



Quarterly Enforcement Actions Against Nursing Homes

Selected Enforcement Actions By The NYS Attorney General

Medicaid Fraud Control Unit¹ Took Action Against 9 Nursing Home Personnel 12/16/10 - 3/15/11

Nursing Home	Location	Defendant	Narrative	Sentence
Adirondack Tri County Nursing & Rehabilitation	North Creek	Hayes, Brenda, CNA	Defendant struggled with a 98-year old female resident, yelled and grabbed her forearms causing 2" x 1" bilateral bruises on both.	1/26/11: One-year conditional discharge.*
Avalon Gardens Rehabilitation and Health Center	Smithtown	Chi, Tolly, CNA	Defendant performed an unassisted hooyer lift transfer of a severely disabled child resident without obtaining assistance as required by the resident's care plan.	12/22/2010: One-year conditional discharge.*
Finger Lakes Center for Living	Auburn	Fedigan, Janine, CNA & Peterson, Brandy, CNA	In violation of the care plan, CNA Fedigan transferred an 80-year old resident out of bed alone, took resident to the toilet, and tried to apply his leg brace, which caused the resident to tip over in his wheelchair, hit his head and suffer a skin tear. CNA Fedigan and CNA Peterson picked him up and told resident and his wife not to tell anyone what had happened. CNA Fedigan claimed it happened while the resident was in the bathroom.	2/9/2011: One-year conditional discharge* and surrendered CNA license.
Medford Multicare Center	Medford	Chaudhry, Rima, LPN	The defendant routinely gave the resident heart medication, Digoxin, without first taking his apical pulse to determine whether she should give it and then falsely recorded an apical pulse in his medication administration record.	2/1/2011: A term of 3 years probation with the term that she comply with psychological and narcotics conditions.
Diamond Hill Nursing and Rehabilitation Center (formerly Northwoods Rehabilitation and ECF-Troy)	Troy	Tremper, Jessica, CNA	Defendant falsely documented in the medical record that she turned and repositioned a resident.	3/4/2011: One-year conditional discharge*; 40 hours of community service to be completed by 5/6/11; and surrender of CNA certificate.
Rockaway Care Center, LLC	Queens	Laureano, Esmeralda, CNA	The defendant stomped on the chest of an 80-year old resident who was lying on the floor after he refused to follow her instructions to sit in his wheelchair.	3/1/2011: A term of 3 years probation with anger management classes as a condition of probation.
St. Camillus Residential Health Care Center	Syracuse	Valentin, Tabitha, CNA	The defendant stole jewelry from nursing home residents.	2/23/2011: A term of 5 years probation and restitution of \$2,270.
Terence Cardinal Cooke HCC	Manhattan	Quintyne, Coral, LPN	The defendant gave methadone to the wrong resident, who had to be hospitalized. She did not report her error and falsified documents in an attempt to cover it up.	2/4/2011: Six months jail.
Van Duyn Home and Hospital	Syracuse	Quinn, Maura, RN	The defendant failed to respond to requests to assess the increased level of pain a resident was suffering.	12/22/2010: One-year conditional discharge.*

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

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

Federal Civil Money Penalties¹ Against 8 Nursing Homes: 12/1/10 – 2/28/11²

Name Of Home	Location	Survey Date	Amount
Absolut Center for Nursing & Rehabilitation Endicott, LLC	Endicott	11/5/10	\$22,002.50 ³
Adirondack Tri County Nursing & Rehabilitation Center	North Creek	10/6/10	\$40,625.00 ³
Bay Park Center for Nursing & Rehabilitation, LLC	Bronx	7/26/10	\$25,740.00 ³
Blossom North Nursing & Rehab Center	Rochester	8/27/10	\$2,405.00 ³
Charles T. Sitrin Health Care Skilled Nursing Facility	New Hartford	8/24/10	\$3,250.00 ³
Mercy of Northern New York	Watertown	9/17/10	\$3,250.00 ³
River Valley Care Center, Inc.	Poughkeepsie	9/13/10	\$13,455.00 ³
Sprain Brook Manor Nursing Home	Scarsdale	8/11/10	\$3,022.50 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.



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NY State Fined 13 Nursing Homes: 12/17/10 – 3/17/11¹

Name Of Home	Location	Date Of Survey	Amount ²
Bay Park Center for Nursing and Rehab	Bronx	12/18/09	\$4,000
Blossom Health Care Center	Rochester	1/15/10	\$10,000
The Brightonian	Rochester	1/12/10	\$2,000
Delaware Nursing and Rehab Center	Buffalo	10/27/08	\$2,000
Horizon Care Center	Queens	3/22/10	\$10,000
Livingston Hills Nursing and Rehab	Livingston	2/10/09 & 11/5/09	\$42,000
Morningside House Nursing Home Co.	Bronx	10/26/09	\$6,000
Ontario County Health Facility	Canandaigua	6/1/09	\$10,000
Park Ridge Nursing Home	Rochester	2/5/10	\$2,000
The Pines at Glens Falls Center for Nursing and Rehab	Glens Falls	5/26/10	\$10,000
Ross Health Care Center, Inc.	Brentwood	6/14/10	\$10,000
St. Joseph Nursing Home	Utica	12/14/09	\$8,000
Wayne Health Care	Newark	1/8/10	\$2,000

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 18 Nursing Homes 12/17/10 - 3/16/11¹

Name of Home	Location	Resident Impact ²	Survey Date	Actions ³
Albany County Nursing Home	Albany	IJ/SQC	2/28/11	CMP, DPOC, Inservice, DOPNA
Bay Park Center for Nursing and Rehab LLC	Bronx	GG	2/16/11	DOPNA
Blossom South Nursing and Rehab Center	Rochester	IJ/SQC	1/31/11	CMP, Monitor, DPOC, Inservice, DOPNA
Cayuga County Nursing Home	Auburn	GG	1/31/11	DOPNA
Elant at Fishkill Inc.	Beacon	IJ/SQC	1/10/11	CMP, DPOC, Inservice, DOPNA
Indian River Rehab and Nursing Center	Granville	IJ/SQC	2/23/11	CMP, DPOC, Inservice, DOPNA
Julie Blair Nursing and Rehab	Albany	IJ	1/31/11	CMP, Monitor, DPOC, Inservice, DOPNA
Marcus Garvey Nursing Home	Brooklyn	GG	2/18/11	DOPNA
The Pines at Glens Falls Center for Nursing & Rehab	Glens Falls	GG	3/2/11	DPOC, Inservice, DOPNA
Pleasant Valley	Argyle	IJ/SQC	1/6/11	CMP, Monitor, DPOC, Inservice, DOPNA
Rosewood Heights Health Center	Syracuse	GG	1/14/11	DPOC, Inservice, DOPNA
Rutland Nursing Home Co. Inc.	Brooklyn	GG	2/16/11	DOPNA
Sans Souci Rehab and Nursing Center	Yonkers	GG	2/11/2011	DOPNA
St. Francis Home of Williamsville	Williamsville	GG	1/24/11	DPOC, Inservice, DOPNA
Stonehedge Health & Rehab Center Chittenango	Chittenango	GG	1/20/11	DPOC, Inservice, DOPNA
Sunnyside Care Center	E. Syracuse	IJ/SQC	1/31/11	CMP, DPOC, Inservice, DOPNA
Van Duyn Home and Hospital	Syracuse	GG	12/14/10	DPOC, Inservice, DOPNA
Wingate at Beacon	Beacon	IJ/SQC	1/4/11	CMP, Monitor, 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 standard 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.