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
Staten Island Care Center	Richmond	$7,948.67	$22,111.33	$14,871.33	$17,302.67	$22,800.00	$30,102.33	$51,319.00
Throgs Neck Rehabilitation & Nursing Center	Bronx	$20,692.00	$25,459.33	$16,450.67	$19,316.00	$12,155.33	$29,432.00	$46,108.00
Absolut Center for Nursing and Rehabilitation at Allegany, LLC	Cattaraugus	$19,149.33	$19,262.67	$0.00	$9,757.33	$0.00	$24,972.67	$12,859.00
Rockaway Care Center	Queens	$16,945.33	$11,460.00	$14,703.67	$16,269.33	$8,510.00	$29,337.00	$37,901.00
Troy Victorian Rehabilitation & Nursing Care Center	Rensselaer	$6,374.67	$13,211.33	$49,268.00	$19,632.00	$18,431.00	$23,485.00	$35,765.00
Waterview Nursing Care Center	Queens	$23,232.00	$30,776.00	$42,325.00	$24,042.00	$31,826.00	$44,408.00	$73,589.00
Hudson Pointe at Riverdale Center for Nursing and Rehabilitation	Bronx	$0.00	$21,516.67	$31,972.67	$18,766.67	$31,689.33	$10,181.33	$29,596.00
Ten Broeck Center for Rehabilitation & Nursing	Ulster	$5,742.67	$10,298.00	$25,156.00	$0.00	$0.00	$0.00	$12,758.00
Park Gardens Rehabilitation & Nursing Center LLC	Bronx	$18,440.00	$11,153.67	$31,121.33	$17,390.67	$33,894.00	$29,198.00	$46,859.67
Pelham Parkway Nursing Care and Rehabilitation Facility LLC	Bronx	$16,116.00	$32,051.00	$42,367.00	$7,921.33	$21,380.00	$25,668.00	$62,727.33
Central Queens Rehabilitation and Nursing Center	Queens	$13,426.67	$30,218.00	$30,678.67	$26,186.00	$30,443.00	$42,588.00	$65,775.00
Northern Manhattan Rehabilitation and Nursing Center	New York	$0.00	$22,777.33	$15,252.67	$16,726.67	$22,215.33	$31,815.00	$34,633.00
ArchCare at Providence Rest	Bronx	$14,997.33	$15,866.00	$41,188.00	$6,880.00	$22,372.00	$35,339.67	$66,367.00
St Luke Residential Health Care Facility Inc	Oswego	$7,517.33	$26,513.00	$20,228.67	$13,465.33	$22,038.00	$41,944.00	$65,728.00
Avon Nursing Home, LLC	Livingston	$5,077.33	$0.00	$25,836.00	$5,125.33	$14,383.33	$42,773.00	$44,891.00
Good Samaritan Nursing and Rehabilitation Care Center	Suffolk	$14,992.00	$14,825.33	$12,550.00	$21,894.00	$20,793.00	$32,987.00	$56,941.00
Sapphire Center for Rehabilitation and Nursing of Central Queens, LLC	Queens	$21,078.00	$9,462.67	$15,387.67	$8,134.00	$9,416.67	$37,289.00	$74,318.00
Glen Island Center for Nursing and Rehabilitation	Westchester	$0.00	$30,172.00	$42,912.00	$0.00	$31,961.00	$42,241.00	$38,256.00
Humboldt House Rehabilitation and Nursing Center	Erie	$20,400.00	$20,398.00	$16,907.33	$25,294.00	$29,903.00	$44,715.00	$56,269.00
MVHS Rehabilitation and Nursing Center	Oneida	$15,314.67	$19,075.33	$29,043.33	$12,577.33	$12,442.67	$24,181.00	$51,016.33
New Riverdale Rehab and Nursing	Bronx	$15,170.67	$20,067.33	$0.00	$16,790.67	$0.00	$29,778.00	$42,018.00
Evergreen Commons Rehabilitation and Nursing Center	Rensselaer	$6,589.33	$17,185.33	$9,676.33	$10,994.67	$13,336.00	$25,530.00	$34,894.00
Ontario Center for Rehabilitation and Healthcare	Ontario	$0.00	$9,714.00	$0.00	$16,746.67	$16,603.33	$22,495.00	$49,313.00
Elmhurst Care Center, Inc	Queens	$7,744.67	$0.00	$14,783.67	$8,062.67	$17,805.33	$31,018.33	$50,316.33
Seneca Nursing & Rehabilitation Center, LLC	Seneca	$6,153.33	$9,843.67	$27,608.00	$0.00	$20,300.67	$29,234.67	$35,036.00