

STATE OF NEW YORK : DEPARTMENT OF HEALTH

---

IN THE MATTER

OF

RICHARD F. DAINES, M.D., as Commissioner of Health of the State of New York, to determine the action to be taken with respect to:

Atlantis Rehabilitation and Residential Health Care Facility, LLC

Respondent,

as operator of

Atlantis Rehabilitation and Residential Health Care Facility  
140 St. Edwards Street  
Brooklyn, New York 11201

STIPULATION

AND

ORDER

NH-10-63

arising out of alleged violations of Article 28 of the Public Health Law of the State of New York and Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR)

---

WHEREAS, the New York State Department of Health (the "Department") has made findings based upon inspections of the Atlantis Rehabilitation and Residential Health Care Facility (the "Facility"); and

WHEREAS, the Department completed its inspection of the Facility on October 22, 2009; and

WHEREAS, the Department's inspection findings included alleged violations of Article 28 of the Public Health Law and 10 NYCRR Part 415; and

WHEREAS, prior to commencement of administrative enforcement action based

upon the alleged violations by service of a Notice of Hearing and Statement of Charges, the Department and the Respondent engaged in settlement discussions; and

WHEREAS, the parties wish to resolve this matter by means of a settlement instead of an adversarial administrative hearing.

NOW, THEREFORE, IT IS STIPULATED AND AGREED AS FOLLOWS:

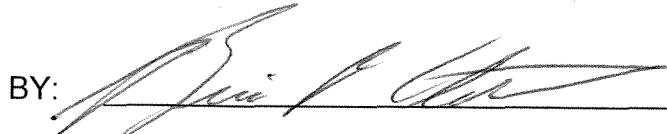
1. This matter is settled and discontinued with prejudice. The Department shall not pursue administrative enforcement action against the Respondent pursuant to Article 28 of the Public Health Law and 10 NYCRR Part 415 in connection with the Department's findings based upon the inspection completed on October 22, 2009.

2. The Respondent neither denies nor admits that substantial evidence of violations of 10 NYCRR Part 415 existed under the citations set forth in the attached addendum.

3. Pursuant to Sections 12 and 206 of the Public Health Law, the Respondent shall pay a civil penalty of Four Thousand Dollars (\$4,000) within 15 days after the effective date of this Stipulation and Order. This civil penalty shall be sent by certified mail and shall be made payable to the New York State Department of Health and forwarded to the New York State Department of Health, Bureau of Accounts Management, Room 1717, Corning Tower, Empire State Plaza, Albany, New York 12237-0016. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes, but is not limited to, the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection and non-renewal of permits or licenses [Tax Law Section 171(27); State Finance Law



BY:

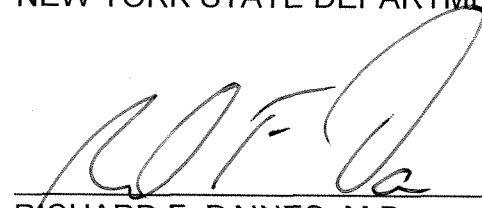
  
\_\_\_\_\_  
*Managing Member*

AGREED AND SO ORDERED:

DATED: Albany, New York  
*12/9*, 2010

NEW YORK STATE DEPARTMENT OF HEALTH

BY:

  
\_\_\_\_\_  
RICHARD F. DAINES, M.D.  
Commissioner of Health

**INQUIRIES TO:** Mark Fleischer, Director  
Bureau of Administrative Hearings  
Phone: (518) 473-1707  
Fax: (518) 486-1858

**Mail Payment to:**

New York State Department of Health  
Bureau of Accounts Management  
Corning Tower, Room 1717  
Empire State Plaza  
Albany, New York 12237-0016

ADDENDUM

Atlantis Rehabilitation and Residential Health Care Facility

<u>Date</u>	<u>Code Cite</u> <u>10 NYCRR</u>	<u>Violation</u>
October 22, 2009	415.12(h)(2)	Quality of Care: Accidents and Supervision
	415.26	Administration