

**New York City Department for the Aging
Social Adult Day Care Ombuds Office
LL9 Annual Report 2023**

In compliance with Local Law 9 of 2015, the following is the annual report of the NYC Aging Social Adult Day Care (SADC) Ombuds Office from December 1, 2022 to November 30, 2023.

- (i) The total number of registered and active social adult day cares (SADCs) operating in New York City: **338 as of November 30, 2023.**
See attached list of SADCs with business names and addresses. The list is organized alphabetically by borough.
- (ii) The total number of complaints received by the SADC Ombuds Office: **242**
- (iii) A general description of the reason for each such complaint: **There were 12 distinct types of allegations among the complaints received, as shown below, ranked in order of most common.**

Types of Allegations	
Possible Medicaid Fraud:	Cash or goods are used as incentives to recruit older adults; possible falsification of eligibility; participants who are not eligible as defined by New York State Office for the Aging (NYSOFA) Social Adult Day Service (SADS) Standards are recruited into the program; false billing or attendance records.
Registration in Accordance with Local Law 9:	SADC registration is non-compliant. Failed to register with the SADC Ombuds Office, operating without registration. Failed to submit registration changes. Registration is incomplete and/or inconsistent.
Participant Rights:	SADC staff failed to enforce or protect the rights of participants in accordance with the NYSOFA SADS Standards; deny or withhold the rights for participants to receive services. Participants are not treated with respect, and/or being discriminated.
Non-SADC Complaints:	Complaints against older adult centers, nursing home facilities, and assisted living facilities.
Nutrition:	Food sanitation, quality of food and/or conditions of food service area do not comply with NYSOFA SADS Standards.
Staffing & Training:	Staff are not adequately trained to provide services or work with SADC participants; SADC director failed to create policies, procedures, or enforce NYSOFA SADS Standards.
Physical Environment & Safety:	Issues regarding site conditions including unsanitary conditions, overcrowding, accessibility, air quality, and insufficient Covid-19 protocols.
Not Enough Information:	Complaints do not contain SADC names; SADC names and addresses do not match; SADCs do not exist, unclear reasons for complaints; and unable to reach complainants to obtain more information.
Supervision & Monitoring:	Staff are not providing adequate supervision and monitoring of participants in accordance with NYSOFA SADS Standards.
Eligibility & Discharge:	Participants who reportedly do not qualify for SADC services are admitted into the program. Participants attending SADC are discharged from program without due process.
Transportation & Safety:	Participants transported by vehicles in poor condition, unreliable, failed inspection, no working seatbelt, overcrowding, no air conditioning, or driver issues.
Fail to post:	Fail to post NYC Aging SADC Ombuds Office sign in a public area at SADC. Fail to post Participants' Rights in a public area at SADC.

- (iv) The total number of investigations conducted by the SADC Ombuds Office, a general description of the basis for each investigation, any findings that an SADC has violated subdivision a of Section 21-204 of the New York City Administrative Code (Admin. Code), and the outcome of each investigation: **The SADC Ombuds Office conducted 27 investigations. Below are general descriptions of the basis for the 27 completed investigations, along with our findings and outcomes.**

