



Office for People With Developmental Disabilities

ANDREW M. CUOMO
Governor

KERRY A. DELANEY
Acting Commissioner

VIA EMAIL AND CERTIFIED MAIL

June 22, 2016

Mr. Alan M. Weinstock, Executive Director
PSCH, Inc.
142-02 20th Avenue
3rd Floor
Flushing, NY 11351

Jeffrey E. Finkle, President
[REDACTED]

Re: Notification of Fine

Dear Mr. Weinstock and Mr. Finkle:

This letter constitutes formal notification of the imposition of a \$1,500.00 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 an operating certificate has failed to comply with the terms of the certificate or with the provisions of any applicable statute, rule or regulation. This process is outlined in the OPWDD Accountability Initiative Memorandum dated June 1, 2011, copy enclosed. This action is based on an alarming number of issues identified during a recertification survey conducted at the ICF located at 1663 Madison St in Ridgewood, NY on March 10, 2016; March 11, 2016; and March 15, 2016. Immediate Jeopardy was declared for the following reasons:

- The sewer pit in the basement, which is located in close proximity to the interior stair that leads from the first floor to the basement, was found improperly covered with makeshift pieces of wood that did not fully cover the hole (leaving gaps and spaces uncovered). The improperly covered sewer pit presented a clear and present danger to the individuals who independently access the basement while conducting their daily routines.
- The interior stairs, which are the primary means of egress from the second and third floors, were severely weakened and were in very poor structural condition
- There were visible signs of damage (tears, bubbles and soft spots) to the material covering the facility's roof. Water was observed squirting out from underneath the roofing material as survey staff walked on it.
- The façade in the rear of the building shows visible signs of damage, including bowing, which would allow for water to penetrate and enter into the building.
- The second floor bathroom was under some manner of construction, but during observations on 3/10/16, 3/11/16 and 3/15/16, survey staff observed several individuals using the bathroom.
- An excessive amount of a mold and mildew like substances were observed on the walls and floor of the shower stall in second floor bathroom.
- The third step of the exterior stair from the kitchen area was very unstable. In addition, lint from dryer vents were observed covering the stairs and the ground beneath the stairs.

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As a result of these serious and egregious physical plant issues, Immediate Jeopardy was declared and a 60 day letter was issued as the condition of participation, Physical Environment, was not met. In response to the Immediate Jeopardy declaration, the agency relocated the individuals to a hotel until a more suitable placement can be arranged.

OPWDD previously issued a fine in the amount of \$3,000 on April 27, 2016, which PSCH, Inc. appealed and requested an administrative hearing as contained in its letter to Acting Commissioner Kerry Delaney dated May 9, 2016. Pursuant to the subsequent enclosed Stipulation, signed June 14, 2016 between OPWDD and PSCH, Inc., OPWDD agreed to reduce the fine from \$3,000 to \$1,500 and issue a revised and superseding Notification of Fine in accordance with that amount, and PSCH, Inc. agreed to pay the revised amount of \$1500.00 to OPWDD within 14 days of receipt of the revised Notification of Fine. The money should be sent in a lump sum payment. A check is the only acceptable form of payment. The check should be made payable to OPWDD and forwarded to the following address:

OPWDD
Attn: Roger Bearden, General Counsel
Counsel's Office – 3rd Floor
44 Holland Ave.
Albany, NY 12229-0001

Nothing in said Stipulation shall be construed in any way to diminish or nullify the findings and determinations made by OPWDD during the Recertification Survey which pertain to the physical environment issues identified in OPWDD's April 27, 2016 letter to PSCH, Inc., nor to limit use of the findings in any future oversight action or proceeding deemed by OPWDD to be necessary to ensure ongoing compliance by PSCH, Inc. with applicable laws and regulations.

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

Sincerely,



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

Enclosure(s)

cc:

Board of Directors
Kerry Delaney, Acting Commissioner
Helene DeSanto, Acting Executive Deputy Commissioner
Roger Bearden, General Counsel
Abiba Kindo, Associate Deputy Commissioner
Donna Limiti, DDRO Region 4 Director
Willow Baer, Acting Deputy Counsel
Brian O'Donnell, Regional Director, DQI