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STATE COMPTROLLER



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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

September 15, 2011

Dr. Michael Hogan, Ph.D.
Commissioner
Office of Mental Health
44 Holland Avenue
Albany, NY 12229

Re: Report 2011-F-1

Dear Dr. Hogan:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution, and Article II, Section 8 of the State Finance Law, we followed up on the actions taken by officials of the Office of Mental Health to implement the recommendations contained in our audit report, *Oversight of Criminal History Record Checks for Service Provider Employees* (Report 2008-S-87).

Background, Scope and Objectives

The Office of Mental Health (OMH) provides inpatient and outpatient services for approximately 500,000 persons with mental illness each year. OMH operates 27 psychiatric centers throughout the State and regulates, certifies and oversees affiliated programs operated by private nonprofit service providers (service providers). As of May 2011, OMH had 512 service providers administering 1,919 licensed programs.

According to the Executive and the Mental Hygiene Laws (Law), prospective employees, volunteers and operators of provider agencies and subcontracting vendors hired by OMH who will have regular and substantial unsupervised or unrestricted physical contact with the developmentally disabled must undergo a criminal history record check (CHRC). These background checks are to be performed before prospective employees are hired. According to the Law, applicants with a history of violence, abuse or sexual assault are prohibited from working directly with the consumer population.

Our initial audit report, which was issued on July 2, 2009, determined that OMH provided adequate oversight of service providers' compliance with CHRC requirements. The objective of our follow-up was to assess the extent of implementation as of July 7, 2011, of the two recommendations included in our initial report.

Summary Conclusions and Status of Audit Recommendations

We found that OMH officials have made progress in addressing the matters in our initial audit report as the two prior audit recommendations have been implemented.

Follow-up Observations

Recommendation 1

Continue providing adequate oversight of service provider compliance with CHRC requirements.

Status - Implemented

Agency Action - We found that OMH has continued to provide adequate oversight of service provider compliance with CHRC requirements. OMH reviews service providers' compliance with OMH requirements, including CHRC, on a three-year cycle. The frequency of review is shortened for providers with a history of noncompliance.

Recommendation 2

Periodically revisit the Bureau's oversight policy and ensure that the frequency of its full regulatory reviews of service providers remains effective.

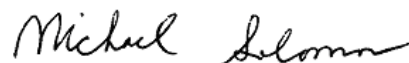
Status - Implemented

Agency Action - OMH officials reviewed the Bureau of Criminal History Information (BCHI) policy regarding the frequency of full regulatory reviews of service providers. The review was designed to assure OMH that its reviews of service providers remained effective. Based on the review, OMH developed a revised formula that ensures all service providers are reviewed at least once every three years. The policy also requires that a provider be visited within 18 months or fewer if a Plan of Corrective Action was required as a result of a visit. If less serious issues were found on a review, the provider would be re-visited within 27 months.

Major contributors to this report were Michael Solomon, Santo Rendon, and Dick Gerard.

We thank the management and staff of the Office of Mental Health for the courtesies and cooperation extended to our auditors during this process.

Very truly yours,



Michael Solomon
Audit Manager

cc. Mr. James Russo Director of Internal Audit
Mr. Thomas Lukacs, Division of the Budget