



THE CITY OF NEW YORK

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Michael R. Bloomberg
Mayor

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

nyc.gov/health

August 28, 2006

William P. Challice
Audit Director
Office of the State Comptroller
123 William Street, 21st Floor
New York, New York 10038

Re: Implementation of the
recommendations in the Audit Report on the
New York City Department of
Health and Mental Hygiene's Office of
Radiological Health's Radioactive Materials
Program; Report No. 2004-N-7

Dear Mr. Challice:

As requested in your letter dated April 25, 2006, the New York City Department of Health and Mental Hygiene's Office of Radiological is responding to the seven recommendations made in the above numbered audit report. We explained in our earlier comments that the Department was aware of the limitations of the current Rad Database prior to the initiation of this audit and has been actively developing a new system that would encompass all of the auditors' subsequent recommendations.

Attached to this letter are the responses from the Program. Again, we appreciate the courtesy and consideration of your audit staff in the performance of this audit. If you have any questions or need further information, please contact Thomas Hardiman, Director, Internal and External Audits at (212) 219-5285.

Sincerely,

A handwritten signature in black ink that reads 'For: Jeanine Prud'homme'.

Jeanine Prud'homme
Assistant Commissioner
Environmental Sciences and Engineering

cc: J Leighton
C. Troob

New York City Department of Health and Mental Hygiene
Bureau of Environmental Sciences and Engineering
Office of Radiological Health
Implementation Plan to the New York State Comptroller's Audit

Preface/General Comments

As has been mentioned in earlier comments, the Department was aware of the capabilities and limitations of the RAD Database currently being used to record licensing and inspection information. The main function of this database is to record licenses issued, automatically list license renewal dates, record last license inspection dates, and to record the next inspection due dates. Since this is a simple Access program developed in-house in the mid 1990s, it never had the capabilities the Auditors suggest it be used for. The Department actively sought and received funding for a new management database system to automate the licensing, inspection, and emergency response activities conducted by the Office of Radiological Health (ORH). This database is being designed to automate and capture all licensing information from applications through amendment requests through the renewal processes. This system will also automate licensee notification of impending license renewal dates. The inspection process will be conducted on tablet computers in the field where inspectors will have previous inspection histories, electronic inspection forms, automatic New York City Health Code references for violations and will be capable of automatic generation of Notice of Violations (NOVs). The system will automatically produce letters of inspection findings for licensees. It will also be capable of scheduling inspections due for each inspector, recording start and end times, assign re-inspection dates if necessary, and allow for supervisory inspection assignments from the Office to the field in case of prompt complaint response requirements. The system is being designed to provide all of the statistical data currently captured manually and will provide an electronic history of all radioactive materials licensing and inspection activities.

The entire system is being designed in modules with the estimated completion date for the Radioactive Materials Licensing and Renewal Module being 09/30/06, and the estimated completion date for the Radioactive Materials Inspection Module being 10/31/06. There will be a user training and testing phase of this system, so it is anticipated that it will be fully functional by early 2007.

Program Responses to Specific Recommendations

The Director of the Office of Radiological Health should:

- 1. Develop a process for ensuring the information in the license and inspection tracking database is complete and accurate.**

Response

We have made the following interim procedural change: a quality assurance program is in place, which on a semiannual basis, makes a hard copy comparison of file data versus the database output. Discrepant data is then corrected. When the new system is in place, all data will be captured automatically and reviewed by supervisory personnel to ensure accuracy.

- 2. Use the information in the license and inspection tracking database to automate the scheduling process for initial inspections.**

Response

While the current database automatically assigns an inspection due date of six months past the issuance date of a new license, the system is not capable of automating the scheduling process for initial inspections. To insure that new licenses are inspected in a timely manner, any new licenses issued by the licensing review staff are brought into program weekly staff meetings and assigned for inspection. Assignments are given to individual Assistant Scientists, who are responsible for contacting the licensee to secure the date of receipt of radioactive materials and perform initial inspections in a timely manner. The Chief of Radioactive Materials Section is responsible for oversight and tracking of this process, with overall oversight and responsibility assigned to the Program Director. The new system being developed will be capable of automatically assigning new license inspections to individual inspectors as part of their weekly schedules as well as track the receipt of radioactive materials by the licensees.

