



Quarterly Enforcement Actions Against Nursing Homes

Selected Enforcement Actions By The NYS Attorney General

Medicaid Fraud Control Unit¹ Took Action Against 12 Nursing Home Personnel 6/16/10 - 9/15/10

Nursing Home	Location	Defendant	Narrative	Sentence
Kaleida Health De Graff Memorial Hospital	North Tonawanda	Zakrzewski, Angela, CNA	The defendant performed a one-person transfer of a 91 year old resident with a mechanical lift in violation of the care plan that required a two-person assist. During the transfer, the lift tipped over and injured the resident.	8/19/10: One-year Conditional Discharge and 24 hours of community service. Defendant also surrendered her CNA Certificate.
Margaret Tietz Nursing & Rehabilitation Center (MTNHRC)	Queens	Perrier, Marie, CNA	The defendant restrained a resident by using bed sheets to tie the resident to a handrail while the resident was seated in her wheelchair.	8/3/10: Three years probation.
Medford Multicare Center	Medford	Bryant, Valerie, CNA	The defendant lifted resident who had fallen from the floor and put him back to bed without first getting a registered nurse to assess him for injuries. When the fall was reported by the resident, the defendant denied, in written statement to facility, that she was ever aware that resident had fallen.	8/12/10: One year probation with narcotics conditions and the special condition during the period of probation, she must refrain from being employed taking care of any incompetent person.
Medford Multicare Center	Medford	Butzbach, Christine, CNA	The defendant was seen bringing a resident and a Hoyer Lift into the resident's room and then exiting the room with the Hoyer Lift. The witness told the resident's wife that she believed that the defendant transferred the resident using the Hoyer Lift without the requisite assistance of another caregiver. Investigation revealed that the defendant had done this on other prior occasions as well and that she signed the resident's accountability record for those dates. Defendant admitted to our investigator that she had performed the transfer alone.	8/24/10: Conditional Discharge and 280 hours of community service. Special conditions include surrendering her certification, must refrain from being employed in any capacity taking care of any incompetent person and provide 3 month updates in which she must provide evidence that she is gainfully employed or in school or both.
Mountainside Residential Care Center	Margaretville	Barnes, Lisa, CNA	The defendant transferred the resident from the floor to her wheelchair without first having the resident assessed for injury.	9/8/10: Fined \$750 and surrendered her CNA Certification.
Mountainside Residential Care Center	Margaretville	Robertson, Linda, CNA	The defendant transferred the resident from the floor to her wheelchair without first having the resident assessed for injury.	9/8/10: Fined \$750 and surrendered her CNA Certification.
Northwoods Rehabilitation and ECF	Troy	Abel, Nancy, CNA	From 2/23/09 through 4/10/09, defendant failed to render care to a resident but indicated in facility records that she had provided this care.	8/2/10: Conditional Discharge; surrender of CNA certification; Fined \$300; Surcharges of \$410 and \$205.
Northwoods Rehabilitation and ECF	Troy	Inyard, Monique, CNA	From 2/23/09 through 4/10/09, defendant failed to render care to a resident but indicated in facility records that she had provided this care.	8/2/10: Conditional Discharge; surrender CNA certification; Fined \$300; Surcharges of \$410 and \$205.
Northwoods Rehabilitation and ECF	Troy	Cooper, Cynthia, CNA	From 2/23/09 through 4/10/09, defendant failed to render care to a resident but indicated in facility records that she had provided this care.	8/23/10: Conditional Discharge; surrender of CNA certification; Fined \$200 and a Surcharge of \$205.
Northwoods Rehabilitation and ECF	Troy	Simpson, Michelle, CNA	From 2/23/09 through 4/10/09, defendant failed to render care to a resident but indicated in facility records that she had provided this care.	8/30/10: Conditional Discharge, must surrender CNA certification within 30 days and fined \$300.
Northwoods Rehabilitation and ECF	Troy	Ingram, Opal, CNA	From 2/23/09 through 4/10/09, defendant failed to render care to a resident but indicated in facility records that she had provided this care.	8/30/10: Conditional Discharge, must surrender CNA certification within 30 days and fined \$100.
Sunnyside Care Center	East Syracuse	Dwyer, Thomas, LPN	The defendant, a Licensed Practical Nurse, signed Medication Administration Records without actually dispensing medications to residents in order to hide the fact that he was unable to complete all of his duties during his work shift.	7/22/10: One-year conditional discharge which includes not working in a nursing home.

