actions to prevent future abuse or neglect of vulnerable persons. By having the Justice Center be the repository for this information, State Oversight Agencies can ensure that providers they license or certify are responding to substantiated allegations of abuse or neglect with appropriate corrective action.

3. If my facility or agency has more than one Authorized Person, will all of them get an email notification that a custodian from the facility or agency has been substantiated for Category 1, 2, or 3 abuse or neglect?

Answer: Yes, during the initial implementation of this new protocol, each Authorized Person will receive the email notification. Once one Authorized Person submits the AARM information for a custodian, that AARM record will be “locked” and if another Authorized Person attempts to submit the AARM information, they will not be able to do so. Oversight Agencies can ensure that providers they license or certify are responding to substantiated allegations of abuse or neglect with appropriate corrective action.

4. Can an Authorized Person amend or update the AARM record after it is submitted if additional actions are taken?

Answer: No. Only one AARM submission may be made for each custodian who has a substantiated allegation of abuse or neglect in a particular case. Therefore, the Authorized Person should wait to submit the AARM record until after all actions have been implemented, including, if relevant, after any hearing required by a collective bargaining agreement has concluded.

5. The email notification says that the “due date” is 30 days from receipt of the email notification that a custodian has been substantiated for Category 1, 2, or 3 abuse or neglect, but then says that the expectation is that the administrative action information will be submitted within 10 days of the final action being taken. Why are there two different expected completion dates?

Answer: There may be situations in which the final administrative actions are not complete at the time the email notification is sent. Because an Authorized Person may only make one AARM submission for each custodian with a substantiated allegation in a particular case, the Authorized Person should wait until the final administrative action is taken before submitting the AARM record. The 30-day due date is included in the email notification so that periodic reminders can be sent to the State Oversight Agency and/or provider agency that the AARM submission is still outstanding.

6. The administrative action information is highly confidential. What are the Justice Center and the State Oversight Agencies doing to ensure that this information is kept secure?

Answer: First, the initial email notifications sent to the agencies' Authorized Persons are encrypted. Second, only Authorized Persons who are registered with the Justice Center as Administrative Action Reporting Mechanism Authorized Persons will be allowed to submit this information. Third, once submitted, only a small number of people at the Justice Center and the State Oversight Agencies – those who have a business need to access the information – will have the ability to view this information. Fourth, because release of this information would constitute an unwarranted invasion of personal privacy, employee-specific information would be exempt from disclosure under the Freedom of Information Law (FOIL). Accordingly, employee-specific information will not be made publicly available.

7. Will a family member or legal representative of a victim be given access to information about what actions were taken against the person who was substantiated for abusing or neglecting the victim?

Answer: Qualified persons, including certain family members, are always able to obtain the investigation report for an allegation of abuse or neglect against a service recipient, whether the allegation is substantiated or unsubstantiated. The Justice Center does not, however, have the legal authority to release subject-specific information to the qualified person.

8. Does the Justice Center have the authority to make decisions about a subject's job status?

Answer: As the repository for this information, the Justice Center generally has no authority to make decisions about a subject's employment status. Employment decisions are made by the employer, based on an employee's entire employment history, including non-abuse or neglect related factors, as well as the employee's rights under a collective bargaining agreement to which the Justice Center is not a party.

9. How can a facility or provider agency change the list of Authorized Persons?

Answer: A facility or provider agency may register additional Authorized Persons (APs) using the registration forms available on the Justice Center's forms page. The form to register new Staff Exclusion List (SEL) Authorized Persons has not changed.

Beginning on October 13, 2017, a new form to register Administrative Action Reporting Mechanism (AARM) Authorized Persons (APs) has been added to the Justice Center's website and is available at: <https://www.justicecenter.ny.gov/administrative-action-reporting-mechanism-aarm#authorized-persons>.

Starting on October 29, 2017, a facility or provider agency must designate at least one AARM AP to receive notifications that a subject has been substantiated for abuse or neglect.

If a provider needs to delete an individual listed as an Authorized Person, an email should be sent to: cbc@JusticeCenter.ny.gov.

10. Can a facility or provider agency register an Authorized Person for receipt of AARM notifications and submission of AARM data, but not for Staff Exclusion List (SEL) checks?

Answer: Yes. However, between October 13, 2017 and October 29, 2017, there will be a single list of Authorized Persons who will have the ability to conduct SEL checks **and** make AARM submissions. During this time, if a facility or provider agency has a custodian who is substantiated for Category 1, 2 or 3 abuse or neglect, the existing SEL Authorized Persons will receive notifications of the obligation to report final administrative actions taken for that custodian.

Beginning on October 13, 2017, facilities and provider agencies may begin to register AARM Authorized Persons. Starting on October 30, 2017, only AARM Authorized Persons will receive the email notifying them of the need to submit the AARM data for custodians with new substantiated allegations of abuse or neglect, and will be the only persons able to submit the administrative actions to the AARM.

