



# Quarterly Enforcement Actions Against Nursing Homes

## Federal Civil Money Penalties<sup>1</sup> Against 20 Nursing Homes: 9/1/09 – 11/30/09<sup>2</sup>

Name Of Home	Location	Survey Date	Amount
Adirondack Medical Center-Mercy	Tupperlake	10/1/09	\$2,600 <sup>3</sup>
Central Park Rehabilitation and Nursing Center	Syracuse	5/26/09	\$3,750 <sup>4</sup>
Chase Memorial Nursing Home	New Berlin	7/29/09	\$7,450
Countryside Care Center	Delhi	8/20/09	\$28,695 <sup>3</sup>
Dumont Masonic Home	New Rochelle	7/16/09	\$6,500 <sup>3</sup>
Elant at Brandywine, Inc.	Briarcliff Manor	9/2/09	\$38,150
Franklin County Nursing Home	Malone	6/26/09	\$3,250 <sup>3</sup>
The Hamptons Center for Rehabilitation and Nursing	Southampton	9/16/09	\$6,500 <sup>3</sup>
Jewish Home and Hospital Bronx Division	Bronx	6/23/09	\$39,260 <sup>3</sup>
John J. Foley Skilled Nursing Facility	Yaphank	5/6/09	\$29,997.50 <sup>3</sup>
Loretto-Oswego Health and Rehabilitation Center	Oswego	5/11/09	\$19,110 <sup>3</sup>
Loretto Utica Residential Health Care Facility	Utica	4/6/09	\$3,575 <sup>3</sup>
NYS Veterans Home at St. Albans	Queens	6/29/09	\$50,175 <sup>4</sup>
Northwoods Rehabilitation and ECF-Hilltop	Niskayuna	7/1/09	\$46,800 <sup>3</sup>
Ontario County Health Facility	Canandaigua	6/1/09	\$4,550 <sup>3</sup>
Rosewood Heights Health Center	Syracuse	5/6/09	\$5,500
Sutton Park Center for Nursing and Rehabilitation	New Rochelle	6/18/09	\$32,630 <sup>3</sup>
TLC Health Network Lake Shore Hospital Nursing Facility	Irving	7/22/09	\$1,625 <sup>3</sup>
Wellsville Manor Care Center	Wellsville	8/6/09	\$4,550 <sup>3</sup>
Westmount Health Facility	Queensbury	5/14/09	\$31,297.50 <sup>3</sup>

<sup>1</sup> Civil Money Penalties (CMPs) – a federal sanction against nursing homes that fail to comply with quality care requirements.

<sup>2</sup> As reported by CMS. For more detailed information contact the FOIA Officer at CMS 212-616-2220. This list will be posted on LTCCCs website every three months.

<sup>3</sup> Amount reflects a 35% reduction as the facility waived its right to a hearing as permitted under law. Original fine was 35% higher.

<sup>4</sup> Amount reduced 25% due to financial hardship. Original fine was 25% higher.

## Selected Enforcement Actions of NYS Attorney General

### Medicaid Fraud Control Unit<sup>1</sup> Took Action Against 3 Nursing Home Personnel 9/16/09 - 12/15/09

Nursing Home	County	Defendant	Sentence	Narrative
Clinton County Nursing Home	Clinton	Spoooner, Shane, Certified Nurse Aide	10/23/09: Forty-five days' incarceration, three years' probation, 150 hours of community service, and \$500 fine.	For his own amusement, defendant photographed with his cell phone the genitals of a 49 year-old resident suffering from traumatic brain injury and sent the picture in a text message to a co-worker.
Medford Multicare Center for Living	Suffolk	Miller, Toni, Licensed Practical Nurse	10/16/09: Five years' probation, conditions of which include: surrender of LPN license; exclusion from employment as a caretaker for incompetent individuals; and narcotic and alcohol treatment.	Captured by a concealed camera installed in the resident's room with the consent of the resident's family, defendant administered heart medication to the resident on multiple occasions without first taking, as required by the physician's order, the resident's apical pulse. On several dates, defendant also failed to give the resident required hydration fluids. Defendant, however, falsely recorded in facility records that she both took the resident's apical pulse and administered hydration fluids.
The Pines at Utica Center for Nursing and Rehabilitation	Oneida	Woodson, Rhonda, Certified Nurse Aide	9/16/09: Three years' probation, a condition of which requires defendant to surrender her CNA certificate.	While assisting another CNA help an 80 year-old resident in the shower, defendant flicked the resident's ear and nose, sprayed water up the resident's nose, and slapped the resident's head.

<sup>1</sup>The unit prosecutes cases of patient abuse in nursing homes.



