



ANDREW M. CUOMO  
GOVERNOR

STATE OF NEW YORK  
COMMISSION ON QUALITY OF CARE AND ADVOCACY  
FOR PERSONS WITH DISABILITIES  
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JANE G. LYNCH  
CHIEF OPERATING OFFICER  
BRUCE BLOWER  
PATRICIA OKONIEWSKI  
MEMBERS

January 6, 2011

Richard Miraglia  
Associate Commissioner  
Division of Forensic Services  
44 Holland Ave.  
Albany, NY 12229

Dear Mr. Miraglia:

The State Commission of Correction requested that this Commission review the mental health evaluation and classification provided to [REDACTED], an inmate who died on March 12, 2010 at the Downstate Correctional Facility.

In order to review the mental health evaluation and mental health classification provided to [REDACTED], we conducted a site visit to Central New York Psychiatric Center's, (CNYPC) Risk Management Department to review [REDACTED] clinical record and reviewed select CNYPC Policy and Procedures.

While reviewing [REDACTED] record we noted that [REDACTED] answered in the affirmative to item number one (Have you ever been in the hospital for emotional or mental health problems?) on the CNYPC Mental Health Screening-Structured Interview form. According to Section V – Disposition, if question #1, 10 and/or #11 are answered in the affirmative, a full mental health evaluation is to be completed. Despite meeting this criteria, we found no evidence that an appropriate mental health evaluation was completed. This impacted the ability to accurately classify [REDACTED] to ensure [REDACTED] received mental health services.

We recommend that policy #1.2 – Reception Mental Health Screening be revised to include; what more specific information regarding a full mental health evaluation consists of, when a full mental health evaluation should be completed, and where a completed full mental health evaluation is to be documented. This policy revision should also address oversight and review of the CNYPC Mental Health Screening – Structured Interview forms to ensure they are fully completed and that full mental health evaluations are conducted when required by CNYPC Mental Health Screening criteria. A system should be implemented to ensure that supervision, oversight and monitoring of the screening process results in the most appropriate outcome of services. We also suggest that OMH staff at all reception centers be re-trained on conducting reception mental health screenings.

We would appreciate a response to the above noted concerns by February 7, 2011.  
Thank you for your continued cooperation with this Commission.

Under Article 6 of the Public Officers Law, final agency determinations are required to be available for public inspection. This letter will be deemed a final agency determination 30 days after the date of this letter, which affords you an opportunity to respond to our findings prior to any disclosure pursuant to the Public Officers Law. Material which is required to be kept confidential or which is protected from disclosure under the Public Officers Law or other laws will be redacted prior to any such disclosure.

Respectfully,



Michelle M. Guerin, MA  
Quality of Care Facility Review Specialist I  
Division of Quality Assurance  
and Investigations  
518-388-2837  
[Michelle.guerin@cqc.ny.gov](mailto:Michelle.guerin@cqc.ny.gov)

/ey

cc: Donald Sawyer, Executive Director, CNYPC  
Jayne Van Bramer, Director of Quality Management, NYS OMH  
Brian Fischer, Commissioner, NYS DOCS  
Diane Van Buren, Assistant Commissioner, NYS DOCS  
Phyllis Harrison-Ross, MD, Commissioner and Chair, MRB, NYS COC



January 31, 2011

Michelle Guerin, MA  
Division of Adult Quality Assurance & Investigations  
New York State Commission on Quality of Care  
and Advocacy for Persons with Disabilities  
401 State Street  
Schenectady, New York 12305-2397

Dear Ms. Guerin:

I am in receipt of your letter dated January 6, 2011, regarding the Commission's review of the mental health evaluation and classification provided to [REDACTED].

The CQC review did not find evidence that an appropriate mental health evaluation was completed as required by CNYPC policy. This was despite the fact that one of the trigger questions, which should lead to a full evaluation, was checked. We agree with the Commission's findings and the need to complete the required evaluation was reinforced with the employee in question and all reception staff.

The Commission recommended that policy #1.2-Reception Mental Health Screening be revised to include additional information on full mental health evaluations such as exactly when they should be completed and where this should be documented. In response to this recommendation, a thorough review of the CNYPC policies will be conducted and necessary policy changes will occur. Training on policy changes will be part of the implementation of the revised approach.

In addition, a standardized "training manual" is being developed as a guide and reference tool for all clinicians in Reception Centers. This manual will include all of CNYPC's reception policies and direction as to when a full mental health evaluation must be completed and where it must be documented. This "training manual" will be finalized and available by March 1, 2011.

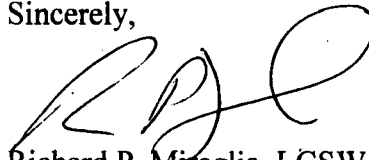
It was also recommended that policy be revised, putting into a system which would provide oversight, supervision, monitoring and review of the screenings. As the Commission is acutely aware, these are difficult fiscal times requiring the judicious allocation of resources. Accordingly, we are not in a position to revise our current monitoring and supervision protocols in response to one adverse event. Moreover, with the upcoming review by the Commission of the OMH/DOCS Reception Protocols, we question the timing of the Commission's recommendation. It seems prudent to us that we await the Commission's Final Report of its review before we render a decision to modify or revise our monitoring or supervision protocols.



It was also recommended that all OMH staff at reception centers be re-trained on conducting reception mental health screenings. We agree with this suggestion and all clinicians at reception centers will be re-trained by June 1, 2011. Education and training sheets will be available upon request.

We thank you again for your review and hope this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read 'RPM', with a large, stylized flourish at the end.

Richard P. Miraglia, LCSW  
Associate Commissioner  
Division of Forensic Services

cc: Donald Sawyer, Executive Director, CNYPC  
Brian Fischer, Commissioner, NYSDOCS



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MEMBERS

February 11, 2011

Richard P. Miraglia; LCSW  
Associate Commissioner  
New York State Office of Mental Health  
44 Holland Avenue  
Albany, NY 12229

Dear Mr. Miraglia:

The Commission has reviewed your January 31, 2011 response to our letter of findings regarding [REDACTED]

We appreciate that policies regarding the mental health screening process will be reviewed, revised and training will be part of the implementation process and that a standardized training manual for clinicians in the Reception Centers will be developed. We are pleased that these actions are being taken and request that you forward a copy of your Reception Center Training Manual to our office upon completion.

With regard to your reluctance to revise or modify your monitoring and supervision protocols due to the Commission's upcoming review at the Reception Centers, it is the Commission's protocol to make recommendations as concerns are identified during investigative reviews, and we stand by that recommendation. We believe that best practice includes thoroughly reviewing the systems in place after an adverse event such as a suicide.

At this time, the Commission considers this matter closed. Thank you for your continued cooperation with this Commission.

Please be reminded that all correspondence related to this matter will be available for public inspection under Article 6 of the Public Officers Law. Material which is required to be kept confidential or which is protected from disclosure

under the Public Officers Law or other laws will be redacted prior to any such disclosure.

Respectfully,

  
Michelle M. Guerin, MA  
Quality of Care Facility  
Review Specialist I  
Division of Quality Assurance  
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Michelle.guerin@cqc.ny.gov

/lp

cc:

Jane Lynch, COO, CQCAPD  
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