

STATE OF NEW YORK OFFICE OF THE INSPECTOR GENERAL

EMPIRE STATE PLAZA AGENCY BLDG. 2, 16Th FLOOR ALBANY, NEW YORK 12223 (518) 474-1010

61 BROADWAY, SUITE 2100 NEW YORK, NEW YORK 10006 (212) 635-3150 65 COURT STREET, 5TH FLOOR BUFFALO, NEW YORK 14202 (716) 847-7118

ELLEN N. BIBEN INSPECTOR GENERAL

January 10, 2012

Courtney E. Burke Commissioner New York State Office for People with Developmental Disabilities 44 Holland Avenue Albany, New York 12229

RE: NYS IG 0910-031-2011

Dear Commissioner Burke:

individual who requested confidentiality concerning a Developmental Aide
assigned to the Broome Developmental Disabilities Services Office of the Office for
People with Developmental Disabilities. The complaint alleged that had: (1)
disclosed information to an acquaintance about a Broome DDSO consumer who had
recently died, and (2) sent text messages and images from her cellular telephone while on
duty within the facility to this acquaintance, one of which contained a photograph of
in a facility bathroom. The complainant provided the Inspector General with a
copy of the images at issue.
The Inspector General's investigation found no evidence to support the claim that
had disclosed confidential patient information. The complainant, who was
interviewed by the Inspector General, was unable to provide any specific information
about the substance of purported disclosure. Lestified that she had told
an ex-boyfriend that a consumer she oversaw had died, but only mentioned the
consumer's first name and provided no other details.
Regarding the claim that sent text messages and images from her cellular
telephone while on duty, the Inspector General found evidence that
one image via her cellular telephone while in the facility. It testified to this fact, but
claimed she was on a work break at the time the image was sent. However, this
testimony appears to be contradicted by the fact that the image was taken in the
consumers' bathroom and was wearing a latex glove, indicating she was working

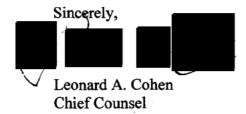
On August 22, 2011, the Inspector General received a complaint from an

at the time. With respect to the other image, testified she sent it to her exboyfriend from her home, not while on duty at the facility. No evidence was developed to refute her explanation.

use of her cell phone while on duty appears to violate Broome DDSO Personnel Memorandum 2009-14 (issued November 24, 2009), which reads, "Use of a personal cellular telephone, including text messaging, camera/video options... is not allowed nor appropriate at the work site except during breaks and duty free periods... It is expressly forbidden to use cell phones... during work hours...." Moreover, as was recently discussed with you, cell phones pose a risk in these types of facilities. In light of this, we recommend that you review agency policy concerning possession and use of cell phones on facility premises.

The Inspector General is therefore referring this matter to your office for review and consideration of appropriate action. We request that within 30 days you advise us of any action or decision taken.

If you have any question regarding our investigation, please contact me at (518) 474-1010.



cc: Anthony Bruno
OPWDD Director of Investigation and Internal Affairs