



Quarterly Enforcement Actions Against Nursing Homes

Selected Enforcement Actions By The NYS Attorney General

Medicaid Fraud Control Unit¹ Took Action Against 8 Nursing Home Personnel 3/16/11 - 6/15/11

Nursing Home	Location	Defendant	Narrative	Sentence
Crest Hall Care Center (also called Lakeview Rehabilitation and Care Center)	Middle Island	Thomas, Tamika, Receptionist	Defendant misused her access to residents' accounts, established for the payment of personal expenses, to steal \$1,465 from several residents over time.	5/9/2011: Conditional Discharge ² and \$1,465 in restitution.
Ferncliff Nursing Home Co. Inc.	Rhinebeck	Post, Christopher, Certified Nurse Aide	Defendant falsely claimed he assisted another CNA in the transfer of a 94-year old resident, who slipped and suffered a broken arm.	5/5/2011: Unconditional Discharge and the surrender of her CNA certificate.
Ferncliff Nursing Home Co. Inc.	Rhinebeck	Thomas, Stephen, Certified Nurse Aide	Defendant transferred a 94-year old resident, who slipped and suffered a broken arm alone and asked another CNA to claim that they transferred the resident together in compliance with the care plan.	4/7/2011: Unconditional Discharge and the surrender of her CNA certificate.
Lily Pond Nursing Home	Staten Island	Ferry, Cynthia, Certified Nurse Aide	CNA was observed by EMT striking 40-year old resident about the head.	3/23/2011: Conditional Discharge, with the condition that she refrain from engaging in any employment in the health care field, and the surrender of her CNA certificate.
Lily Pond Nursing Home	Staten Island	Bernabe, Josefina V., Licensed Practical Nurse	Defendant, while working the evening shift as a Nurse Supervisor, was advised by an EMT worker that he witnessed CNA Ferry strike a 40-year old resident on the head. Defendant told the EMT worker not to report it to protect Ferry from getting in trouble.	3/23/2011: Conditional Discharge, with the condition the she refrain from engaging in any employment in the health care field, and the surrender of her LPN license.
McAuley Residence	Kenmore	Myers, Anne, Certified Nurse Aide	Defendant, working as the Range of Motion aide, filled in her initials on the patient records even though she did not complete the services the resident was supposed to receive.	3/24/2011: \$205 surcharge and the surrender of her CNA Certificate.
Medford Multicare Center	Medford	Coleman, Janet, Licensed Practical Nurse	Defendant was the Unit Manager at the home during the AG's Hidden Camera investigation and falsified the resident's records that she provided treatments to him, including cleaning his g-tube site and ears.	5/19/2011: A term of five-years probation. Conditions of probation include that the defendant may not be employed caring for any incompetent person whether the incompetence is due to age, physical disability, mental disease or defect as well as narcotic and alcohol conditions. The defendant also surrendered her LPN license.
Willow Point Nursing Home	Vestal	Ortloff, Eugene, Licensed Practical Nurse	Defendant forcefully cut the finernails of an uncooperative resident, causing them to bleed.	4/19/2011: Conditional Discharge and the surrender of her LPN license.

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

²Conditional discharge means if similar act is committed during the time period defendant can be brought back to court.

Federal Civil Money Penalties¹ Against 9 Nursing Homes: 3/1/11 – 5/31/11²

Name Of Home	Location	Survey Date	Amount
Blossom South Nursing & Rehab Center	Rochester	1/26/11	\$8,000
Elant at Fishkill	Beacon	1/10/11	\$46,450
Hempstead Park Nursing Home	Hempstead	9/28/10	\$48,680 ⁴
Julie Blair Nursing & Rehab Center	Albany	1/28/11	\$4,875 ³
Marcus Garvey Nursing Home	Brooklyn	11/30/10	\$77,400
Pleasant Valley	Argyle	1/6/11	\$26,585 ³
Sunnyside Care Center	East Syracuse	1/31/11	\$3,055 ³
Van Duyn Home and Hospital	Syracuse	5/29/09	\$73,650
Wingate at Beacon	Beacon	1/4/11	\$45,435 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.

