



Quarterly Enforcement Actions Against Nursing Homes

Selected Enforcement Actions By The NYS Attorney General

Medicaid Fraud Control Unit¹ Took Action Against 5 Nursing Home Personnel 3/16/10 - 6/15/10

Nursing Home	Location	Defendant	Narrative	Sentence
Fairport Baptist Homes	Fairport	Crawford, Glenda, Licensed Practical Nurse	LPN slapped a 90 year old wheelchair bound woman with dementia and then wheeled her into an activities room and barricaded the door so that she could not get out of the room.	5/11/10: One-year conditional discharge with 32 hours of community service.
Heritage Park Health Care Center	Jamestown	Blakeslee, Glenda, Certified Nurse Aide	CNA punched an 84 year old resident with dementia, with a closed fist, in the chest.	4/6/10: One-year conditional discharge and ordered to surrender her CNA certificate.
Medford Multicare Center for Living	Medford	Campo, Nicole, Licensed Practical Nurse	LPN ignored the repeated call bell of an 82 year old resident. As a result, the resident urinated in her bed and became so frustrated that she got herself into her wheelchair and wheeled herself to the nurse's station, where Campo was standing. Campo blamed a young CNA, who was fired, and wrote a false statement to the facility during its investigation. The nursing home's security cameras confirmed the resident's version of events and revealed Campo's statement to be false.	3/25/10: Three years probation with special conditions that she refrain from employment caring for any incompetent person (age, physical disability, or mental disease or defect) and complete a state-approved substance abuse program.
Northwoods Rehab ECC Troy	Troy	Gundersen, Robert Edward, Certified Nurse Aide	CNA fondled the breasts and vaginal area of a 78 year old woman who was physically helpless.	3/16/10: Ten year's probation and ordered to register as a level 2 Sex Offender, Order of Protection issued. Level 2 Sex Offenders must register with the Division of Criminal Justice Services, and reregister every three years by filing a new form, appearing at the law enforcement agency where he lives, reporting changes in address and employment.
St. Margaret's Center	Albany	Layne, Delilah, Certified Nurse Aide	CNA was charged with two incidents. In the first, while the defendant was feeding a 14-year old child, she slapped the girl's forehead and forced juice down her throat so that juice came out of her nose, later tossing the child into her crib, causing a bruise to her head. In the second incident, she plugged the nose of a 7-year old child, who uses a suction machine, so that he became upset and flailed his arms.	5/19/10: One-year conditional discharge and ordered to surrender her CNA certificate; a surcharge was also imposed

¹The unit prosecutes cases of patient abuse in nursing homes.



Quarterly Enforcement Actions Against Nursing Homes

NY State Fined 4 Nursing Homes: 3/16/10 – 6/16/10¹

Name Of Home	Location	Date Of Survey	Amount ²
Beth Abraham Health Services	Bronx	4/27/09	\$30,000
Glendale Home Schenectady County Dept.	Scotia	9/10/08	\$14,000
Julie Blair Nursing & Rehabilitation Center	Albany	6/30/08	\$6,000
Rivington House	Manhattan	3/9/09	\$14,000

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

²Under 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.

NY State Took Other Action Against 17 Nursing Homes 3/8/10 - 6/17/10¹

Name of Home	Location	Resident Impact ²	Survey Date	Actions ³
Bronx Center for Rehab & Health Care	Bronx	IJ/SQC	4/16/10	CMP, DPOC, Inservice, DOPNA
Brooklyn United Methodist Church Home	Brooklyn	SQC	3/8/10	CMP, DPOC, Inservice, DOPNA
Countryside Care Center	Delhi	IJ/SQC	6/17/10	CMP, DOPNA
Franklin County Nursing Home	Malone	GG	4/30/10	DPOC, Inservice, DOPNA
Heritage Commons Residential Health Care	Ticonderoga	IJ/SQC	6/1/10	CMP, Monitor, DOPNA
Jewish Home and Hospital for the Aged	Manhattan	GG	3/12/10	DPOC, Inservice, DOPNA
Keser Nursing and Rehab Center, Inc.	Brooklyn	IJ/SQC	4/29/10	CMP, Monitor, DPOC, Inservice, DOPNA
Loretto Utica Nursing Home	Utica	IJ/SQC	4/15/10	CMP, DPOC, Inservice, DOPNA
Marcus Garvey Nursing Home Inc.	Brooklyn	IJ/SQC	6/14/10	CMP, DOPNA
Northern Riverview Health Care Center, Inc.	Haverstraw	SQC	4/8/10	CMP, DPOC, Inservice, DOPNA
Northwoods Rehab and ECF Rosewood Gardens	Rensselaer	IJ/SQC	5/26/10	CMP, DPOC, Inservice, DOPNA
Oneida Healthcare Center	Oneida	IJ/SQC	4/2/10	CMP, Monitor, DPOC, Inservice, DOPNA
Otsego Manor	Cooperstown	IJ/SQC	4/30/10	CMP, Monitor, DPOC, Inservice, DOPNA
Ridge View Manor LLC	Buffalo	IJ/SQC	5/25/10	CMP, DPOC, DOPNA
Rosewood Heights Health Center	Syracuse	SQC	3/9/10	CMP, DPOC, Inservice, DOPNA
Somers Manor Nursing Home Inc.	Somers	IJ	3/25/10	CMP, Monitor, DPOC, Inservice, DOPNA
Wyoming County Community Hospital SNF	Warsaw	GG	4/22/10	DPOC, DOPNA

¹As 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.

²Immediate 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.

³Civil 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.

Federal Civil Money Penalties¹ Against 11 Nursing Homes: 3/1/10 – 5/31/10²

Name Of Home	Location	Survey Date	Amount
The Brightonian	Rochester	2/12/10	\$3,250.00 ³
Center for Nursing & Rehabilitation SNF	Brooklyn	1/29/10	\$20,800.00 ³
Grandell Rehabilitation and Nursing Center	Long Beach	1/26/10	\$32,207.50 ³
Loretto Utica Residential Health Care Facility	Utica	12/16/09	\$61,909.90 ^{3,5}
Marcus Garvey Nursing Home	Brooklyn	5/18/06	\$113,395.20 ^{4,5}
Oceanside Care Center, Inc.	Oceanside	1/29/10	\$45,467.50 ³
Park Ridge Nursing Home	Rochester	2/5/10	\$9,360.00 ³
St. Joseph Nursing Home	Utica	12/14/09	\$2,697.50 ³
Sunrise Nursing Home	Oswego	2/5/10	\$3,900.00 ³
Wayne Health Care	Newark	1/8/10	\$3,250.00 ³
Westmount Health Facility	Queensbury	2/25/10	\$4,550.00 ³

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

²As 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.

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

⁴Amount reduced 25% due to financial hardship. Original fine was 25% higher.

⁵Includes interest at 11.25% for paying in installments.