



Offices of the
Inspector General

LUCY LANG
Inspector General

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May 24, 2022

Anthony J. Annucci, Esq.
Acting Commissioner
New York State Department of Corrections
and Community Supervision
The Harriman State Office Campus
1220 Washington Avenue
Albany, New York 12226

Re: NYS IG 2501-316-2021

Dear Acting Commissioner Annucci:

In October 2021, the Offices of the New York State Inspector General was notified of potential misconduct by [REDACTED], a correction officer employed with the New York State Department of Corrections and Community Supervision (DOCCS). An investigation was conducted, which found that [REDACTED] likely acted in concert with his wife to submit falsified medical documentation (“out of work notes”) to DOCCS, for the purpose of being placed on sick leave to which he was not entitled.

The investigation found that between August 2020 and September 2021, DOCCS received a series of out of work notes¹ from Lewis County Health System (LCHS), purportedly signed and authorized by [REDACTED] physicians, advising that [REDACTED] was unfit for duty. At that time, [REDACTED] worked at Franklin Correctional Facility, a three-hour drive from his home. Upon receipt of the notes, DOCCS placed [REDACTED] on sick leave, and subsequently extended his leave each time a new note was received from LCHS.

During this time, [REDACTED] wife was employed by LCHS as a nurse practitioner and worked with [REDACTED] treating physician, Dr. [REDACTED], M.D., and his partner, Dr. [REDACTED], M.D. In September 2021, LCHS learned that several out of work notes bearing the signatures of Dr. [REDACTED] and Dr. [REDACTED] had been submitted to DOCCS on [REDACTED] behalf without the authorization of either doctor. Many of these notes referenced medical examinations which had not been performed by either doctor. LCHS confronted [REDACTED] wife, who admitted to creating and submitting several of the falsified notes to DOCCS on [REDACTED] behalf. [REDACTED] wife immediately resigned from her position at LCHS.

¹ DOCCS 2202B forms (Documentation for Personal Sick Leave).

On May 18, 2022, [REDACTED] testified to the Inspector General that he was aware out of work notes had been submitted to DOCCS on his behalf but denied knowing that the notes were falsified or that his wife had submitted the notes. [REDACTED] then testified that he had provided his wife with several "DOCCS 2202B forms" and had periodically asked her to arrange for them to be completed and submitted to DOCCS so that his sick leave would continue. During his testimony, [REDACTED] repeatedly denied asking his wife to falsify any out of work notes.

However, the evidence suggests that [REDACTED] both requested that his wife falsify his out of work notes and that he aided her in furtherance of this. Moreover, the evidence suggests that they did this to keep [REDACTED] on sick leave until he could transfer to a facility closer to his home than Franklin Correctional Facility. Indeed, [REDACTED] was on a lengthy sick leave while at Franklin Correctional Facility from which he returned shortly before his November 2021 transfer to Marcy Correctional Facility and later February 2022 transfer to Mohawk Correctional Facility, two facilities located closer to the [REDACTED] home.

In a written statement, Dr. [REDACTED] advised that he examined [REDACTED] on August 31, 2021, and, at that time, explicitly advised [REDACTED] and his wife "that [he] would not be providing any additional short-term out of work notes." Regardless of this, on September 2, 2021, [REDACTED] wife informed Dr. [REDACTED] that she had submitted another out of work note to DOCCS giving [REDACTED] another "couple of weeks" of sick leave. Dr. [REDACTED] subsequently learned that this out of work note referenced the August 31, 2021 examination and stated that [REDACTED] would be incapacitated from September 2 to October 2, 2021, but purportedly bore Dr. [REDACTED] signature. However, in a sworn statement, Dr. [REDACTED] stated that he did not examine [REDACTED] on that date, or any date after October 2020, and did not authorize his signature being affixed to the note.

In light of these findings, I recommend that DOCCS take any action it deems appropriate against [REDACTED]

Please advise me of any action taken by DOCCS in response to these recommendations within 45 days of the date of this letter. If you require further information, please contact Deputy Inspector General James R. Davis at [REDACTED].

Sincerely,

[REDACTED]
Lucy Lang
Inspector General

cc: Cathy Sheehan, Esq.
Deputy Commissioner and Counsel