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| OCFS LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 98 OCFS LCM-9

Date: September 9, 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 OCFS 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.

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 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.

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		OPERATOR: Usha Sheth	
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
 Rochester N.Y. 14626
 DOH REGION: WRO