

## Selected Administrative Actions by the NYS Office of Medicaid Inspector General Action Taken Against 16 Nursing Home Personnel 12/16/2012 and 12/15/2013.<sup>1</sup>

OMIG works to protect New York State citizens residing in long term care facilities through making sure that those responsible for their care do not engage in abusive and fraudulent activities. This is done through OMIG's ensuring that those who are enrolled as providers into the Medicaid program are properly vetted, investigating allegations of fraud and abuse within long term care facilities, and finally, excluding providers who have abused their positions as care givers. In addition to conducting their own investigations, the OMIG makes determinations to exclude based on other agency actions, including the State Education Department (SED), the Medicaid Fraud Control Unit (MFCU), and Health and Human Services (HHS). A single provider can receive multiple exclusions, based on different indictments and convictions. This involved process works to protect residents of long term care facilities, because it ensures that even if one conviction is overturned, the abusive provider is still banned from receiving Medicaid funds based on other convictions.

| <b>Nursing Home</b>                              | <b>Defendant</b>         | <b>Location</b> | <b>Narrative</b>   | <b>OMIG Exclusions Based Upon:<sup>2</sup></b>                |
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| Avalon Gardens Nursing and Rehabilitation Center | Marie Joseph, CNA        | Smithtown       | Ms. Joseph was caught on video tape roughly transferring a severely handicapped nine year old boy by grasping him by one arm and one leg, lifting him in the air, and then putting him on the bed.   | HHS Exclusion<br>4/18/2013<br><br>MFCU Conviction<br>3/7/2013 |
| Avalon Gardens Nursing and Rehabilitation Center | Nikita Davis Joseph, CNA | Smithtown       | Ms. Joseph roughly transported a 9 year old severely handicapped boy with cerebral palsy in a manner dangerous to his physical wellbeing. She inappropriately lifted the boy by his arms and tossed him onto a bed, causing his body to bounce on the bed. The patient abuse was caught on a video that another nurse, suspicious of the care the boy was receiving, placed in the room with the consent of the boy's parents. | MFCU conviction:<br>09/17/2012                                |
| Crown Center for Nursing and Rehabilitation      | Mary Nauseef, RN         | Cortland        | Ms. Nauseef failed to assess and accurately document the condition of a diabetic patient. She falsely documented that she had examined a wound on the foot, when in fact, she had used information taken from another nurse and had not directly examined the area herself.  | MFCU Conviction<br>06/13/2013                                 |
| Daughters of Sarah Nursing Home                  | Rashawn Owens, CNA       | Albany          | While giving care to an elderly person, Mr. Owens forcibly pried the legs of the patient apart, thereby fracturing the resident's femur.   | HHS Exclusion:<br>9/19/13<br><br>MFCU Conviction:<br>5/7/13   |

<sup>1</sup> In addition to these actions, all of the providers which were reported as having actions taken against them by the Medicaid Fraud Control Unit in previous newsletters have been excluded by OMIG. Please see our newsletter archives at [www.ltccc.org/newsletter](http://www.ltccc.org/newsletter) for their names.

