

Katrina Hotrum
Deputy SecretaryDuffy Rodriguez
Deputy SecretaryJessica Sutin
Deputy SecretaryKaren Armitage, MD
Chief Medical Officer

Date: September 18, 2008

To: Connie Kalter, Executive Director

Provider: New Pathways, Inc.
Address: 10701 Montgomery Blvd. NE Suite L
State/Zip: Albuquerque, NM 87111Region: Metro
Survey Date: September 8-16, 2008
Program Surveyed: Developmental Disabilities Waiver
Service Surveyed: Community Living and Community Inclusion
Survey Type: Focused
Team Leader: Scott Good, MRC, CRC, Division of Health Improvement/Quality Management Bureau
Report #: Q09.1.D4455.metro.001.FCD.01

Dear Ms. Kalter,

The Division of Health Improvement / Quality Management Bureau has completed a focused survey potential health and safety violations occurring at your agency's main office, located at 10701 Montgomery Blvd. Suite L. The purpose of the survey was to determine compliance with federal and state standards; to assure the health, safety, and welfare of individuals receiving services through the Developmental Disabilities Waiver; and to identify opportunities for improvement.

The Division wants to first thank you for acting in a manner that would assure the health and safety of not only the Individuals you serve through the Developmental Disabilities Waiver but your employees as well.

As you know this focused survey was completed at your request upon our first meeting on September 8, 2008. At that meeting you presented a "Project Memorandum" from Rhodes Environmental, which detailed laboratory results of an on-site indoor air quality inspection performed September 2, 2008. Upon review of the document provided and in speaking with Mr. Ronald Rhodes, Certified Environmental Specialist and President of Rhodes Environmental on September 8, 2008 it was discovered that New Mexico does not currently have regulatory guidelines governing the acceptable concentration of fungal bioaerosols within a living space. Furthermore, the report provided by Rhodes Environmental states "the presence of *Stachybotrys* and *Aspergillus / Penicillium* mold is of concern to the building occupants. This particular type of mold was detected in the air samples collected at the time of the on-site inspection." and "...Permissible Exposure Level (PEL) for the variety of fungi reported in this inspection would be at the occupant's individual threshold." Mr. Rhodes did state that by standards he applies to his business practices to are those created by the state of New York. According to those standards there is a "zero tolerance" for *Stachybotrys*, further stating that the 880.0 count found in your office was, "880.0 too much."

While the Rhodes Environmental report stated after a potentially lengthy and presumably costly remediation of the sources and existing mold colonies by Certified Mold Remediator or another qualified contractor an additional on-site air sample inspection would take place to insure that the cleaning was properly completed and the office location is free of these fungus / mold contaminates.

"Assuring safety and quality of care in New Mexico's health facilities and community-based programs."

David Rodriguez, Division Director • Division of Health Improvement

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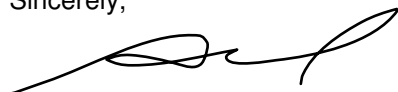
Due to the fact that New Mexico has no applicable statutes dealing with acceptable mold or fungus levels, the Division of Health Improvement / Quality Management Bureau requests that you use your own judgment to follow the advice given to you by Rhodes Environmental in the continued use of the office space.

As part of your agency's Plan of Correction please inform the Team Lead of the decision(s) made in dealing with this issue, to include any further correspondence with Rhodes Environmental, decisions on whether you will allow staff or individuals served by your agency to use the space in question and/or the choice or ability to relocate your agency office.

If the Division of Health Improvement can be of any assistance to you please do not hesitate to contact us.

Please call the Team Leader at 505-841-5807, if you have questions about the survey findings. Thank you for your cooperation and for the work you perform.

Sincerely,

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

Scott Good, MRC, CRC
Deputy Bureau Chief
Quality Management Bureau
Division of Health Improvement

CC: Distribution List: DOH - Division of Health Improvement
DOH - Developmental Disabilities Supports Division
DOH - Office of Internal Audit
HSD - Medical Assistance Division