	General Descriptions	Findings	Outcomes
1	1) Staff & Training 2) Nutrition 3) Registration in accordance with Local Law 9	1) Unsubstantiated 2) Unsubstantiated 3) Substantiated (fail to update registration)	1) N/A 2) N/A 3) SADC updated the registration within 5 business days
2	1) Staff & Training 2) Physical Environment & Safety	1) Unsubstantiated 2) Unsubstantiated	1) N/A 2) N/A
3	Registration in accordance with Local Law 9	Substantiated (fail to register)	SADC registered within 5 business days
4	Participant Rights	Unsubstantiated	N/A
5	1) Nutrition 2) Registration in accordance with Local Law 9	1) Unsubstantiated 2) Substantiated (fail to update registration)	1) N/A 2) SADC updated the registration within 5 business days
6	Registration in accordance with Local Law 9	Substantiated (fail to register)	SADC registered within 5 business days
7	Participant Rights	Unsubstantiated	N/A
8	Registration in accordance with Local Law 9	Substantiated (fail to update registration)	SADC updated the registration within 5 business days
9	Registration in accordance with Local Law 9	Unsubstantiated	N/A
10	Nutrition	Unsubstantiated	N/A
11	Nutrition	Unsubstantiated	N/A
12	Nutrition	Unsubstantiated	N/A
13	Registration in accordance with Local Law 9	Unsubstantiated	N/A
14	Registration in accordance with Local Law 9	Substantiated (fail to register)	SADC registered within 5 business days
15	Registration in accordance with Local Law 9	Substantiated (fail to update registration)	SADC updated the registration within 5 business days
16	Registration in accordance with Local Law 9	Unsubstantiated	N/A
17	Registration in accordance with Local Law 9	Substantiated (fail to update registration)	SADC updated the registration within 5 business days
18	1) Staff & Training 2) Participant Rights	1) Unsubstantiated 2) Unsubstantiated	1) N/A 2) N/A
19	Registration in accordance with Local Law 9	Unsubstantiated	N/A

	General Descriptions	Findings	Outcomes
20	1) Supervision & Monitoring 2) Physical Environment & Safety	1) Unsubstantiated 2) Substantiated	1) N/A 2) SADC resolved the issue prior to issuing a CAP. Re-visit planned to confirm.
21	1) Eligibility & Discharge 2) Participant Rights 3) Staff & Training	1) Unsubstantiated 2) Unsubstantiated 3) Unsubstantiated	1) N/A 2) N/A 3) N/A
22	1) Nutrition 1) Staff & Training	1) Unsubstantiated 2) Unsubstantiated	1) N/A 2) N/A
23	Registration in accordance with Local Law 9	Substantiated (fail to register)	SADC registered within 5 business days
24	Registration in accordance with Local Law 9	Substantiated (fail to register)	SADC registered within 5 business days
25	1) Participant Rights 2) Staff & Training	1) Unsubstantiated 2) Unsubstantiated	1) N/A 2) N/A
26	Fail to post	Unsubstantiated	N/A
27	1) Physical Environment & Safety 2) Supervision & Monitoring	1) Substantiated 2) Substantiated	1) CAP issued 2) CAP issued

Glossary

Terms	Explanation
CAP	A corrective action plan used as a process to correct violations
N/A	Complaint dismissed
Substantiated	Violation of the NYS Social Adult Daycare Standards of Operation
Substantiated (fail to register)	Operating without registration
Substantiated (fail to update registration)	Registration not up to date and/or with errors
Unsubstantiated	No violation of the NYS Social Adult Daycare Standards of Operation

- (v) The total number of notices of violation issued pursuant to subdivision a of Section 21-204 of the Admin. Code, as noted in (iv) above, and subdivision c of Section 21-204 of the Admin. Code, which outlines the civil penalties to be imposed, disaggregated by the specific violation for which such notice was issued: **No notices of violations (NOV) were issued from December 1, 2022 to November 30, 2023. The SADCs that were found in violation of the NYSOFA SADS Standards were informed of the investigative findings. The SADCs resolved the violations through the Corrective Action Plans (CAPs) process.**
- (vi) The total number of SADC programs that failed to register pursuant to subdivision b of Section 21-204 of the Admin. Code as of the date of such report: **Five SADCs failed to register with the SADC Ombuds Office. The Office notified the SADCs of the registration requirement and investigated the SADCs. The SADCs complied with the requirement and registered within 5 business days following a technical assistance session with the SADC Ombuds Office.**
- (vii) Any recommendations regarding the operation of social adult day cares:
The SADCs operating in New York City should proactively seek an understanding of Local Law 9 of 2015 and adhere to NYSOFA Program Standards. To that end, and in an effort to support and encourage compliance among SADCs, the SADC Ombuds Office will continue to conduct periodic outreach and provide training and technical assistance with the SADC Ombuds Registration Portal.