Facilities and provider agencies may designate an existing SEL Authorized Person to be their AARM Authorized Person, or they may designate a different person or persons to be an AARM Authorized Person. The existing SEL Authorized Persons will not automatically become AARM Authorized Persons. The new AARM Authorized Person designation form must be completed for each AARM Authorized Person.

11. Does the Justice Center have the authority to use this data to make decisions about a subject's employment status?

Answer: When a subject is substantiated for Category 1 abuse or neglect, the law prohibits the subject from working in a position in which he or she will have regular and substantial contact with vulnerable persons. Generally, the Justice Center has no authority to make decisions about a subject's employment status. Employment decisions are made based on an employee's entire employment history, including non-abuse or neglect related factors, as well as the employee's rights under a collective bargaining agreement to which the Justice Center is not a party.

12. Does the Justice Center collect this type of data from state-operated facilities and providers?

Answer: Yes. Because the Justice Center represents the state agencies in disciplinary matters when state employees are substantiated for abuse or neglect, we are aware of the administrative actions taken with respect to those employees.

13. Can a facility or provider agency use its existing Staff Exclusion List (SEL) Authorized Person (AP) as its AARM AP?

Answer: Yes, but only if the SEL AP is also registered as an AARM AP using the new AARM AP form on the Justice Center's website. After October 29, 2017, SEL APs will no longer be notified of new substantiated allegations of abuse or neglect and will no longer be able to submit AARM information to the Justice Center's AARM web application.

14. On the form to register a new AARM Authorized Person (AP), what do I put for the Agency Code or Agency ID in section 3?

Answer: For OMH, OPWDD and OASAS program providers, the Agency Code is the 5-digit provider ID that is used when you register an applicant for fingerprinting.

For OCFS program providers, and for DOH Adult Care Facility and DOH camp programs, enter any Provider ID/Agency Code that OCFS or DOH has assigned to your program.

15. Who do we make an AARM AP?

Answer: A provider can choose any person at the facility or provider agency who it believes is appropriate to:

- a) receive an email notification that a custodian at the facility or agency has a new substantiated Category 1, 2, or 3 finding of abuse or neglect; and
- b) obtain and enter information about administrative actions taken with respect to that custodian into the AARM web application.

16. My provider agency already has an Authorized Person for Staff Exclusion List (SEL) checks. Why do we have to submit a new form for an AARM Authorized Person?

Answer: Provider agencies may decide that their SEL Authorized Person is not the appropriate person to receive the AARM notifications and submit the administrative action information to the AARM web application. To address this concern, the Justice Center has created a new role for an AARM AP.

Starting on October 29, 2017, only these specifically designated AARM APs will receive the AARM notifications and be able to submit administrative actions through the AARM web application. This role will not allow the AARM AP to perform the functions of an SEL AP. Nor, after October 29, 2017, can an SEL AP submit administrative actions through the AARM web application.

If they choose to do so, a facility or provider agency may designate one person to be both an AARM AP and an SEL AP, but currently registered SEL APs will not automatically become AARM APs. The facility or provider agency must complete and submit an AARM AP designation form for a person to have these two roles, or for a new person to become their AARM AP.

17. How is the AARM process different from a Corrective Action Plan (CAP)?

Answer: A CAP may include both agency wide corrective actions, such as changes to processes and procedures to address systemic concerns, as well as specific actions involving individual staff members, such as retraining. The subject-specific information submitted through the AARM web application is thus both more specific and more limited than any information submitted to either the State Oversight Agency or the Justice Center through the CAP process. For more information on developing and implementing a Corrective Action Plan, please visit <https://www.justicecenter.ny.gov/corrective-action-plan-guidance>.

18. Does the AARM process change the way facilities and provider agencies are notified of the Justice Center's determinations to substantiate or unsubstantiate allegations of reportable incidents at the conclusion of an investigation?

Answer: No. Provider agencies will continue to receive a copy of Justice Center's Notice of Determination letter through the mail. In addition, when the Notice of Determination letter includes a finding that a subject was substantiated for Category 1, 2, or 3 abuse or neglect, the SEL AP (between October 13, 2017 and October 29, 2017) or the AARM AP (after October 29, 2017), will receive an "AARM notification" via email that will contain:

- a) information that a named subject has been substantiated for category 1, 2 or 3 abuse or neglect;
- b) the AARM number assigned to the subject; and
- c) instructions to log into the AARM web application and submit information about FINAL administrative actions involving that subject into the AARM record.

19. What should an AARM AP do if the administrative actions are not yet final?

Answer: The AARM AP should wait to submit AARM information until after all final administrative actions have been taken. Thus, for example, if a proposed disciplinary sanction is still not final because a subject has invoked his or her rights under a collective bargaining agreement, the AARM AP should wait until the conclusion of the disciplinary process to log in to the AARM web application and enter the AARM information. Once

Contact Us for Assistance

Justice Center VPCR Resource Group

Monday – Friday 8:30 am – 4:30 pm

Phone: 518-549-0240

Email: vpcrresourcegroup@justicecenter.ny.gov