⁴Fine imposed in accordance with settlement agreement between CMS and the facility.



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NY State Fined 22 Nursing Homes: 3/18/11 – 6/30/11¹

Name Of Home	Location	Date Of Survey	Amount ²
Absolute Center for Nursing and Rehab-Endicott	Endicott	7/22/09	\$2,000
Bishop Henry B Hucles Episcopal Nursing Home	Brooklyn	11/30/09	\$12,000
Brooklyn United Methodist Church Home	Brooklyn	3/8/10	\$22,000
Chatauga County Home	Dunkirk	1/6/09	\$10,000
Elant at Newburgh Inc.	Newburgh	9/2/09	\$72,000
Franklin County Nursing Home	Malone	6/26/09	\$8,000
Grandell Rehab and Nursing Center	Long Beach	7/29/10 & 1/26/10	\$34,000
Guilderland Center Nursing Home	Guilderland Center	9/10/09	\$10,000
The Hamptons Center for Rehab and Nursing	Southampton	7/30/10	\$10,000
Jewish Home and Hospital-Bronx	Bronx	6/23/09	\$6,000
Medford Multicare Center for Living	Medford	3/17/10	\$10,000
Medford Multicare Center for Living	Medford	4/1/09	\$12,000
Mount Loretto Nursing Home Inc.	Amsterdam	7/6/10	\$10,000
Northern Riverview Health Care Center, Inc	Haverstraw	4/8/10	\$24,000
Petite Fleur Nursing Home	Sayville	4/9/10	\$10,000
St. Johns Health Care Corporation	Rochester	9/27/10	\$10,000
Sullivan County Adult Care Center	Liberty	4/16/09	\$10,000
Summit Park Nursing Care Center	Pomana	12/4/09	\$10,000
Sutton Park Center for Nursing and Rehab	New Rochelle	6/18/09	\$4,000
Sutton Park Center for Nursing and Rehab	New Rochelle	1/19/10	\$10,000
Van Duyn Home and Hospital	Syracuse	11/13/08	\$2,000
Wayne Health Care	Newark	7/9/10	\$2,000
Westmount Health Facility	Queensbury	2/25/10	\$2,000
Wyoming County Community Hospital SNF	Warsaw	3/19/09	\$10,000

¹As reported by the Department of Health (DOH). For more detailed information call the DOH FOIL Officer at 518-474-8734 or e-mail – foil@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 20 Nursing Homes 3/17/11 - 6/30/11¹

