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August 28, 2014

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

Re: NYS IG 0879-031-2013

Dear Acting Commissioner Delaney:

On May 10, 2013, my office received a complaint referred by the Office for People With Developmental Disabilities (OPWDD) in which [REDACTED] a Direct Support Assistant (DSA) at the Corinth Individualized Residential Alternative, alleged that [REDACTED] a DSA at the facility, purportedly used approximately \$200 of resident [REDACTED] personal funds to purchase clothing for [REDACTED] which [REDACTED] in fact subsequently stole.

While the claims against [REDACTED] were inconclusive, our investigation revealed several deficiencies in the administration of residents' "Personal Allowances." As you know, OPWDD distributes Personal Allowance spending money to individuals living in facilities it operates. The allowance, derived from a resident's income and/or monthly benefit, may be administered by staff for individuals needing such assistance. A supervisory staff member is designated the Personal Allowance Administrator and is responsible to ensure that access to funds is limited to herself/himself and designated staff. Staff is responsible for determining a resident's needs, placing requests for purchases, coordinating the purchase of items, and inventorying the receipt of goods consistent with OPWDD policy and each resident's Personal Expenditure Plan. A ledger, which reflects Personal Allowance account debits and credits, as well as supporting documentation, is maintained for each resident.

As to the instant matter, on May 7, 2013, OPWDD generated a "Reportable Incident, Serious Reportable Incident, Allegation of Abuse" form reflecting [REDACTED] claims. The Corinth facility took immediate action, including placing [REDACTED] on administrative leave, inventorying all property at the IRA, and strengthening requirements for personal property purchases. It also notified the advocate for [REDACTED] and reimbursed her account the cost of the missing clothing. On May 8, 2013, OPWDD notified

the Saratoga County Sheriff's Department, which conducted an investigation of the claim, but ultimately closed its case as inconclusive.

██████████ provided a written statement to OPWDD in support of her allegations, which read, in pertinent part, "Saw voucher before it was shopped for & wondered why shop for a 90 year old woman at the Gap." ██████████ further reported that her niece, ██████████ an acquaintance of ██████████ told her ██████████ "does steal client's clothes" and she was aware of a "rumor" that DSA ██████████ "admitted that she knew ██████████ had stolen stuff."

My office reviewed OPWDD's records reflecting the clothing purchases and interviewed 15 staff members about the incident. Our investigation revealed that in an October 2012 request, ██████████ sought \$500 from resident ██████████ Personal Allowance to purchase seven items for ██████████ at the Gap, including two sweaters, two "fitted boyfriend shirts" and three pairs of "1969 Gap jeans." ██████████ was ██████████ "Contact," responsible for such things as scheduling her haircuts and purchasing her clothing. Because ██████████ is profoundly mentally disabled, ██████████ determined what clothes were to be purchased for her. As this purchase was in excess of \$250, review and approval by both House Leader ██████████ and the Treatment Team Leader or Residential Manager were required. However, for this purchase, although the former approval was obtained, the latter was not.

After the clothing was purchased by ██████████ in November 2012, ██████████ ██████████ signed for their receipt at the Corinth facility and logged some of the purchases on ██████████ inventory record. ██████████ inventoried the remainder of the items. Others, including ██████████ testified they observed the items in the facility prior to Christmas. Soon after Christmas, however, the clothing was noted as missing. None reported ever seeing ██████████ wearing the jeans. A Report of Article Lost, Missing or Stolen was filed four months later after ██████████ came forward with the instant allegation.

As for ██████████ approval of ██████████ intended purchases and ██████████ review of the receipt of the clothing, both testified they did not consider the appropriateness of the purchases for ██████████ Size 10 Gap jeans for an 86 year old, 5'2", 108 lb., non-ambulatory woman who wears adult diapers. Indeed, ██████████ Individual Protective Oversight Plan reads, "Clothing Supports – Wears unrestrictive custom made clothing as needed to prevent ripping." When questioned by my investigators, ██████████ noted she prefers purchasing stretch pants for residents rather than jeans because they are easier to remove and put on with residents who need assistance with toileting. According to OPWDD Risk Management Unit Contract Management Specialist ██████████ who audits residents' Personal Allowance ledgers, she called ██████████ in or around November 2012 and, suspicious of the purchases, asked ██████████ if they were appropriate; ██████████ responded they were. ██████████ testified to having no recollection of this inquiry.

██████████ who described herself as a "good friend" of ██████████ testified that in the summer of 2012 (prior to the purchase at issue in this investigation) she observed clothing, including jeans, at ██████████ house, some of which had price tags attached. According to ██████████ when she questioned ██████████ about the items, ██████████ responded, "I got these from work and this from work."¹ ██████████

¹ We found no reports of missing clothing at the Corinth facility during mid-2012. Two hooded sweatshirts purchased by DSA ██████████ in January 2013 for resident ██████████ were also determined to be missing in May 2013 and have never been located. The items were reported as missing or stolen with the Business Office,

however, said she had no knowledge of [REDACTED] November 2012 purchase for [REDACTED] DSA [REDACTED] [REDACTED] who purportedly had "admitted [to [REDACTED] that she knew [REDACTED] had stolen stuff," also testified to my office but provided no evidence in support of the claims. Testimony provided to my office by [REDACTED] co-workers and the Corinth facility management team also did not corroborate [REDACTED] claims.

In testimony to my office, [REDACTED] denied any wrongdoing in the purchase of [REDACTED] clothes and any involvement in any other thefts of clothing. She stated that although [REDACTED] typically wore sweatpants, Capri and "stretchy" pants, she claimed that her purchase of slim-fitting jeans for [REDACTED] was meant to give [REDACTED] "a little bit of dignity in her 80 years of life that maybe she could have some nice clothes." When asked if she wore size 10 pants, [REDACTED] testified she wore pants a couple of sizes smaller.

Given the above findings and the fact that a number of Corinth facility staff members and visitors had access to residents' personal property, the allegation that [REDACTED] misappropriated the missing clothing cannot be substantiated. I recommend that OPWDD retrain its staff to immediately identify and report lost or stolen personal property and obtain required approval of both the House Leader and the Treatment Team Leader or Residential Manager for purchases in excess of \$250. Additionally, it is recommended that OPWDD consider modifying its policies, requiring pre- and post-purchase supervisory review and approval for appropriateness of purchases.

During the course of the investigation we also identified security issues relating to the Corinth facility. Although OPWDD requires that guests to its facilities be greeted and sign a log book, this was not always the case at Corinth. Indeed, my investigators entered various areas of the facility without being greeted or challenged by staff. We brought these concerns to the attention of OPWDD at the time.

I recommend that OPWDD review this matter, retrain staff in group home security and consider implementing enhanced security measures for resident safety.

It is requested that within 45 days of the date of this letter you advise us of any actions or decisions taken in response to the above recommendations. As appropriate, please include copies of any new or revised policies. If you have any questions regarding these matters, please contact Deputy Inspector General Audrey Maiello Cunningham at (518) 474-1010.

Sincerely,

[REDACTED]
Catherine Leahy Scott
Inspector General

[REDACTED] account was reimbursed by OPWDD for the cost, and her advocate was notified. Although [REDACTED] had access to [REDACTED] clothing, our investigation did not find evidence connecting her to their disappearance.