

Public Health Law Section 2895-B

Facilities that violate Public Health Law § 2895-b and 10 NYCRR § 415.13 are liable for civil penalties of up to \$2,000 per day pursuant to Public Health Law §§ 12, 206(4) and 2895-b(2)(b) and 10 NYCRR (f)(2). The commissioner, in determining assessed penalties, is required to account for mitigating factors as set forth in Public Health Law § 2895-b(2)(b) and 10 NYCRR (f)(2). The mitigating factors considered include the following:

1. **Extraordinary Circumstances** that could not have been prevented or mitigated through effective implementation of the required pandemic emergency plan (PHL § 2803(12)), and further the facility complied with disaster and emergency preparedness regulatory requirements (10 NYCRR 415.26(f)).
2. **Acute Labor Supply Shortage** during which the facility ensured the health and safety of residents and made reasonable attempts to procure sufficient staffing. Such attempts include, but are not limited to:

Recruitment Efforts

- New Agency Contract/Recruiters
- Job Fairs or Hiring Events
- Multimedia or Print Advertising
- Online Job Advertisement
- Partnership (Education Institutions)
- Partnership (Other Healthcare Facility)

Job Enhancements

- Base Salary Increase and/or Benefits Increase
- Cash Bonus
- Relocation Assistance
- Sponsoring International Candidates

Enhanced Productivity

- Transportation Assistance
- Increased Pay– Base Salary or Shift Differentials
- Upskilling

3. **Verifiable Union Dispute** existed between the facility and relevant nursing titles employed or contracted by such facility, resulting in a labor shortage at the facility. The facility must submit to the department their plan for maintaining sufficient resident care during the strike.

Public Health Law § 2895-b(2)(c) requires that the commissioner post assessed penalties against facilities, and any mitigating factors that were considered in assessing the penalties on the department's website, at least thirty days prior to taking action against the facilities.

Below is a list of penalties that, in part, have been assessed by the Department for the compliance periods referenced, against facilities found to have violated Public Health Law § 2895-b and 10 NYCRR § 415.13 after considering whether the facilities demonstrated to the department's satisfaction the existence of any of the mitigating factors identified above. This is a non-final list, which will be continuously updated. The absence of a particular facility from periodic postings does not indicate that penalties will not be assessed against that facility's violations during the posted compliance periods.

	County	Compliance Period Quarter 2, 2022 Assessed Penalty	Compliance Period Quarter 3, 2022 Assessed Penalty	Compliance Period Quarter 4, 2022 Assessed Penalty	Compliance Period Quarter 1, 2023 Assessed Penalty	Compliance Period Quarter 2, 2023 Assessed Penalty	Compliance Period Quarter 3, 2023 Assessed Penalty	Compliance Period Quarter 4, 2023 Assessed Penalty
Atrium Center for Rehabilitation and Nursing	Kings	\$9,118.67	\$23,279.33	\$30,596.00	\$17,665.33	\$11,573.33	\$31,589.00	\$49,210.00
Capstone Center for Rehabilitation and Nursing	Montgomery	\$0.00	\$18,894.00	\$32,202.00	\$18,244.00	\$11,606.33	\$30,034.67	\$48,524.00
Chautauqua Nursing and Rehabilitation Center	Chautauqua	\$10,042.67	\$18,380.67	\$0.00	\$0.00	\$0.00	\$13,672.00	\$45,940.67
Elm Manor Nursing and Rehabilitation Center	Ontario	\$4,832.00	\$30,186.00	\$72,471.00	\$27,810.00	\$33,479.00	\$42,061.00	\$66,064.00
Ferncliff Nursing Home Co Inc	Dutchess	\$14,722.67	\$25,427.33	\$42,590.00	\$7,256.00	\$43,482.00	\$28,746.00	\$43,509.00
FoltsBrook Center for Nursing and Rehabilitation	Herkimer	\$25,014.00	\$43,776.00	\$47,641.00	\$27,942.00	\$11,026.00	\$41,531.00	\$50,685.67
Fordham Nursing and Rehabilitation Center	Bronx	\$9,061.33	\$19,301.33	\$46,670.00	\$10,214.67	\$39,036.00	\$43,708.67	\$83,281.00
Heritage Green Rehab & Skilled Nursing	Chautauqua	\$6,026.67	\$11,668.00	\$0.00	\$0.00	\$0.00	\$14,889.33	\$25,859.33
Hope Center for HIV and Nursing Care	Bronx	\$0.00	\$0.00	\$18,498.67	\$0.00	\$8,336.33	\$50,105.00	\$85,551.00
Hudson Park Rehabilitation and Nursing Center	Albany	\$6,074.67	\$6,550.67	\$25,936.67	\$0.00	\$15,205.33	\$30,167.00	\$62,837.00
Manhattanville Health Care Center	Bronx	\$10,006.00	\$36,515.00	\$17,646.00	\$18,154.67	\$36,070.00	\$32,312.33	\$81,072.00
Maple City Rehabilitation and Nursing Center	Steuben	\$9,270.67	\$0.00	\$0.00	\$10,541.33	\$40,410.00	\$52,465.00	\$61,930.67
Oak Hill Rehabilitation and Nursing Care Center	Tompkins	\$0.00	\$9,814.33	\$0.00	\$0.00	\$16,928.00	\$30,443.00	\$6,231.00
Palatine Nursing Home	Montgomery	\$8,271.33	\$26,344.00	\$0.00	\$35,520.00	\$37,298.00	\$35,454.00	\$68,579.00
Riverside Center for Rehabilitation and Nursing	Rensselaer	\$0.00	\$7,120.33	\$23,171.33	\$0.00	\$15,497.33	\$30,713.00	\$55,876.00
Robinson Terrace Rehabilitation and Nursing Center	Delaware	\$13,870.67	\$0.00	\$8,995.33	\$6,646.67	\$23,442.00	\$27,407.00	\$0.00
Sapphire Nursing at Wappingers	Dutchess	\$0.00	\$15,742.00	\$13,778.33	\$0.00	\$5,509.33	\$42,885.00	\$51,034.00
Sunset Nursing and Rehabilitation Center, Inc.	Oneida	\$19,044.00	\$24,178.00	\$0.00	\$11,653.33	\$0.00	\$37,775.33	\$45,170.00
Susquehanna Nursing & Rehabilitation Center, LLC	Broome	\$11,965.33	\$18,916.67	\$0.00	\$0.00	\$0.00	\$31,032.00	\$41,970.00
The Grand Rehabilitation and Nursing at Barnwell	Columbia	\$0.00	\$31,220.00	\$13,834.67	\$15,814.67	\$12,891.33	\$23,360.00	\$0.00
The Grand Rehabilitation and Nursing at Guilderland	Albany	\$0.00	\$0.00	\$0.00	\$7,582.00	\$28,522.00	\$37,171.00	\$62,630.00
The Grand Rehabilitation and Nursing at Rome	Oneida	\$0.00	\$6,204.67	\$0.00	\$12,428.00	\$25,973.00	\$30,653.00	\$54,961.00
The New Jewish Home, Sarah Neuman	Westchester	\$7,904.00	\$11,664.67	\$32,362.67	\$17,102.67	\$22,160.00	\$31,309.00	\$64,331.33
Wesley Gardens Corporation	Monroe	\$28,268.00	\$21,413.33	\$42,235.00	\$30,716.00	\$30,243.00	\$41,614.00	\$51,240.00
West Lawrence Care Center, LLC	Queens	\$25,114.00	\$34,199.00	\$46,177.00	\$26,528.00	\$36,375.00	\$56,148.00	\$95,377.00