Name of Home	Location	Resident Impact ²	Survey Date	Actions ³
Adirondack Medical Center Uihlein	Lake Placid	IJ/SQC	3/22/11	CMP, Monitor, DPOC, Inservice, DOPNA
Andrus on Hudson	Hastings-on-Hudson	IJ/SQC	5/19/11	CMP, Monitor, DPOC, Inservice, DOPNA
Bishop Francis J. Mugavero Center for Geriatric Care	Brooklyn	IJ/SQC	4/11/11	CMP, Monitor, DPOC, Inservice, DOPNA
Blossom South Nursing and Rehab Center	Rochester	GG	3/25/11	CMP, DPOC, Inservice, DOPNA
Crown Center for Nursing and Rehab	Cortland	GG	4/4/11	DPOC, Inservice, DOPNA
Ferndcliff Nursing Home Co, Inc.	Rhinebeck	IJ/SQC	4/27/11	CMP, Monitor, DPOC, Inservice, DOPNA
Highland Nursing Home Inc.	Massena	GG	4/14/11	DPOC, Inservice, DOPNA
James Square Health and Rehab Center	Syracuse	GG	4/13/11	DPOC, Inservice, DOPNA
Julie Blair Nursing and Rehab Center	Albany	GG	3/28/11	DPOC, Inservice, DOPNA
Katherine Luther RHC & Rehab Center	Clinton	IJ/SQC	5/25/11	CMP, Monitor, DPOC, Inservice, DOPNA
Loretto Utica Nursing Home	Utica	IJ/SQC	4/16/11	CMP, Monitor, DPOC, Inservice, DOPNA
Lutheran Augustana Center for Extended Care & Rehab	Brooklyn	GG	4/29/11	DPOC, Inservice, DOPNA
MM Ewing Continuing Care Center	Canandaigua	IJ	6/24/11	CMP
Mosholu Parkway Nursing and Rehab Center	Bronx	IJ/SQC	4/12/11	CMP, Monitor, DPOC, Inservice, DOPNA
Northern Riverview Health Care Center, Inc.	Haverstraw	IJ/SQC	5/6/11	CMP, Monitor, DPOC, Inservice, DOPNA
Pleasant Valley	Argyle	IJ/SQC	4/26/11	CMP, Monitor, DPOC, Inservice, DOPNA
River Ridge Living Center, LLC	Amsterdam	IJ	4/11/11	CMP, Monitor, DPOC, Inservice, DOPNA
St. Camillus RHC	Syracuse	IJ/SQC	6/10/11	Monitor
The Springs Nursing & Rehab Centre	Troy	IJ/SQC	4/1/11	CMP, Monitor, DPOC, Inservice, DOPNA
Van Duyn Home and Hospital	Syracuse	IJ/SQC	4/18/11	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 the fine to CMS; State Monitoring: State survey staff is onsite in the facility to monitor and oversee correction; Directed Plan Of Correction (DPOC): A corrective action plan that is developed by the State or CMS, and requires a facility to take action within specified timeframes. In New York State, the facility is directed to determine the root cause of the deficiency, identify and implement steps to correct the problem, and evaluate whether corrective measures are successful; In-Service Training: State directs in-service training for staff; which must be provided by a consultant who is not affiliated with the facility; Denial of Payment for New Admissions (DoPNA): Facility is not paid for any new Medicaid or Medicare residents until correction of deficiencies is achieved.