## Quarterly Enforcement Actions Against Nursing Homes

### NY State Fined 15 Nursing Homes: 9/15/09 – 12/15/09<sup>1</sup>

Name Of Home	Location	Date Of Survey	Amount <sup>2</sup>
Blossom Health Care Center	Rochester	9/4/08	\$2,000
Glendale Home (Schenectady County)	Scotia	5/2/08	\$4,000
Gold Crest Care Center	Bronx	8/26/08	\$4,000
Loretto-Utica Nursing Home	Utica	7/1/08	\$6,000
Medford Multicare Center for Living	Medford	6/12/08	\$2,000
Nathan Miller Center for Nursing Care	White Plains	11/14/08	\$2,000
Northwoods Rehab and Extended Care Facility	Troy	8/20/08	\$6,000
Norwegian Christian Home	Brooklyn	8/6/08	\$4,000
Oceanview Nursing & Rehabilitation Center	Queens	11/26/08	\$2,000
Rosewood Heights Health Center	Syracuse	8/20/08 combined with 10/16/08	\$12,000
Shoreview Nursing Home	Brooklyn	9/17/08	\$2,000
St. Ann's Community (St. Ann's Home of the Aged)	Rochester	9/19/08	\$2,000
St. Camillus Residential Health Center	Syracuse	7/31/08	\$10,000
St. James Plaza Nursing Facility	St. James	10/2/08	\$2,000
Sutton Park Center for Nursing	New Rochelle	9/26/08	\$2,000

<sup>1</sup> As reported by the Department of Health (DOH). For more detailed information call the DOH FOIL Officer at 518-474-8734 or e-mail – foil@health.state.ny.us.

<sup>2</sup> Under state law nursing homes can be fined up to \$2,000 per deficiency. These fines may be increased to \$5,000 if the same violation is repeated within twelve months and the violations were a serious threat to health and safety. These fines may also be increased up to \$10,000 if the violation directly results in serious physical harm.

### The State Took Other Action Against 18 Nursing Homes 9/15/09 - 12/16/09<sup>1</sup>

Name of Home	Location	Resident Impact <sup>2</sup>	Survey Date	Actions <sup>3</sup>
Adirondack Medical Center-Mercy	Tupper Lake	IJ/SQC <sup>4</sup>	10/1/09	CMP, DPOC, Inservice, DOPNA
Atlantis Rehabilitation and RCF	Brooklyn	IJ/SQC <sup>4</sup>	10/22/09	CMP, DPOC, Inservice, DOPNA
Blossom North Nursing and Rehabilitation Center	Rochester	IJ/SQC	10/28/09	CMP, Monitor, DPOC, DOPNA
Evergreen Commons	East Greenbush	IJ/SQC <sup>4</sup>	10/22/09	CMP, DPOC, Inservice, DOPNA
The Hamptons Center for Rehab and Nursing	Southampton	IJ/SQC <sup>4</sup>	9/16/09	CMP, DPOC, Inservice, DOPNA
Livingston Hills Nursing & Rehabilitation Ctr.LLC	Livingston	GG	11/5/09	DPOC, Inservice, DOPNA
Loretto-Utica Nursing Home	Utica	IJ/SQC	12/16/09	CMP, Monitor, DPOC, Inservice, DOPNA
Morningside House Nursing Home Company Inc.	Bronx	IJ	10/26/09	CMP, Monitor, DPOC, Inservice, DOPNA
Northwoods Rehab and Extended Care Facility	Troy	GG	10/29/09	DPOC, Inservice, DOPNA
Palm Gardens Center for Nursing and Rehabilitation	Brooklyn	IJ/SQC	9/22/09	CMP, Monitor, DPOC, Inservice, DOPNA
Parker Jewish Institute for Health Care & Rehab	Queens	GG	10/16/09	DPOC, Inservice, DOPNA
Putnam Nursing and Rehabilitation Center	Holmes	IJ/SQC	11/9/09	CMP, Monitor, DPOC, Inservice, DOPNA
Rosewood Heights Health Center	Syracuse	GG	12/8/09	DPOC, Inservice, DOPNA
Samaritan Keep Nursing Home, Inc.	Watertown	GG	10/29/09	DPOC, Inservice, DOPNA
St. Josephs Nursing Home Co. of Utica	Utica	IJ/SQC <sup>4</sup>	12/14/09	CMP, DPOC, Inservice, DOPNA
Stonehedge Health & Rehab Center	Chittenango	IJ/SQC <sup>4</sup>	10/22/09	CMP, DPOC, Inservice, DOPNA
Sutton Park Center for Nursing & Rehabilitation	New Rochelle	GG	10/7/09	DPOC, Inservice, DOPNA
Union Plaza Care Center	Queens	IJ/SQC	9/25/09	CMP, Monitor, DPOC, Inservice, DOPNA

<sup>1</sup> As reported by the Department of Health (DOH). For more detailed information call the DOH FOIL officer at 518-474-8734 or e-mail – foil@health.state.ny.us.

<sup>2</sup> Immediate jeopardy (IJ), and substandard quality of care (SQC): The most serious level of deficiency causing harm; GG: Deficiencies that have caused isolated resident harm on two consecutive surveys.

<sup>3</sup> Civil Money Penalty (CMP): State recommends to CMS; State Monitoring: State sends in a monitor to oversee correction; Directed Plan Of Correction (DPOC): A plan that is developed by the State or the Federal regional office to require a facility to take action within specified timeframes. In New York State the facility is directed to analyze the reasons for the deficiencies and identify steps to correct the problems and ways to measure whether its efforts are successful; In-Service Training: State directs in-service training for staff; the facility needs to go outside for help; Denial of Payments for New Admissions (DoPNA): Facility will not be paid for any new Medicaid or Medicare residents until correction.

<sup>4</sup> Immediate Jeopardy was corrected prior to the end of the survey. State will pursue enforcement.