



Office for People With Developmental Disabilities

ANDREW M. CUOMO
Governor

THEODORE KASTNER, M.D., M.S.
Commissioner

ROGER BEARDEN, J.D.
Executive Deputy Commissioner

VIA USPS CERTIFIED MAIL & EMAIL

Eileen Egan, Executive Director
Community Mainstreaming Associates, Inc.
1025 Old Country Rd.
Westbury, New York 11590

May 27, 2021

Jonathan Lerner, President, Board of Directors
[REDACTED]

Dear Ms. Egan and Mr. Lerner:

Re: Notification of Intent to Impose a Fine

This letter constitutes formal notification that the New York State Office for People With Developmental Disabilities (OPWDD) is imposing a fine in the amount of \$10,000 on your agency, Community Mainstreaming Associates, Inc.

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 operating certificate or with the provisions of any applicable statute, rule or regulation.

This action is based on your agency's failure to permit an individual receiving services (K.S) to return to his certified residence following discharge from a hospital visit on April 21, 2021. In not returning K.S. to his certified residence, Community Mainstreaming Associates Inc. has failed to comply with OPWDD regulations, including but not limited to the process set forth at 14 NYCRR section 633.12.

You have the right to an administrative hearing to appeal the imposition of this fine. You also have the right to be represented by an attorney at such hearing. If you are requesting a hearing, you have 30 days from service of notice of this proposed action to submit your request. Your request must include a declaration of the issues alleged to be involved and documentation of the agency's position as to each identified issue. Send your request to:

Theodore Kastner, MD, Commissioner

NYS Office for People With Developmental Disabilities

44 Holland Avenue

Albany, NY 12229

In accordance with 14 NYCRR 602.5, your written request for the hearing must include a copy of this letter and a declaration of the issues alleged to be involved and documentation of your position of each issue. If you decide not to request a hearing, please remit payment of your fine immediately. Payment should be sent in a lump sum within 30 days of receipt of this notification. A check is the only acceptable form of payment. The check should be payable to OPWDD and forwarded to the following address:

Willow Baer, General Counsel
NYS Office for People With Developmental Disabilities
Counsel's Office-3rd Floor
44 Holland Avenue
Albany, NY 12229

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,



Leslie M. Fuld
Deputy Commissioner
Division of Quality Improvement

cc: Board of Directors
Theodore Kastner, Commissioner
Roger Bearden, Executive Deputy Commissioner
Tammy Devine, Deputy Director, Division of Quality Improvement
Brian O'Donnell, Statewide Director, DQI, Bureau of Program Certification
Barbara Van Vechten, Statewide Director, Incident Management and Continuous Quality Improvement Units
Karisa Capone, Director, Incident Management Unit
Richard Cicero, Director of Internal Controls
Abiba Kindo, Deputy Commissioner, Service Delivery - Regional Offices
Deborah Ellis, Statewide Operations Director
Willow Baer, General Counsel
Joanne Howard, Director, Fiscal Reporting and Data Analysis
Earl Jefferson, Director, Central Operations
Margaret Stadnicky, Director, Region 5
Josh Olsen, Deputy Counsel, Counsel's Office