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| Hurlbut Nursing Home                                 | Gloria Thomas          | Rochester | While working as an office manager of a nursing home, Ms. Thomas stole \$21,246.35 from patient funds for her own use. She also stole \$585 worth of Wegman's gift cards and \$464 worth of money orders from the nursing home for her own personal use.  | HHS Exclusion<br>10/20/13<br><br>MFCU Conviction<br>5/5/13  |
| Long Island Care Center                              | Mary Theresa McConnell | Queens    | On multiple occasions, Ms. McConnell stole Endocet, a narcotic consisting of oxycodone and Tylenol. These were taken from a nursing home resident with multiple ailments, including multiple pressure ulcers and a permanent tracheostomy.  | MFCU Conviction<br>6/28/2012<br><br>MFCU Indictment<br>02/01/2011                                     |
| Long Island Care Center                              | Jennifer Robinson      | Queens    | In her capacity as Director of Social Work, Ms. Robinson stole a significant amount of money from an 85 year old resident suffering from dementia and other medical ailments. The gentleman was admitted without any known relatives. Ms. Robinson had the gentleman first appoint her as a health proxy, and then as his attorney-in-fact. After he was admitted to a hospital, Ms. Robinson had the man transferred to a different nursing home. Ms. Robinson then proceeded to withdraw money from his bank account. | Conviction<br>06/14/2012<br><br>HHS Exclusion<br>05/20/2012<br><br>Indictment<br>09/20/2011           |
| Mountain View Nursing and Rehabilitation Center      | Tabitha Hearn, LPN     | New Paltz | On various occasions, Ms. Hearn withdrew Percocet for six patients without administering the drug. On another occasion she signed the name of another nurse on a Controlled Substance Administration Record before withdrawing Percocet on behalf of a patient who never received it.   | SED Consent Order<br>07/02/2012 <sup>3</sup>  |
| Northwoods Rehabilitation and Extended Care Facility | Lisa Sousie, LPN       | Troy      | Ms. Sousie failed to render care, dispense medications and provide treatment to a resident dependent on staff for all of her personal needs. Ms. Sousie then falsely indicated in the facility's records that she had done so. This was discovered through MFCU's use of video surveillance.  | HHS Exclusion<br>06/20/2012<br><br>MFCU Conviction<br>10/24/2011<br><br>MFCU Indictment<br>06/02/2010 |
| Northwoods Rehabilitation and Extended Care Facility | Cynthia Cooper, CNA    | Troy      | Ms. Cooper failed to render care, dispense medications and provide treatment to a resident dependent on staff for all of her personal needs. Ms. Cooper then falsely indicated in the facility's records that she had done so. This was discovered through MFCU's use of video surveillance.  | HHS Exclusion<br>07/19/2012<br><br>MFCU Conviction<br>09/19/2011<br><br>MFCU Indictment<br>06/02/2010 |
| Pathways Nursing and Rehabilitation Center           | Elesia Howard, CNA     | Niskayuna | While bathing an elderly woman with chronic respiratory failure, Ms. Howard first verbally abused her patient, and then grabbed and pinched the resident's nipple.  | HHS Exclusion:<br>5/20/13<br><br>MFCU Conviction:<br>5/5/13   |
| Peconic Bay  | Lauren Young,          | Riverhead | Ms. Young dispensed Vicodin from a Pyxis  | SED License   |

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| Skilled Nursing Facility  | LPN                  |               | machine, and falsely entered into the records that it was for a patient, when she in fact took it for her own personal use.  | Surrender<br>10/30/2012<br><br>MFCU Conviction<br>10/19/2010    |
| Pine Haven Nursing Home   | Volincia King, CNA   | Philmont      | In violation of a resident's care plan, Ms. King transferred a patient on her own. A laceration was later discovered on the resident's leg that had been crudely bandaged with a gauze pad tied tightly to the resident's leg. Ms. King had not notified anyone regarding this injury, nor did she note the injury in the resident's medical record. | HHS Exclusion<br>2/20/2013<br><br>MFCU Conviction<br>11/27/2012 |
| Roscoe Regional Rehabilitation & Residential Health Care Facility | Miranda Ackerly, LPN | Roscoe        | Ms. Ackerly made false entries into diabetic patients' charts that she had administered blood sugar tests when she had not performed these vital tests.  | MFCU Conviction<br>5/2/13<br><br>HHS Exclusion:<br>4/18/13      |
| Silver Lake Specialized Care Center                               | Kathleen Scano, RN   | Staten Island | Ms. Scano, while working as the supervising registered nurse, signed out oxycodone for residents over the course of several months, and did not distribute the controlled substances to the residents. Ms. Scano then falsified the facility reports to cover up the incidents.  | MFCU Conviction<br>1/17/13<br><br>HHS Exclusion<br>4/17/13      |
| Valley View Manor Nursing Home                                    | Virginia Prewitt, RN | Norwich       | On multiple occasions, Ms. Prewitt failed to give residents their medications, yet falsely recorded in the Medication Administration Records and Narcotics Control Sheet records that she had given them. Ms. Prewitt was captured on video surveillance destroying the medication and then charting that she had given them.                        | HHS Exclusion:<br>4/18/2013<br><br>MFCU Conviction<br>10/8/2012 |

<sup>2</sup>Exclusion means that no payments will be made to or on behalf of any person for the medical care, services or supplies furnished by or under the supervision of the defendant during a period of exclusion or in violation of any condition of participation in the program. Additionally, any person who is excluded from the program cannot be involved in any activity relating to furnishing medical care, services or supplies to recipients of Medicaid for which claims are submitted to the program, or relating to claiming or receiving payment for medical care, services or supplies during the period. OMIG may take a variety of exclusion actions against a provider based upon: indictments; convictions; consent orders or HHS exclusion.

<sup>3</sup>An agreement between the State Education Department Office of Professional Discipline, Board of Regents, Committee of the Professions and the licensee who admits guilt to at least one of the alleged acts of misconduct. The Consent Order provides the details of the misconduct and the assigned penalties.