Quarterly Enforcement Actions Against Nursing Homes

Selected Administrative Actions By The NYS Office of Medicaid Inspector General

Action Taken Against 12 Nursing Home Personnel 3/16/11 - 6/15/11

Nursing Home	Location	Defendant	Narrative	Action Taken
Bishop Charles Waldo MacLean Nursing Home	Far Rockaway	Gwendolyn Nicolas, LPN	Ms. Nicolas willfully made false reports that she had administered medication to patients, when she in fact, had not.	Based on State Education Department Consent Order ¹ OMIG Exclusion ² : 5/3/2011
Chapin Home for the Aging	Jamaica	Sherett Denise Gaither, LPN	Ms. Gaither willfully falsely charted on 25 patient medication administration records that she had given these residents their medication at 9:00 pm as prescribed, when in fact the meds had been administered at least 2 hours earlier.	Based on State Education Department Consent Order OMIG Exclusion: 6/5/2011
Daleview Care Center	Farmingdale	Dieudonne Poulard, CNA	Ms. Poulard gave a false statement in order to conceal the crimes of other staff members related to a fall sustained by a resident which led to a fractured hip. Ms. Poulard lied to administrators saying she had no knowledge of the fall, when in fact she had participated in giving care to the resident after the apparent fall.	Based on a Nassau County Court Indictment brought by the NYS Attorney General's MFCU OMIG Exclusion: 3/27/2011
Daughters of Jacob Health Services	Bronx	Kwaku Asante, LPN	Mr. Asante failed to notify the charge nurses that a 75 year old resident was not present in the unit at 5:00 pm and again at 9:00 pm, during which time Mr. Asante was supposed to administer medications to the resident. Mr. Asante charted in the Medication Administration Record that at both those times he had administered medications to the resident when in fact he had not.	Based on State Education Department Consent Order OMIG Exclusion: 4/3/2011
Grace Plaza Nursing and Rehabilitation Center	Great Neck	Susan Baquial Sagaral, RN	Ms. Sagaral failed to perform a full assessment on a patient who had slipped and needed to be lowered to the floor and failed to report the incident.	Based on State Education Department Consent Order OMIG Exclusion: 5/26/2011
HCR and Coram Infusion; Blossom View Nursing Home	Rochester	Catherine Roome, RN	In addition to stealing hydromorphone pills from a home health patient, Ms. Roome stole morphine sulphate from Blossom View Nursing Home for her own personal use.	Based on Monroe County Court conviction based on guilty plea to Petit Larceny, and an SED Consent Order OMIG Exclusion: 4/3/2011
Manhattanville Rehabilitation and Healthcare	Bronx	Paula Pamela Smith-Morrison, LPN	Ms. Smith-Morrison willfully made false reports that she had administered medication to patients, when she in fact, had not.	Based on State Education Department Consent Order OMIG Exclusion: 5/2/2011
Peninsula Center for Extended Care & Rehabilitation	Far Rockaway	Kay-Dean Careen Jackson, LPN	Ms. Jackson failed to notify a supervisor or a physician that a patient was having difficulty breathing. Ms. Jackson also failed to initiate CPR on this patient upon finding the patient unresponsive.	Based on State Education Department Consent Order OMIG Exclusion: 6/5/2011



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Selected Administrative Actions By The NYS Office of Medicaid Inspector General

Action Taken Against 12 Nursing Home Personnel 3/16/11 - 6/15/11 (continued)

Nursing Home	Location	Defendant	Narrative	Action Taken
Petit Fleur Nursing Home	Sayville	Gudrun Doncourt, LPN	Ms. Doncourt failed to document the administration of controlled substances to three patients over several days.	Based on State Education Department Consent Order OMIG Exclusion: 6/6/2011
Smithtown Rehabilitation Center	Smithtown	Adam Rauer, RN	Mr. Rauer took Dilaudid, a narcotic, for his personal use, and also falsified business records, noting that the drugs were furnished to residents.	Based on MFCU Indictment OMIG Exclusion: 6/5/2011
Sullivan County Adult Care Facility	Liberty	Myra Siegel, RN	Ms. Siegel verbally and physically abused patients. In one instance she forcibly held down a resident while giving care, calling the resident an "evil witch." In the second instance, Ms. Siegel told a resident who was not ready to receive his medication that he had a death wish and was going to die if he didn't take his medicine.	Based on State Education Department License Surrender OMIG Exclusion: 6/6/2011
Willow Point Nursing Home	Vestal	Eugene Ortloff, LPN	Mr. Ortloff falsely filed a statement on a Resident Incident Report, stating that a resident had sustained two partially torn nails from nail biting. In fact, Mr. Ortloff had forcefully cut the fingernails of the resident, causing them to bleed.	Based on MFCU Indictment and subsequent guilty plea to Endangering the Welfare of an Incompetent person in the Town of Vestal Court OMIG Exclusion: 4/20/2011 and 5/22/2011

¹An agreement between the State Education Department Office of Professional Discipline, Board of Regents, Committee of the Professions and the licensee who admits guilt to at least one of the alleged acts of misconduct. The Consent Order provides the details of the misconduct and the assigned penalties.

²No payments will be made to or on behalf of any person for the medical care, services or supplies furnished by or under the supervision of the defendant during a period of exclusion or in violation of any condition of participation in the program. Additionally, any person who is excluded from the program cannot be involved in any activity relating to furnishing medical care, services or supplies to recipients of Medicaid for which claims are submitted to the program, or relating to claiming or receiving payment for medical care, services or supplies during the period.