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Thomas A. Maul
Commissioner

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OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES
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M E M O R A N D U M

TO: Executive Directors Voluntary Agencies
DDSO Directors

FROM: Jan Abelseth 
Deputy Commissioner
Division of Quality Assurance

DATE: January 13, 2003

SUBJECT: Willowbrook Residential Expansion

The following is intended to clarify the matter of expansion of certified capacity of homes serving Willowbrook class members.

Per Paragraph 6 of the Willowbrook Permanent Injunction, OMRDD agencies are obligated to "maintain class members in the community residential facility in which they live at the time of entry of this permanent injunction, or in such community residential facilities with equal or smaller residential capacities as are appropriate for the class member." In order to comply with this stipulation, the Willowbrook attorneys must approve the expansion of existing facilities serving class members. Therefore, DDSOs and licensed providers seeking to increase the certified capacity of any OMRDD certified program that serves class members must submit the Request for Expansion of Community and Qualifying Facilities. This includes requests to change the status of a temporary use bed (TUBS) to a regularly certified bed. In addition to Willowbrook approval, it is still necessary to meet all other OMRDD applicable requirements related to an increase in residential capacity in certified residences serving class members.

The expansion request, which is attached for your reference and use, should be submitted to Denise Pensky, Director Litigation Support Services, at 44 Holland Avenue, Albany, NY 12229 or via fax at (518) 473-1121. Ms. Pensky will facilitate the OMRDD review prior to submission to the Willowbrook parties for their consideration.



Providing supports and services for people with developmental disabilities and their families.



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Please ensure that your staff are aware of this Willowbrook compliance issue and adhere strictly when processing a request for an increase in residential certified capacity. Your staff should contact Ms. Pensky immediately should an expansion request be considered for a certified residence serving class members. She can be reached by telephone at (518) 473-6026.

Thank you for your assistance in ensuring compliance with Willowbrook residential expansion requirements.

Attachment

cc:

H. DeSanto
K. Broderick
P. Pezzolla
R. Wolfe
J. Trent
R. Jung
D. Pensky