



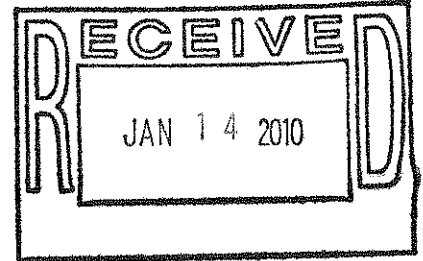
STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Richard F. Daines, M.D.
Commissioner

James W. Clyne, Jr.
Executive Deputy Commissioner

January 8, 2010



Ms. Lynn Canton
Deputy Comptroller
NYS Office of the State Comptroller
Albany, New York 12236

Dear Ms. Canton:

Pursuant to the provisions of Section 170 of the Executive Law, I hereby transmit to you a copy of the New York State Department of Health's comments related to the Office of the State Comptroller's final audit report 2008-S-88 on "Department of Health – Clinical Laboratory Evaluation Program."

Sincerely,

Richard F. Daines
Commissioner of Health

Enclosure

2008-S-88 "Clinical Laboratory Evaluation Program"

cc: Robert W. Reed
Lawrence Sturman, M.D., Ph.D.
Victoria Derbyshire, Ph.D.
Stephen Abbott
Diane Christensen

**Department of Health
Comments on the
Office of the State Comptroller's
Final Audit Report 2008-S-88 on
“Clinical Laboratory Evaluation Program”**

The following are the Department of Health's (Department) comments in response to the Office of the State Comptroller's (OSC) final audit report 2008-S-88 on the "Clinical Laboratory Evaluation Program."

Recommendation #1:

Periodically revisit Department staffing needs and redeploy qualified staff to CLEP as appropriate to meet regulatory timeframes for inspections.

Recommendation #2:

As with inspection requirements, reassess current Department staffing and workload and redeploy qualified staff to assist CLEP in following up on complaints to ensure that each is addressed within the required timeframes.

Response #1 and #2:

The Department agrees with the OSC recommendations and will periodically reassess staffing and workloads and, to the extent feasible, redeploy qualified staff to meet required timeframes for performing inspections and investigating complaints. However, it should be recognized that only staff with specific skills, education and experience can conduct inspections and investigate complaints, limiting the size of the candidate pool available for redeployment. As a possible solution, the Department will additionally evaluate existing policies and procedures to determine if changes can be implemented to improve timeliness without hiring additional staff which is precluded by the current economic environment.

Copies of Final Report 2008-S-88 with a personalized transmittal letter were sent to the following:

Hon. David A. Paterson
The Governor of the State of New York
The State Capitol
Albany, NY 12224

Hon. Sheldon Silver
Speaker of the Assembly
New York State Assembly
Legislative Office Bldg., Room 932
Albany, NY 12248

Hon. Malcolm A. Smith
Temporary President
New York State Senate
Legislative Office Bldg., Room 909
Albany, NY 12247

Hon. Pedro Espada Jr.
Senate Majority Leader
New York State Senate
The State Capitol, Room 420
Albany, NY 12247

Hon. Ron Canestrari
Assembly Majority Leader
New York State Assembly
Legislative Office Building, Room 926
Albany, NY 12248

Hon. Dean G. Skelos
Senate Minority Leader
New York State Senate
Legislative Office Bldg., Room 907
Albany, NY 12247

Hon. Brian M. Kolb
Assembly Minority Leader
New York State Assembly
Legislative Office Building, Room 933
Albany, NY 12248

Hon. James Hayes
Ranking Minority Member
Assembly Ways & Means Committee
The State Capitol, Room 420
Albany, NY 12248

Hon. Thomas K. Duane
Chairman, Committee on Health
New York State Senate
The State Capitol, Room 430
Albany, NY 12247

Hon. Carl Kruger
Chairman, Finance Committee
New York State Senate
Legislative Office Bldg., Room 913
Albany, NY 12247

Hon. John A. DeFrancisco
Ranking Minority Member, Senate Finance Committee
Legislative Office Bldg., Room 802
Albany, NY 12248

Hon. Richard N. Gottfried
Chairman, Committee on Health
New York State Assembly
Legislative Office Building, Room 822
Albany, NY 12248

Hon. Herman D. Farrell
Chairman, Ways & Means Committee
New York State Assembly
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Hon. Thomas P. DiNapoli, Comptroller
NYS Office of the State Comptroller
110 State Street
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Robert L. Megna, Director
Division of the Budget
The State Capitol, Room 113
Albany, NY 12224

Hon. Amy Paulin, Chair
Assembly Comm. On Oversight, Analysis & Investigation
New York State Assembly
Legislative Office Building, Room 327
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Ms. Wendy E. Saunders
Deputy Secretary for Health, Medicaid and Oversight
State of New York
The State Capitol, Room 248
Albany, NY 12224

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Ms. Valerie Grey
Director of State Operations
The State Capitol, Room 229
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