



# ENFORCEMENT ACTIONS AGAINST NURSING HOMES<sup>1</sup>

3-15-04 — 6-15-04

## The State Fines 26 Nursing Homes

NAME OF HOME	LOCATION	DATE OF SURVEY	AMOUNT
Amsterdam House	NYC	9/28/01	2,000
Bellhaven Center	Brookhaven	6/03/02	2,000
Bethel NH	Ossining	10/24/01, 07/18/03	4,000
Cabrini Ctr. For Nursing	NYC	02/12/01	1,000
Coler Goldwater	NYC	05/21/02	1,000
Cortland Care Ctr.	Cortland	08/15/01	4,000
Eden Park East Greenbush	E. Greenbush	10/19/00, 11/15/00, 02/21/01, 11/08/03, 02/18/03	14,000
Elderwood at Heathwood	Amherst	06/08/01	2,000
Elderwood at Lakewood	Hamburg	11/27/01	2,000
Ferncliff NH Co. Inc.	Rhinebeck	11/16/01	2,000
Gowanda MH	Gowanda	11/20/01, 08/01/02	2,000
Hudson Haven Care Ctr.	Wappingers Falls	11/08/01	2,000
Kateri Residence	NYC	09/28/01	4,000
Lutheran Care Ctr.	Smithtown	2/12/01	2,000
Nassau ECC	Hempstead	07/25/01	2,000
Nazareth NH	Buffalo	12/14/01	2,000
Northgate HCF	N. Tonawanda	01/02/03	2,000
Putnam Commons NH	Brewster	03/12/03	1,000
Rutland NH	Brooklyn	03/26/02, 05/20/02	6,000
Salem Hills HCCC	Purdys	08/23/01	2,000
Silvercrest	Jamaica	04/02/01	3,000
St. Catherine of Siena	Smithtown	05/15/03	8,000
Townhouse ECC	Uniondale	08/31/01	2,000
Wartburg NH	Mt. Vernon	03/01/01 12/10/01	2,000 1,000
Wells NH	Johnstown	01/21/03	2,000
Westledge NH	Peekskill	09/21/01	1,000

<sup>1</sup>As reported by the Department of Health. This list will be posted on LTCCC's website every three months, two to three weeks after the end date listed above. If you want to know why a facility was cited and/or fined, you can get a copy of the Statement of Deficiencies (SOD) from the Department of Health. You will be charged \$.25 a page. Call Jim O'Meara, FOIL Officer – 518-474-8734 or e-mail – nhinfo@health.state.ny.us. Ask the Department to let you know how much it will cost to make sure that you can afford the amount. If you cannot, ask if you can look at the SOD in your regional office.

## The State Took Other Actions at 7 Nursing Homes

In addition to the actions listed below, the following nursing homes have fines pending. If the nursing home was found, at the time of the survey, to have given substandard quality of care (SQC) and/or to have put residents in immediate jeopardy (IJ), (the most serious level of deficiencies), or to have repeated deficiencies that have caused isolated resident harm (G), it is noted in the third column. Double G - Have received G's in two consecutive surveys.

NAME OF HOME	LOCATION	IJ, SQC or G	SURVEY DATE	ACTIONS <sup>1</sup>
A. Holly Patterson	Uniondale	IJ/SQC	04/15/04	DOPNA, In Service, State Monitor
Greenpark Care Ctr.	Brooklyn	IJ/SQC	05/14/04	DOPNA, POC, In Service, State Monitor
Hillhaven NH	Webster	IJ/SQC	03/19/04	DOPNA, POC, State Monitor
Mercy Health & Rehab	Auburn	IJ/SQC	05/26/04	DOPNA, POC, In Service, State Monitor
Northwoods Rehab	Cortland	IJ/SQC	03/11/04	DOPNA, POC, In Service
Rutland NH	Brooklyn	Double G	04/06/04	DOPNA, POC, In Service, State Monitor
Williamsville Suburban NH	Williamsville	IJ/SQC	05/04/04	DOPNA, POC, State Monitor

<sup>1</sup>**Denial of Payments for New Admissions (DoPNA):** Facility will not be paid for any new Medicaid or Medicare residents until correction; **Directed Plan Of Correction (POC):** 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; **State Monitoring:** State sends in a monitor to oversee correction; **Termination** means the facility can no longer receive reimbursement for Medicaid and Medicare residents from the Federal Government.

## Nursing Home is Terminated from Medicare and Medicaid Is NYS Now Footing Entire Bill for Poor Care?

We reported in the Fall, 2001 edition of *The Monitor*, that a July 27, 2001 survey found that the Northeast Center for Special Care in Lake Katrine put residents in jeopardy and gave them substandard care. DOH gave the Northeast Center a denial of payments for new admissions (DOPNA) and a directed plan of correction (POC) and required the home to give in-service training. And, in the Summer 2002 edition of *The Monitor*, we reported that Northeast Center was sent a letter notifying them that they could be fined by the State if they did not correct deficiencies found by the State. Although we received no notification of any state fine, we reported in the Fall, 2003 edition of *The Monitor*, that a May 21, 2003 state survey found that once again the Northeast Center put their residents in immediate jeopardy and had given them substandard care. The State again imposed a DOPNA, a POC and, in this case, state monitoring. We received no notification of any state fine.

Finally, the federal government stepped in. Federal surveyors inspected the home on September 26, 2003

and found that the home had yet again put their residents in immediate jeopardy. A federal fine of \$62,000 was levied and a DOPNA was put in place from October 1, 2003 to March 26, 2004 when the home was terminated from the Medicare and Medicaid program for poor care. Termination means that the home will not receive any Medicare or Medicaid funds from the federal government. During that time the home met with Center for Medicare and Medicaid (CMS) staff to discuss correction and was given a POC.

The facility will be visited again on July 30, 2004 to see if it is eligible to be reinstated into the programs. However, we believe that the home is still receiving Medicaid funds. If it is, that means that New York State is picking up the entire amount, continuing to pay the state portion and also paying the federal portion. This is very unusual. We wonder why the State is using State Medicaid funds to keep a facility going that has given such poor care over quite a few years. Why not get another operator in place? □