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



Quarterly Enforcement Actions Against Nursing Homes

Federal Civil Money Penalties¹ Against 15 Nursing Homes: 6/1/10 – 8/31/10²

Name Of Home	Location	Survey Date	Amount
Blossom South Nursing & Rehabilitation Center	Rochester	2/26/10	\$3,250.00 ³
Bronx Center for Rehabilitation & Health Care, LLC	Bronx	4/16/10	\$36,450.00 ⁴
Brooklyn United Methodist Church Home	Brooklyn	3/8/10	\$6,000.00
Heritage Commons Residential Health Care	Ticonderoga	6/1/10	\$33,800.00
Keser Nursing & Rehabilitation Center, Inc.	Brooklyn	4/29/10	\$6,500.00 ³
Lawrence Nursing Care Center	Queens	3/10/10	\$19,532.50 ³
Loretto Utica Residential Health Care Facility	Utica	4/15/10	\$16,005.18 ^{3,5}
Northern Riverview Health Care	Haverstraw	4/8/10	\$22,620.00 ³
Northwoods Rehabilitation & Extended Care Facility-Rosewood Gardens	Rensselaer	5/26/10	\$6,500.00 ³
Oneida Healthcare Extended Care Facility	Oneida	4/2/10	\$3,250.00 ³
Otsego Manor	Cooperstown	4/30/10	\$6,500.00 ³
Ridge View Manor, LLC	Buffalo	5/25/10	\$4,550.00 ³
Rome Nursing Home	Rome	1/15/10	\$84,211.44 ^{4,5}
Rosewood Heights Health Center	Syracuse	3/9/10	\$4,615.00 ³
Somers Manor Nursing Home	Somers	3/24/10	\$28,307.50 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 10.875% for paying in installments.

NY State Fined 7 Nursing Homes: 6/17/10 – 9/17/10¹

Name Of Home	Location	Date Of Survey	Amount ²
Cayuga County Nursing Home	Auburn	5/14/09	\$12,000
Champlain Valley Physicians Hospital SNF	Plattsburg	8/20/08	\$6,000
Chase Memorial Nursing Home	New Berlin	7/29/09	\$2,000
Dumont Masonic Home	New Rochelle	7/16/09	\$20,000
Our Lady of Mercy Life Center	Guilderland	6/1/09	\$2,000
St. Catherine Labore HCC	Buffalo	4/17/09	\$4,000
Willow Point Nursing Home	Vestal	4/3/09	\$4,000

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 8 Nursing Homes 6/17/10 - 9/17/10¹

Name of Home	Location	Resident Impact ²	Survey Date	Actions ³
Charles T. Sitrin Health Care Center Inc.	New Hartford	IJ	8/4/10	CMP, DOPNA
Grandell Rehabilitation & Nursing Center	Long Beach	GG	7/29/10	DPOC, Inservice, DOPNA
John J. Foley Skilled Nursing Facility	Yaphank	IJ/SQC	7/1/10	CMP, Monitor, DPOC, Inservice, DOPNA
Lawrence Nursing Care Center	Queens	GG	6/15/10	DPOC, Inservice, DOPNA
Loretta Utica Nursing Home	Utica	GG	8/26/10	DPOC, Inservice, DOPNA
Pleasant Valley	Argyle	IJ/SQC	8/11/10	CMP, DPOC, Inservice, DOPNA
River Valley Care Center Inc.	Poughkeepsie	IJ/SQC	9/13/10	CMP, DOPNA
Wayne Health Care	Newark	IJ/SQC	7/9/10	CMP, DPOC, Inservice, 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.