

**Division of Quality Improvement**

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[www.opwdd.ny.gov](http://www.opwdd.ny.gov)

April 25, 2012

Mr. Danny King, Executive Director  
Federation of Multicultural Programs  
2 Van Sinderen Avenue, 2<sup>nd</sup> Floor  
Brooklyn, NY 11207

Mr. Carlton McCall, Board President  
[REDACTED]

**RE: Early Alert Notice #2**

Dear Mr. King and Mr. McCall:

In a letter dated June 30, 2011, OPWDD advised you that your agency, Federation of Multicultural Programs (FMCP), was placed on Early Alert due to serious concerns related to agency internal controls as well as significant compliance issues at one of the intermediate care facilities (ICF) operated by the agency. As you are aware, the purpose of the Early Alert process is to monitor the performance of a provider that has been unable to sustain compliance with NYS laws and regulations and/or has been unable to demonstrate sound governance practices, including management of fiscal resources, so that OPWDD can take appropriate action as necessary.

The purpose of *this* letter is to notify you that Federation of Multicultural Programs *continues* on Early Alert status for the following reasons:

- Serious concerns related to agency internal controls.
- Repeated, and/or significant lack of regulatory compliance resulting in 45 or 60-day letters, especially in the areas related to individual's health and safety.
- Repeated need for immediate on-site plans of corrective action (11 residences within the past six months), especially in the areas related to individuals health and safety.
- Systemic ongoing deficiencies in critical operational areas such as health care, fire safety and protective oversight.
- Lack of awareness on the part of the Board of Directors regarding the programmatic issues facing the agency.

In addition, on April 19, 2012, due to FMCP's failure to comply with the terms of an operating certificate or with the provisions of any applicable statute, rule or regulation, OPWDD formally notified you of our intent to impose a \$7000 fine on your agency.

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While we recognize improvements made at the Bryant Avenue ICF since the proposed decertification by the NYS Department of Health last fall, we have identified a simultaneous decline in compliance and an increase in deficiencies in a multitude of other programs and facilities operated by FMCP. Moreover, we continue to have grave concerns about FMCP's lack of internal controls.

As FMCP continues on Early Alert, OPWDD will make a determination regarding whether Federation of Multicultural Programs has the ability to remedy the deficient practices and sustain compliance. Although Early Alert does not automatically affect the current certification or funding of an agency or its programs, OPWDD reserves the right to take appropriate certification and funding actions at any time it determines the health and safety of individuals requires such actions. Finally, we remind you that while an agency is on Early Alert status, OPWDD will not consider any requests for expansion of services and may suspend any expansion that is in process.

My staff has reached out to both of you to schedule a meeting with the entire Board of Directors but we have not received a return phone call. It is imperative that you contact Tom Holland at (212)229-3350 to arrange a meeting as soon as possible. We plan to specifically address the Board about our concerns related to the agency's inability to sustain compliance and quality services and expect the Board to be prepared to explain how it will address the systemic issues that have resulted in the agency's continued failure to comply with regulatory requirements. We will also share with you our expectations for steps the Board will need to take to assure OPWDD that it can achieve and sustain compliance in the future.

We look forward to meeting with you soon.

Sincerely,

Megan O'Connor  
Deputy Director  
Division of Quality Improvement

cc: Board of Directors  
Courtney Burke, Commissioner  
James F. Moran, Acting Executive Deputy Commissioner  
Jill Gentile, Associate Deputy Commissioner for Service Delivery  
Donna Limiti, Brooklyn DDSO Director  
Janet Zampella, Metro DDSO Acting Director  
Tom Holland, DQI Regional Director  
Brian O'Donnell, DQI Area Director