

December 28, 2012

Division of Quality Improvement

Mr. Ray L. Knights, Executive Director
Elmy's Special Services
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Mr. Robin Williams, Board President
[REDACTED]

Dear Executive Director and Board President:

In a letter dated June 30, 2011, OPWDD advised you that your agency, Elmy's Special Services, was placed on Early Alert due to significant concerns related to the fiscal viability of the agency due to findings of the OMIG that may result in a substantial judgment against 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 Elmy's Special Services *continues* on Early Alert status for the following reasons:

- Serious concerns regarding the agency's ability to maintain regulatory compliance as evidenced by the 45 day letters recently issued at the IRA located at 157 Vanburen St, 1st floor on 10/23/12 and the IRA located at 125 Osborn St on 11/30/12.
- Systemic and ongoing issues in the area of protective oversight and provision of appropriate medical care in regards to diabetic care and bowel management at the 125 Osborn St IRA and diabetic care at the 157 Vanburen IRA.

As Elmy's Special Services continues on Early Alert, OPWDD will make a determination regarding whether Elmy's Special Services 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.

Moving forward, OPWDD is requesting a management plan from Elmy's Special Services to address systemically how you plan to correct the above issues and ensure that they do not reoccur on an agency level. In addition, staff from the Division of Quality Improvement will be reaching out to you to set up a meeting with the Board of Directors to discuss our concerns.

Sincerely,

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

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cc: Board of Directors
Courtney Burke, Commissioner
James F. Moran, Acting Executive Deputy Commissioner
Helene DeSanto, Deputy Commissioner for Service Delivery
Jill Gentile, Associate Deputy Commissioner for Service Delivery
Kerry Delaney, Deputy Commissioner for Office of Counsel
Donna Limiti, Director – Regional Office – Region 4
James Nellegar, Director of Audit Services
Tom Holland, DQI Regional Director
Brian O'Donnell, DQI Area Director