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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 98 LCM-25

Date: May 14, 1998

Division: Bureau of Adult
Services

TO: Local District Commissioners

SUBJECT: Adult Care Facilities: Prohibition of Referrals to Certain
Facilities

ATTACHMENTS: List of Adult Care Facilities in Enforcement
(Available On-Line)

In 1994, three legislative proposals were enacted into law pertaining to Adult Care Facilities (ACFs). Chapters 733, 734 and 735 of the Laws of 1994, amend various sections of the Social Services Law, Mental Hygiene Law and Public Health Law relating to the operation of ACFs and other service providers to the residents of these facilities. Basically, these laws are intended to improve the quality of care in ACFs, strengthen related enforcement procedures and provide additional protections to the residents of these facilities.

An amendment to Section 460-d of the Social Services Law prohibits local social services districts from making a referral for admissions to an ACF that has received official written notice of any of the following:

- o a proposed revocation, denial or suspension of the operator's operating certificate;
- o the limitation of the operating certificate with respect to new admissions;
- o the issuance of an OFCS order or Commissioner's order or the seeking of equitable relief;
- o the proposed assessment of civil penalties for certain violations of the Social Services Law.

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To enable local social services districts to comply with this law, attached to this LCM is an updated list of ACFs to which districts must not make admission referrals. To assure that this law is effectively implemented, please distribute this list to your agency's Protective Services for Adults (PSA) staff, Family Type Home Coordinators, Legal staff and all other staff who are involved in arranging for the placement of dependent adults in ACFs.

If you have any questions about this law or your responsibilities with regard to the law, please call Janet Morrissey at (518) 432-2987 or Carole Fox at (518) 432-2864. Thank you for your cooperation on this matter.

Donald K. Smith
Acting Deputy Commissioner
Division of Development and Prevention Services

NEW YORK STATE DEPARTMENT OF HEALTH
and
NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES

ADULT CARE FACILITIES IN ENFORCEMENT

REFERRAL SUSPENSION LIST

Under Section 2803-m of the Public Health Law, Section 29.15(i) of the Mental Hygiene Law and Section 460-d(12) of the Social Services Law, which were enacted by Chapters 733 and 734 of the Laws of 1994, facilities and agencies subject to these laws may NOT refer patients or clients to the following facilities until notified by the New York State Department of Social Services that the enforcement action has been resolved. Patients/clients who were admitted from these facilities and who still have valid admission agreements may return to these facilities, but should be offered assistance in relocating.

DENIAL OF RENEWAL OF THE OPERATING CERTIFICATE

PACIFIC HOUSE
OPERATOR: Housing Dvpmnt. Fund Co.
1140 Pacific Street
Brooklyn N.Y. 11216
DOH REGION: MRO COUNTY: Kings

SHADY REST
OPERATOR: Carrie Brantley
1102 Main Street
Niagara Falls N.Y. 14301
DOH REGION: WRO COUNTY: Niagara

ROYAL MANOR
OPERATORS: Lulex Licerio
Eduardo Licerio
66 Bethune Blvd.
Spring Valley N.Y. 10977
DOH REGION: MRO COUNTY: Rockland

PENDING REVOCATION OF THE OPERATING CERTIFICATE

SOUTHSHORE VILLA
OPERATORS: Matthew Patkowski
Margaret Patkowski
19 North Clinton Avenue
Bay Shore N.Y. 11706
DOH REGION: LIRO COUNTY: Suffolk

ENDANGERMENT REFERRAL [SSL 460-d(7)(b)(2)]

SEA BAY MANOR
OPERATOR: Joseph Tomei
3010 West 33rd Street
Brooklyn N.Y. 11224
DOH REGION: MRO County: Kings

HILLCREST SPRINGS RESIDENTIAL ADULT
CARE
OPERATOR: Paul Wolfe
P.O. Box 368
Rte. 30- Upper Market Street
Amsterdam N.Y. 12010
DOH REGION: ERO County: Montgomery