- 3. Use information in the license and inspection tracking database to strengthen the scheduling process for cyclical inspections to ensure they are done in a timely manner.**

Response

The Senior Scientist in charge of field operations uses the current database to ensure that cyclical inspections of all priorities are assigned in a timely manner. The quality assurance program mentioned above has improved this process by assuring that the dates entered into the system are accurate, but the new data system being developed will automate the scheduling process making it more efficient and accurate.

- 4. Strengthen management controls to ensure inspections are planned, done and documented in accordance with the guidelines in the Manual.**

Response

The Radioactive Materials Section meets weekly and scheduling, inspection documentation and licensing issues are discussed as well as any problems that were encountered during inspections for the prior week. RAD Database printouts are reviewed to determine which facilities need to be scheduled immediately, which licenses have been newly issued and which are due to expire in the next 3 months. In addition, monthly "tracking meetings" attended by Bureau management and supervisory staff evaluates the progress being made on issues of productivity, external audit recommendations and the Program's effectiveness in assuring that its primary mission of public health and safety is being met.

- 5. Develop a process for routinely notifying facilities when their licenses are about to expire.**

Response

A form reminder letter has been developed reminding facilities that their licenses are going to expire and their responsibilities to reapply for renewal at least 30 days prior to their expiration date. The new data management system will do this automatically.

- 6. Re-engineer the license renewal process to minimize the delays in the review and evaluations of renewal applications.**

Response

We have already documented for the Auditors that much of the delay in the renewal process is caused by deficient responses to required information on the part of the licensees, the notification to the licensees of these deficiencies, and then long delays on the part of the licensees in providing the correct information to the office for additional review. We have therefore made a procedural change that gives licensees 30 days to respond to deficiency letters, after which NOVs would be issued. The new system will automate much of the renewal process by having required entry fields, listing deficiencies, dating response time requirements and flagging those licensees that have missed their response due dates.

- 7. Record all relevant violation information (e.g., the severity of the violation, whether a re-inspection was needed, whether a re-inspection was done, and whether corrective action was taken) on the license and inspection tracking database, and use the database to monitor re-inspection and facility corrective actions.**

Response

As was explained previously, the current database does not have the capacity to record in detail the violation records of each inspection and whether re-inspections were conducted and corrective actions taken by the licensee. The new management database system is being designed to automatically score all inspections, schedule those facilities

that require re-inspections, and emphasize what elements of the previous inspection need to be addressed. The system will automatically assign re-inspections to another inspector who will have the previous inspection history on his or her tablet computer.

**MAYOR'S OFFICE OF OPERATIONS
AUDIT COORDINATION AND REVIEW
AUDIT IMPLEMENTATION PLAN**

AUDIT TITLE: Office of Radiological Health's Radioactive Materials Program **DATE:** 8/28/06 **AUDITING AGENCY:** NYS Comptroller
AGENCY: DOHMH **AUDIT DATE:** 4/25/06 **AUDIT NUMBER:** 2004-N-7

RECOMMENDATIONS	METHODS/PROCEDURES	IMPLEMENTATION DATE	IMPLEMENTATION STATUS
<p>The Director of the Office of Radiological Health Should:</p> <ol style="list-style-type: none"> Develop a process for ensuring the information in the license and inspection tracking database is complete and accurate. Use the information in the license and inspection tracking database to automate the scheduling process for initial inspections. Use information in the license and inspection tracking database to strengthen the scheduling process for cyclical inspections to ensure they are done in a timely manner. 	<ol style="list-style-type: none"> DOHMH has made the following interim procedural change: a quality assurance program is in place which on a semiannual basis, makes a hard copy comparison of file data versus the database output. Discrepant data is then corrected. When the new system is in place, all data will be captured automatically and reviewed by supervisory personnel to ensure accuracy. While the current database automatically assigns an inspection due date of six months past the issuance date of a new license, the system is not capable of automating the scheduling process for initial inspections. To ensure that new licenses are inspected in a timely manner, any new licenses issued by the licensing review staff are brought into our weekly staff meetings and assigned for inspection immediately. The new system being developed will be capable of automatically assigning new license inspections to individual inspectors as part of their weekly schedules. Currently weekly staff meetings are held to identify facilities due for cyclical inspection. The current computer database is used to help identify and track facilities that are due for inspections. (Note: as indicated in 1. above, the database contains accurate date fields given our quality assurance testing.) The computer printouts are analyzed and used to schedule inspections at the weekly staff meetings. Overall, the backlog/delays in initiating inspections has been addressed. The new system being developed will be capable of automatically assigning new license inspections to individual inspectors as part of their weekly schedules. 	<p>New System expected to be fully functional in Early 2007</p> <p>New System expected to be fully functional in Early 2007</p>	<p>DOHMH has reviewed the files of all radiological materials licensees to ensure that the license date fields are accurate. This was initially performed in the fall of 2005, and subsequently repeated in May 2006. It is anticipated that the module Radioactive Materials Licensing and Renewal will be completed by 9/30/06 and the Materials Inspection Module will be completed by 10/31/06. Subsequently, user training and testing phase will commence and the system will commence operation in early 2007.</p> <p>Initial inspections are assigned at weekly meetings. New licenses issued over the interval Jan 1, 2006 thru July 21, 2006 were listed and their inspection status was indicated as either NA (not accessible because not open, as determined from site visit or telephone interview) or NCA (No Cause for Action, i.e., no violations, as determined from site visit of operating facility), or needs inspection (but not beyond the required 6 months for initial inspections.)</p> <p>Currently in place.</p>

