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:

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

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

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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 Health 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.
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DENIAL OF RENEWAL OF THE OPERATING CERTIFICATE

PACIFIC HOUSE                      SHADY REST
OPERATOR: Housing Dvpmnt. Fund Co.  OPERATOR: Carrie Brantley
1140 Pacific Street                1102 Main Street
Brooklyn                       N.Y. 11216  Niagara Falls           N.Y. 14301
DOH REGION: MRO                  COUNTY: Kings    DOH REGION: WRO       COUNTY: Niagara

ROYAL MANOR                       VIRGINIA DEL TORO HOME
OPERATORS: Lulex Licerio          OPERATORS: EDAD, Inc.
    Eduardo Licerio               128 East 112th Street
66 Bethune Blvd.                  New York           N.Y. 10029
Spring Valley                N.Y. 10977  DOH REGION: MRO    COUNTY: New York
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

BAY SHORE HOME FOR ADULTS        MAPLE HILL REST HOME
OPERATOR: Desmond McManus
55 Brentwood Street             255 West Genesee Street
Bay Shore                     N.Y. 11706  Clyde                   N.Y. 14433
DOH REGION: LIRO                DOH REGION: WRO

WEST SIDE MANOR
OPERATORS: Daniel R. Baty
            Raymond R. Bandstrom
1404 Long Pond Road             N.Y. 14626
Rochester                      DOH REGION: WRO