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July 22, 2014

Kerry A. Delaney
Acting Commissioner
New York State Office for People With Developmental Disabilities
44 Holland Avenue
Albany, New York 12229

Re: NYS IG 0283-031-2011

Dear Acting Commissioner Delaney:

My office received an allegation that two employees of the New York State Office for People with Developmental Disabilities (OPWDD) abused an individual with developmental disabilities residing at the Route 50 Individualized Residential Alternative (IRA). Specifically, it was alleged that on January 22, 2011, OPWDD Developmental Aides ██████████ and ██████████ physically assaulted resident ██████████, after ██████████ and ██████████ returned from an outing at a hockey game.

On January 23 and February 13, 2011, respectively, ██████████ and ██████████ were placed on administrative leave. Following the incident, the Capital District Developmental Disabilities Services Office (CDDDSO) conducted an investigation and issued a report, which substantiated, among other findings, the allegation of physical abuse of ██████████ by ██████████ and ██████████ because they used "a restrictive intervention which was not part of the approved agency curriculum, or is not a minor and acceptable variation of an approved intervention."¹

In a letter dated April 4, 2012, the then Commission on Quality of Care and Advocacy for Persons with Disabilities (CQC) informed OPWDD of its review of the CDDDSO's investigation into the allegation of physical abuse involving ██████████. CQC found a number of deficiencies in the CDDDSO's investigation: based on the nature of the allegation and the injuries sustained, law enforcement should have been notified of the incident immediately; the target staff should have been held accountable for not seeking immediate medical attention for

¹ Part 624 Handbook, Section 624.4(c)(1).

