



Enforcement Actions Against Nursing Homes

STATE FINES AGAINST 15 NURSING HOMES: 9/16/06 – 12/15/06¹

NAME OF HOME	LOCATION	DATE OF SURVEY	AMOUNT ²
Clinton County Nursing Home	Plattsburgh	4/28/00	\$1,000
Cortland Memorial Nursing Facility	Cortland	7/13/05	\$500
Eden Park Health Care, Inc.	Albany	8/24/00	\$1,000
Eden Park Health Care Center, Inc.	Poughkeepsie	5/17/02	\$2,000
Eden Park Health Care Center, Inc.	Utica	10/27/04	\$1,000
Eden Park Health Care Center, Inc.	Utica	11/3/05	\$1,000
Field Home Holy Comforter	Cortlandt Manor	11/17/00	\$2,000
Field Home Holy Comforter	Cortlandt Manor	6/4/01	\$4,000
Field Home Holy Comforter	Cortlandt Manor	2/21/03	\$1,000
Fishkill Health Related Center	Beacon	6/3/02	\$2,000
Hornell Gardens	Hornell	1/11/06	\$2,000
Kinney Nursing Home	Gouverneur	5/3/01	\$1,000
Kinney Nursing Home	Gouverneur	4/12/02	\$2,000
Kinney Nursing Home	Gouverneur	6/29/05	\$1,000
Maplewood Nursing Home, Inc.	Webster	10/3/02	\$1,000
Rutland Nursing Home Co., Inc.	Brooklyn	4/6/04	\$4,000
The Shore Winds	Rochester	6/14/05	\$2,000
The Shore Winds	Rochester	4/7/06	\$2,000
Tioga Nursing Facility, Inc.	Waverly	8/18/05	\$2,000
Union Plaza Care Center	Queens	12/8/00	\$2,000
Valley View Manor Nursing Home	Norwich	8/26/05	\$5,000

In addition to the actions listed below, the following nursing homes are also subject to a fine. 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 means the home has received Gs in two consecutive surveys. IJ Removed means the facility was identified to have immediate jeopardy during the survey but removed the situation that caused Immediate Jeopardy prior to the end of the survey.

The State Took Other Action Against 12 Nursing Homes 9/16/06 - 12/15/06¹

NAME OF HOME	LOCATION	IJ, SQC or G	SURVEY DATE	CMP	ACTIONS ³
Albany County Nursing Home	Albany	IJ/SQC	10/28/06	X	State Monitor, DPOC, Inservice, DOPNA
Brookhaven Rehab & HCC	Queens	IJ/SQC	11/13/06	X	State Monitor, DPOC, Inservice, DOPNA
Daughters of Jacob Geriatric Center ⁴	Bronx	GG	7/10/06		DPOC, DOPNA
Daughters of Jacob Geriatric Center	Bronx	IJ/SQC	10/10/06	X	State Monitor, DPOC, Inservice, DOPNA
Eden Park Nursing Home	Cobleskill	SQC	11/7/06		DPOC, Inservice, DOPNA
Evergreen Valley	Plattsburgh	IJ/SQC	9/18/06	X	State Monitor, DOPNA
Harbour Health Multicare Center for Living	Buffalo	IJ/SQC removed	11/8/06	X	DPOC, Inservice, DOPNA
LeRoy Village Green RHCF	LeRoy	SQC	10/27/06	X	DOPNA
Nassau Extended Care	Hempstead	GG	11/7/06		DPOC, DOPNA
Northwoods Rehab and ECF – Hilltop	Niskayuna	IJ/SQC removed	10/3/06	X	State Monitor
Orchard Manor, Inc.	Medina	IJ/SQC	11/14/06	X	State Monitor, DPOC, Inservice, DOPNA
Uihein Mercy Center	Lake Placid	IJ removed	11/14/06	X	
Whittier Rehab and Skilled Nursing Center	Ghent	IJ/SQC	9/20/06	X	State Monitor, DPOC, Inservice, DOPNA

¹ As 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.

² Under state law nursing homes can be fined up to \$2,000 per deficiency.

³ 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 (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; State Monitoring: state sends in a monitor to oversee correction; Termination means the facility can no longer receive reimbursement for Medicaid and Medicare residents.

⁴ This is an earlier action which was reported to us too late to be included in the last *Monitor*.



Enforcement Actions Against Nursing Homes

CIVIL MONEY PENALTIES¹ AGAINST 3 NURSING HOMES: 9/1/06 – 11/30/06²

NAME OF HOME	LOCATION	SURVEY DATE	AMOUNT
Albany County Nursing Home	Albany	5/8/06	\$7,500.00
Dr. William O. Benenson Rehabilitation Pavilion	Queens	6/22/06 & 7/26/06	\$68,835.00
Livingston County Center for Nursing and Rehabilitation	Mount Morris	7/18/06 & 8/3/06	\$6,565.00

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

² As reported by CMS. For more detailed information contact the FOIA Officer at CMS 212-616-2345. This list will be posted on LTCCC's website every three months.

CMS Reduces Fine to a Facility with Repeat Problems

In our summer 2006 edition, we reported that Riverview nursing home in Owego, New York received a civil monetary penalty (CMP) of \$104,500 for giving poor care. What we did not know until after our newsletter was printed was that the federal Centers for Medicare and Medicaid Services (CMS) reduced the \$104,500 fine to \$1000 for “financial hardship” and reduced it further to \$650 because the home waived its right to a hearing. Waiving 35 percent of the fine when the right to a hearing is waived by a facility, is routine and required under federal law. However, reduction due to financial hardship is not. CMS can decide, based upon information supplied by the facility, whether to grant such a reduction or not.

According to NY Department of Health staff, who conducted the survey on which the fine was based and initially proposed the fine, state staff was not involved in the decision to reduce the fine. CMS staff stated that the fine was reduced because of the small size of the facility, the fiscal problems the facility has had due to flooding and the fact that the facility has a new owner.

LTCCC is very concerned about the message sent to facilities when fines are reduced – especially when they are reduced to practically nothing. Riverview has had a number of repeat violations in the years leading up to the \$104,500 fine. We were pleased to

finally see a penalty that might force them to improve. It is interesting to note that after that reduction, another survey found even more problems and the facility was fined an additional \$5000 (reduced to \$3250 when the facility waived the right to a hearing). CMS staff indicated that it did not reduce the \$5000 fine further due to financial hardship to send a message to the facility that there would be no further reductions based on current fiscal issues.

A different decision was made in the case of the Dr. William O. Benenson Rehabilitation Pavilion. In November, the home was fined \$105,900 (reduced to \$68,835 when the home waived the hearing) for putting residents in jeopardy. Although the home requested that the fine be reduced due to economic loss sustained as a result of the two surveys where problems were found, CMS decided not to further reduce the fine “due to the seriousness of the deficiencies cited.”

It is important to understand why and how CMS decides to reduce fines based upon financial hardship. What factors does it take into consideration? Should it not get advice from the state agency overseeing the home?

LTCCC is currently investigating this issue and will keep *Monitor* readers abreast of developments. □