



# Enforcement Actions Against Nursing Homes

## Civil Money Penalties<sup>1</sup> Against 16 Nursing Homes – 12/1/08 - 2/28/09<sup>2</sup>

Name Of Home	Location	Survey Date	Amount
Adirondack Medical Center Uihlein	Lake Placid	8/8/08	\$75,497.50
The Baptist Home at Brookmeade	Rhinebeck	9/26/08	\$13,780
Beechtree Care Center	Ithaca	9/12/08	\$6,100 <sup>3</sup>
Blossom Health Care Center	Rochester	9/4/08	\$6,825 <sup>4</sup>
Delaware Nursing & Rehabilitation Center	Buffalo	10/27/08	\$487.50
Folts Home	Herkimer	9/17/08	\$10,000 <sup>3</sup>
Garden Gate Health Care Facility	Cheektowaga	7/17/08	\$4,800 <sup>5</sup>
Glendale Home	Scotia	9/10/08	\$20,800
Gold Crest Care Center	Bronx	8/26/08	\$18,712.50 <sup>4</sup>
Mount Loretto Nursing Home	Amsterdam	9/12/08	\$26,250 <sup>3</sup>
Northwoods Rehabilitation and Extended Care Facility-Cortland	Cortland	3/29/07	\$14,250 <sup>3</sup>
Northwoods Rehabilitation and Extended Care Facility-Hilltop	Niskayuna	5/15/07	\$3,000 <sup>3</sup>
Oceanview Nursing and Rehabilitation Center	Far Rockaway	11/26/08	\$4,875
Park Ridge Nursing Home	Rochester	11/25/08	\$6,045
Wayne County Nursing Home	Lyons	8/7/08	\$5,200
Willoughby Rehabilitation and Health Care Center	Brooklyn	7/11/08	\$44,687.50

### Facilities Whose Reimbursement Rate Was Reduced To Pay CMP<sup>6</sup>

Name Of Home	Location	Amount
Golden Gate Rehabilitation and Health Care Center	Staten Island	\$47,320 plus interest at a rate of 11.125%
Whittier Rehabilitation and Skilled Nursing Center	Ghent	\$2,500

<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 does not reflect a 35% reduction as the facility did not waive its right to a hearing as permitted under law.

<sup>4</sup>Reduced due to financial hardship.

<sup>5</sup>Settlement agreement

<sup>6</sup>Facility did not pay on time so CMS reduced their Medicare payments to recover CMP.

## Selected Enforcement Actions of NYS Attorney General

### Medicaid Fraud Control Unit<sup>1</sup> Took Action Against 5 Nursing Home Personnel – 12/16/08-3/15/09

Nursing Home	Location	Defendant	Sentence	Narrative
Bethany Gardens Skilled Living Center	Rome	Thaler, Amanda, CNA	1/16/2009: 90 days incarceration	Defendant stole an 89 year-old resident's gold and diamond engagement ring that her husband gave her in 1940. Defendant and her boyfriend, separately charged, pawned the ring for \$15. The engagement ring was recovered and returned to the resident.
Crouse Community Center, Inc.	Morrisville	Rathbun, Rainey, LPN	3/11/2009: One-year conditional discharge	Defendant grabbed the face of a 61 year-old resident, who had become combative and spit at the defendant. The defendant grabbed the resident with such force that the resident sustained skin tears and his wheelchair fell over backwards.
Northwoods Rehabilitation and Extended Care Facility - Hilltop	Niskayuna	Kozakiewicz, Kimberly, LPN	1/13/2009: Five years probation for the two felony convictions and time served (one day in jail) for the misdemeanor drug possession conviction	On multiple occasions, defendant stole medications (controlled substances) from the facility for her own use. She falsified and forged nursing home records to conceal her thefts and also submitted a license renewal document to the NYS Department of Education falsely stating that no facility had fired her.
Rosa Coplon Jewish Home and Infirmary	Getzville	Penman, Patricia, CNA	3/5/2009: One-year conditional discharge	The resident became combative while the defendant was assisting the resident. The defendant slapped the resident in the face.
Westgate Nursing Home	Rochester	Phillips, Carla, CNA	3/4/2009: Five years probation, seven weekends of jail-supervised work release (community service), and restitution of \$1,700	Defendant stole five personal checks from a nursing home resident, issued the checks to her landlord, boyfriend, and herself, and forged the resident's signature. In total, the defendant stole \$1,700 from the resident.

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



# Enforcement Actions Against Nursing Homes

## State Fines Against 10 Nursing Homes – 12/16/08 - 3/13/09<sup>1</sup>

Name Of Home	Location	Date Of Survey	Amount <sup>2</sup>
Daughters of Sarah Nursing Center	Albany	2/25/08	\$2,000
Evergreen Commons	East Greenbush	5/21/07	\$8,000
Evergreen Valley Nursing Home	Plattsburgh	10/25/07	\$2,000
Highfield Gardens Care Center of Great Neck	Great Neck	8/8/07	\$6,000
John J. Foley Skilled Nursing Facility	Yaphank	12/5/07	\$4,000
Kateri Residence	Manhattan	3/28/08	\$4,000
Summit Park Nursing Care Center	Pomana	9/5/08	\$12,000
Syracuse Home Association	Baldwinsville	3/27/08	\$2,000
Terence Cardinal Cooke HCC	Manhattan	3/19/08	\$6,000
Village Center for Care	Manhattan	4/16/08	\$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 – [nhinfo@health.state.ny.us](mailto:nhinfo@health.state.ny.us).

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

## The State Took Other Action Against 9 Nursing Homes – 12/16/08 - 3/13/09<sup>1</sup>

Name of Home	Location	Resident Impact <sup>2</sup>	Survey Date	Actions <sup>3</sup>
Erie County Medical Center SNF/Erie County Home	Buffalo/Alden	GG	1/12/09	DPOC, DOPNA
Hempstead Park Nursing Home	Hempstead	GG	1/9/09	DPOC, Inservice, DOPNA
Horizon Care Center	Arverne	IJ/SQC	12/26/08	CMP, Monitor, DPOC, Inservice, DOPNA
Livingston Hills Nursing & Rehab Center	Livingston	IJ/SQC	2/10/09	CMP, Monitor, DPOC, Inservice, DOPNA
Mt. Loretto Nursing Home	Amsterdam	IJ/SQC	1/20/09	CMP, Monitor, DPOC, Inservice, DOPNA
Northwoods Rehab and Extended Care Facility-Troy	Troy	IJ/SQC	1/16/09	CMP, Monitor, DPOC, Inservice, DOPNA
Ocean Promenade Nursing Center	Rockaway Park	IJ/SQC	2/24/09	CMP, Monitor, DPOC, Inservice, DOPNA
Rivington House, The Nicholas A. Rango HCF	Manhattan	IJ/SQC	3/9/09	CMP, Monitor, DPOC, Inservice, DOPNA
Whittier Rehab & Skilled Nursing Center	Ghent	IJ/SQC	12/30/08	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 – [nhinfo@health.state.ny.us](mailto:nhinfo@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; 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.