



Office for People With Developmental Disabilities

ANDREW M. CUOMO
Governor

KERRY A. DELANEY
Acting Commissioner

VIA USPS CERTIFIED MAIL AND EMAIL

April 27, 2016

Craig Stenning, Executive Director
Easter Seals New York
633 3rd Avenue
6th Floor
New York, NY 10017

Michael Friedman, President
[REDACTED]

Dear Mr. Stenning and Mr. Friedman;

The purpose of this letter is to notify you that, Easter Seals New York (Easter Seals NY) is being placed on Early Alert due to its inability to achieve and sustain compliance with OPWDD regulatory requirements.

In order to ensure that New York State (NYS) citizens with developmental disabilities receive appropriate services and protections, the Office for People With Developmental Disabilities (OPWDD) has established an internal Early Alert Committee. The committee is made up of OPWDD senior leadership and managers. The purpose of the Early Alert process is to monitor the performance of a provider that has been unable to sustain compliance with applicable laws and regulations.

OPWDD has a number of concerns with the lack of compliance in the following areas:

- The issuance of 3 60-day letters in two months (2/25/16, 3/11/16, AND 4/15/16) for systemic and pervasive problems with Individual Protections, Behavior Services, and Active Treatment;
- Declaration of immediate jeopardy at certified residences;
 - 304 Daley Blvd, Rochester, NY 14617
 - 404 Rogers Parkway, Rochester, NY 14617
 - 302 Daley Blvd, Rochester, NY 14617
- The agency's inability to develop and implement effective plans of corrective action; and;
- The frequency of allegations of Inappropriate Use of Restraints or Deliberate Inappropriate Use of Restraints not being reported to either OPWDD or the Justice Center.

Staff from OPWDD will work with you to address the above stated issues so that you may arrive at a solution that will be in the best interests of the individuals you serve and their families. During this time, OPWDD will make a determination regarding whether your agency has the ability to remedy the deficient practices and sustain compliance.

Executive Office

44 Holland Avenue, Albany, NY 12229-0001 | 886-946-9733 | www.opwdd.ny.gov

If the agency can demonstrate the ability to sustain compliance over a significant period of time, the Early Alert committee will consider potential removal from Early Alert and you will be notified accordingly. While Easter Seals NY is on Early Alert, OPWDD will not consider any requests for expansion of services and may suspend any expansion that is in process.

Representatives from OPWDD will meet with Executive Staff from Easter Seals NY and its Board of Directors to discuss the Early Alert process further and OPWDD's expectations. That meeting has been scheduled for May 10, 2016 at 2:00 PM. The meeting will be held at 44 Holland Avenue, Conference room 4B, Albany, New York. If you have any questions, please contact Michael Savery, DQI Regional Director at (518) 474-3625.

Sincerely,



Tamika R. Black, Ph.D.
Acting Deputy Commissioner
Division of Quality Improvement

cc: Board of Directors
Kerry Delaney, Acting Commissioner
Helene DeSanto, Acting Executive Deputy Commissioner
Abiba Kindo, Associate Deputy Commissioner
Kirk Maurer, Region 1 DDRO Director
Roger Bearden, General Counsel
Michael Savery, Regional Director, DQI
Daniel Caryl, Area Director DQI
Leslie Fuld, Director, DQI/IMU
James Nellegar, Director, Audit Services
Jeremy Ryan, DQI