

CERTIFIED – RETURN RECEIPT REQUESTED

Division of Quality Improvement

July 3, 2012

44 Holland Avenue
Albany, NY 12229

TEL: 518-474-3625
FAX: 518-486-1728
TTY: 866-933-4889

www.opwdd.ny.gov

Mr. Dana Magee, Executive Director
Community Resources for the Developmentally Disabled
3450 Victory Boulevard
Staten Island, NY 10314

Re: Imposition of Fine

Dear Mr. Magee:

This letter constitutes formal notification of the Office for People With Developmental Disabilities” (OPWDD) intent to impose a \$2000 dollars fine on your agency. Pursuant to Mental Hygiene Law Section 16.17(g), the Commissioner may impose a fine upon a finding that the holder of the certificate has failed to comply with the terms of an operating certificate or with the provisions of any applicable statute, rule or regulation. As you know, this process was explained in the OPWDD Accountability Initiative Memorandum dated June 1, 2011, copy enclosed.

During the last survey conducted at the individualized residential alternative (IRA) located at 4023 Richmond Avenue, Staten Island, NY on May 25, 2012, Community Resources for the Developmentally (CRDD) was cited for repeated issues in the area of incident management as well as serious issues in the area of protective oversight. As a result, a 45-day letter was issued. Additionally, over the past year systemic problems have been noted in the area of Incident Management at various sites operated by the agency. Therefore, this action is based on the following:

- Failure to assure that appropriate Incident Management was provided as evidenced by the 45-day letter issued in response to the survey conducted on 5/25/12 at 4023 Richmond Avenue Staten Island NY involving two (2) separate incidents.
- Failure to assure that appropriate Protective Oversight was provided as evidenced by the 45-day letter that was issued in response to the survey conducted on 5/25/12 at 4023 Richmond Avenue, Staten Island NY involving two (2) individuals receiving services
- Failure to implement the approved POCA from the 6/21/2011 survey has lead to the issuance of a repeat deficiency in the area of Incident Management at the IRA located at 4023 Richmond Avenue, Staten Island NY on 5/25/2012.
- Failure to assure that appropriate Incident Management has been provided has resulted in the issuance of deficiencies at various sites within the past year. For example:
 - For the IRA located at 250 Beement St. surveys conducted on 2/18/11 and 3/29/12 resulted in deficiencies in the area of incident management. For example, the agency failed to properly and thoroughly investigate incidents, they failed to properly classify incidents and the incident review committee failed to conduct a thorough review of all incidents.

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- In addition, systemically across IRAs located at 750 Page Ave – survey dated 1/17/12, 149 Sharrott Ave – survey date 4/27/12, 78 Selkirk St – survey date 1/27/12, deficiencies were identified due to the agency's failure to thoroughly investigate injuries of unknown origin.

You have the right to an administrative hearing to appeal the imposition of this fine. You also have the right to be represented by an attorney at such hearing. If you want a hearing, you must submit a written request within 30 days from service of notice of this proposed action. Your request must include a declaration of the issues alleged to be involved and documentation of the agency's position as to each identified issue. Send your request to:

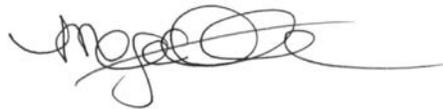
Courtney Burke
Commissioner
NYS Office for People With Developmental Disabilities
44 Holland Avenue
Albany, NY 12229

Your written request for a hearing must include a copy of this letter. You should also submit a copy of your request to me. If you decide not to request a hearing, please remit payment of your fine immediately. The money should be sent in a lump sum payment. A check is the only acceptable form of payment. The check should be payable to OPWDD and forwarded to the following address:

OPWDD
Attention: Kerry, Delaney, General Counsel
Counsel's Office – 3rd Floor
44 Holland Avenue
Albany, NY 12229-0001

Finally, please be aware that the imposition of this fine does not preclude OPWDD from taking further adverse action if your agency continues to fail to maintain compliance with OPWDD regulations.

Sincerely,



Megan O'Connor-Hebert
Deputy Director
Division of Quality Improvement

Enc.

cc: Board President
Courtney Burke, Commissioner
James Moran, Acting Executive Deputy commissioner
Kerry Delaney, Deputy Commissioner
Jill Gentile, Associate Deputy Commissioner
Sheryl Minter-Brooks, Acting Director, Staten Island DDSO
Tom Holland, Regional Director DQI