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RECOMMENDATIONS	METHODS/PROCEDURES	IMPLEMENTATION DATE	IMPLEMENTATION STATUS
<p>4. Strengthen management controls to ensure inspections are planned, done and documented in accordance with the guidelines in the Manual.</p>	<p>4. The Radioactive Materials Section meets weekly to discuss scheduling, inspections, documentation and licensing issues. Purpose of these meetings is to ensure that management has a firm understanding of any problems that have arisen during inspections for the prior week. At these meetings inspectors and supervisors are reminded to make sure that all inspection form questions are answered and/or fully explained.</p>	<p>Ongoing</p>	<p>Currently in place. New Policy and Procedure language has been implemented requiring scheduling of inspections assignments for newly issued licenses at weekly Rad Materials group meeting.</p>
<p>5. Develop a process for routinely notifying facilities when their licenses are about to expire.</p>	<p>5. A reminder form letter was developed reminding facilities that their licenses are going to expire and their responsibilities to reapply for renewal at least 30 days prior to their expiration date.</p>	<p>New System expected to be fully functional in Early 2007</p>	<p>The new data management system will issue the letter automatically. Meanwhile, the letter is now being issued manually as of July 2006.</p>
<p>6. Re-engineer the license renewal process to minimize the delays in the review and evaluations of renewal applications.</p>	<p>6. DOHMH has made a procedural change that gives licensees 30 days to respond to deficiency letters. DOHMH has developed a deficiency letter form which is currently being processed manually as of July 2006. This should address and document our contention that many of the delays were caused by non-responsive licensees. The letter notifies licensees that they have 30 days to respond, after which an escalated enforcement process (to be developed) will be followed against an unresponsive licensee. The new system will automate much of the renewal process by having required entry fields, listing deficiencies, dating response time requirements and flagging those licensees that have missed their response due dates. In addition, the new system will be able to generate and track the issuance of deficiency letters.</p>	<p>New System expected to be fully functional in Early 2007</p>	<p>Licensees have been sent deficiency letters over a period of years. A formalized procedure of escalated enforcement against nonresponsive licensees has not yet been finalized. Expected to be in place early '07.</p>

AUDIT IMPLEMENTATION PLAN

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AUDIT NUMBER: 2004-N-7

RECOMMENDATIONS	METHODS/PROCEDURES	IMPLEMENTATION DATE	IMPLEMENTATION STATUS
<p>The Director of the Office of Radiological Health Should:</p> <p>7. Record all relevant violation information (e.g., the severity of the violation, whether a re-inspection was needed, whether a re-inspection was done, and whether corrective action was taken) on the license and inspection tracking database, and use the database to monitor re-inspection and facility corrective actions.</p>	<p>7. Currently, inspectors are required to review the facilities file to determine if there had been any prior violations. At weekly meetings, inspectors and supervisors openly discuss any issues or concerns related to facilities they are scheduled to visit or have visited. The new system will capture violation history by facility, and will automatically assign re-inspections to another inspector who will have the previous inspection history on his or her tablet computer. This will ensure that each inspector has complete information when inspecting a licensed facility.</p>	<p>New System expected to be fully functional in Early 2007</p>	<p>Currently, tracking the violations is handled manually. The new computer system will commence capturing violation history when operational. Inspectors will then have previous inspection history on his or her tablet computer.</p>