

THE CITY OF NEW YORK
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
OFFICE OF THE COMMISSIONER



125 WORTH STREET, CN-28
NEW YORK, NY 10013
NYC.GOV/HEALTH

THOMAS R. FRIEDEN, M.D., M.P.H.
COMMISSIONER
TEL (212) 788-5261
FAX (212) 964-0472

February 11, 2004

Kevin M. McClune, Director of Audits
Office of the State Comptroller
A. E. Smith State Office Building
Albany, New York 12236

Re: Report 2003-F-25

Dear Mr. McClune:

The New York City Department of Health and Mental Hygiene (DOHMH) has received your follow-up letter commenting on the Department of Health and Mental Hygiene's (DOHMH) efforts to implement audit recommendations concerning its monitoring of Day Care Providers. We appreciate your acknowledgement that we have implemented two of the recommendations. We would like to update you concerning the other two recommendations.

Recommendation 2 "Ensure the complaint coordinator reviews all investigation reports for completeness, accuracy and consistency." Status: Not Implemented

As noted by the auditors, "This recommendation will no longer apply once CCFS is fully operational". CCFS became operational technically in October 2003. The Bureau's enforcement units are being trained in its use. Our plan is on track to complete this training by March 15, 2004. The Complaint Coordinator will be removed from the process at that time.

During this transition period the Complaint Coordinator has continued to review the final complaint outcomes. Because no manual log was set up for his tracking, the Bureau agrees that the auditor's recommendations were only partially implemented. The Complaint Coordinator, however, maintains a file with each complaint and the corresponding inspection result, and has been given an assistant to assure 100% response and accuracy.

Recommendation 4 "Follow up with centers to ensure that they comply with the requirements of the Code as they relate to the screening of center staff." Status: Partially Implemented

The Bureau of Day Care has no mechanism to monitor staff hiring in real time, outside of the licensing process, and interim inspections resulting from complaints or pursuant to an infectious disease outbreak. Between licensing inspections it is common for staff to leave and new staff to be hired. In some centers, turnover may be high, with new staff appearing each month. Although the programs are regularly instructed to notify the Bureau of any staff changes, day care operators do not always comply.

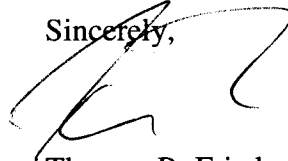
To address this problem, the agency will notify every group day care program in writing that the following actions will be taken if on a DOHMH inspection, any staff is found to lack screening or fingerprinting.

- A violation (NOV) will be issued, returnable to the Department's Administrative Tribunal for a hearing and the imposition of fines if found in violation.
- They will be subject to Commissioner's Closure Orders if they do not provide the Bureau with written documentation that all staff have initiated screening and fingerprinting procedures within one week of receiving the NOV.

In addition, we will institute Closure Orders for any programs found in violation of these requirements on two consecutive inspections. In short, one instance of non-compliance will identify a program as high risk. This "tag" will automatically trigger additional unannounced inspections. A subsequent adjudicated non-compliance finding on these requirements will trigger a closure request.

If you have any questions or require further information, please contact Charles Troob, Assistant Commissioner for Business Systems Improvement, at 212-788-4757.

Sincerely,



Thomas R. Frieden, M.D., M.P.H.
Commissioner

cc: M. Bassett, M.D.
W. Lopez
D. Nolte
C. Troob

TRF/ct