

Legislation Details (With Text)

File #: ID-5863 **Version:** 1 **Name:**
Type: Resolution **Status:** Passed
File created: 10/12/2023 **In control:** County Legislature
On agenda: 10/12/2023 **Final action:** 10/12/2023
Enactment date: 10/12/2023 **Enactment #:** 400-23
Title: Authorize a Civil Settlement with Department of Health

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/12/2023	1	County Legislature	adopted as amended	Pass

Narrative of Resolution:

Authorize a Civil Settlement with Department of Health

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: \$32,000

Are funds already budgeted? No

Specify Compliance with Procurement Procedures:

October 12, 2023

AUTHORIZING CIVIL SETTLEMENT WITH DEPARTMENT OF HEALTH

Legislators Doherty, and Salamone offer the following:

WHEREAS, the Sullivan County Adult Care Center is operated by the County of Sullivan under a Certificate of Need issued by the New York State Department of Health, and

WHEREAS, The New York State Department of Health has made certain findings upon an inspection of the Sullivan County Adult Care Center (Facility), and

WHEREAS, The Department’s findings included an alleged violation of Article 28 of the Public Health Law (PHL) and Part 415 of Title 10 (10 NYCRR Part 415); and

WHEREAS, Prior to commencement of Administrative Enforcement Proceedings based upon the alleged violation by service of a Notice of Hearing and Statement of Charges, the Department and the County have engaged in Settlement Discussions, and

WHEREAS, The County of Sullivan has a limited and Time Sensitive opportunity to enter into a Civil Settlement with the New York State Department of Health by executing a Stipulation and agreeing to pay a 1 time fine of Ten Thousand Dollars (\$10,000.00) and a one time payment of Twenty Two Thousand Dollars (\$22,000.00) for CMS, Now Therefore it is hereby

RESOLVED, That the County Manager is authorized to enter into a Stipulation and Agreement with the New York State Department of Health settling the alleged violations of Article 28 of the Public Health Law and Part 415 of Title 10; and it is further

RESOLVED: The County Manager is hereby authorized and the Legislature hereby appropriates the sum of Ten Thousand Dollars (\$10,000.00) and CMS of Twenty Two Thousand Dollars (\$22,000.00) for a total of \$32,000.00 to satisfy the County Obligation pursuant to said Stipulation and Settlement; and it is further

RESOLVED, that the County Manager and the County Attorney are hereby authorized to engage in discussions with the County's consultant at the Adult Care Center to recovery all sums paid in conjunction with this settlement.