

STATE OF NEW YORK : DEPARTMENT OF HEALTH

IN THE MATTER

OF

HOWARD A. ZUCKER, M.D., J.D., as Commissioner of Health
of the State of New York, to determine the action to be taken
with respect to:

Presbyterian Home for Central New York Inc.

Respondent,

as operator of

Presbyterian Home for Central New York
4290 Middle Settlement Road
New Hartford, New York 13413

STIPULATION

AND

ORDER

NH-18-013

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

WHEREAS, the New York State Department of Health ("the Department") has made
findings based upon inspections of the Presbyterian Home for Central New York ("the Facility");
and

WHEREAS, the Department completed its inspections of the Facility on January 16, 2018;
and

WHEREAS, the Department's inspection findings included an alleged violation of Article
28 of the Public Health Law (PHL) and Part 415 of Title 10 of the Official Compilation of Codes,
Rules and Regulations of the State of New York (10 NYCRR Part 415); and

WHEREAS, prior to commencement of an administrative enforcement action based upon
the alleged violation 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 PHL Article 28 and 10 NYCRR Part 415 in connection with the findings set forth in the Statement of Deficiencies dated January 16, 2018.

2. The Respondent admits, to resolve this administrative matter, to the existence of substantial evidence of a violation of 10 NYCRR § 415.12(h)(1), based upon the findings set forth in the Statement of Deficiencies dated January 16, 2018. The foregoing admission is without prejudice to the Respondent's rights, defenses, and claims in any other matter, proceeding, action, hearing, or litigation not involving the Department or any of its boards or councils authorized by the Public Health Law, including but not limited to those involving medical malpractice, personal injury, and/or negligence that may be made in a civil action for monetary damages.

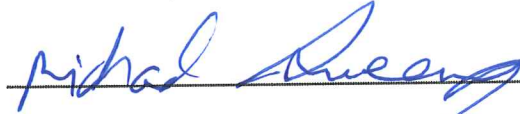
3. Pursuant to PHL §§ 12(1)(a) and 206, the Respondent shall pay a civil penalty of Two Thousand Dollars (\$2,000) within thirty (30) days of the effective date of this Stipulation and Order. Payment of this civil penalty shall be sent by certified mail and shall be made payable to the New York State Department of Health and forwarded to the New York State Department of Health, Bureau of Accounts Management, Room 2748, 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 § 171(27); State Finance Law § 18; CPLR § 5001; Executive Law § 32].

6. This Stipulation and Order shall be effective upon service on the Respondent or the Respondent's attorney or representative of a fully executed copy by personal service or by certified or registered mail.

DATED: , New York
March 14 , 2018

Presbyterian Home of Central New York Inc.

BY:



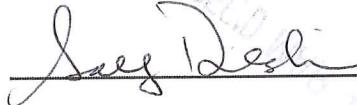
Print Name:

Michael Sweeney

AGREED AND SO ORDERED:

DATED: Albany, New York
March 26, 2018

NEW YORK STATE DEPARTMENT OF HEALTH

 FOR

HOWARD A. ZUCKER, M.D., J.D.
Commissioner of Health

Inquiries to: Mark Fleischer, Director
Bureau of Administrative Hearings
Phone: (518) 473-1707
Email: mark.fleischer@health.ny.gov

Mail Stipulation and Order to:

Mark Fleischer, Esq.
New York State Department of Health
Corning Tower Building, Room 2412
Empire State Plaza
Albany, New York 12237-0029

Mail Payment to:

New York State Department of Health
Bureau of Accounts Management
Corning Tower, Room 2748
Empire State Plaza
Albany, New York 12237-0016