

New York City Department for the Aging
Social Adult Day Care Ombuds City Council Report
January 2019

In compliance with Local Law 9 of 2015, the following is the annual report of the legislated SADC Ombuds Office.

- (i) The total number of social adult day cares and the name and address of each such social adult day care:

Total Registered and Active: 319¹

See attached list of registered and active SADCs with names and addresses with City Council District and Community District.

¹ This number reflects total registered active SADC programs as of 2/14/19.

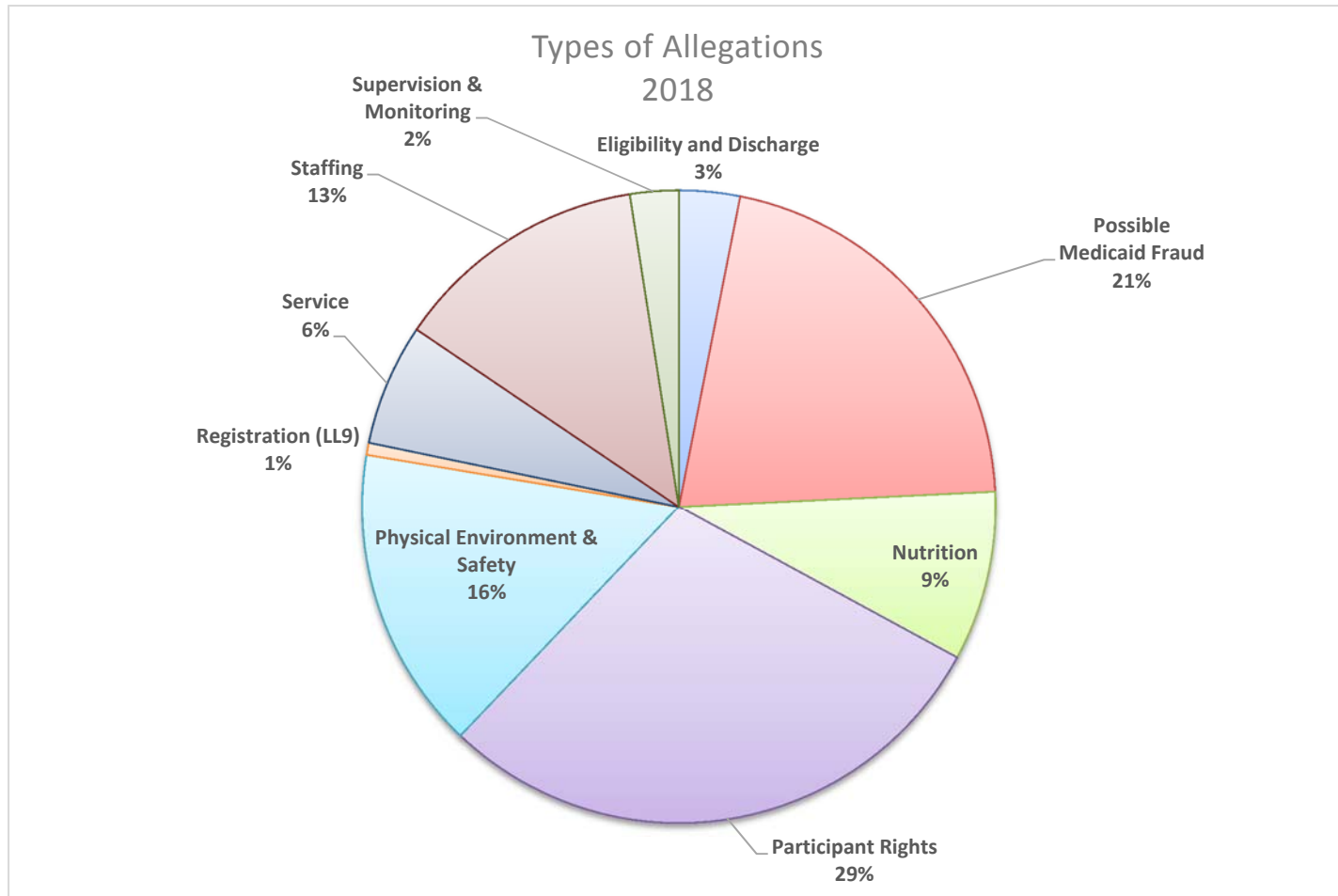
- (ii) The total number of complaints received by the SADC Ombuds Office:

There were 93 complaints received against 47 SADC sites. It is important to note that the majority of complaints contained more than one allegation.

Source of Complaint	Anonymous Individual	Identified Individual	Grand Total
Total	35	58	93

(iii) A general description of the reason for each such complaint:

There were 161 distinct allegations within the 93 complaints received as shown below.



2018 Types of Allegations
Participant Rights: SADC staff failed to enforce or protect the rights of the participants.
Possible Medicaid Fraud: Cash or goods are used as incentives to recruit seniors; possible falsification of eligibility, participants who are not eligible as defined by SADS Standards are recruited into the program. billing, or attendance records
Physical Environment & Safety: Issues regarding site condition including facilities being dirty, bathrooms malfunctioning, and Certificate of Occupancy concerns.
Staffing: Staff are not adequately trained to provide services or work with SADC participants; director failed to enforce NYSOFA SADS Standards
Nutrition: Quality of food and/or conditions of food service area does not comply with NYSOFA SADS Standards
Service: Scheduled services do not reflect CORE Services required under NYSOFA SADS Standards
Eligibility and 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.
Supervision & Monitoring: Participants are not adequately supervised or monitored with resulting arguments between participants.
Registration (LL9): Operating without registering with DFTA SADC Ombuds Office.

- (iv) The total number of investigations conducted by the SADC Ombuds Office , a general description of the reason for each such investigation, any findings that a social adult day care has violated subdivision a of this section, and the outcome of each such investigation:

The SADC Ombuds Office did not conduct any investigations during the reporting period.

All 93 complaints were sent to the SADC in question, with 92 cases referred to the NYS oversight agencies for any action or follow up deemed necessary. The oversights are the New York State Department of Health (NYSDOH), New York State Office on Aging (NYSOFA) and the Office of Medicaid Inspector General (OMIG). One case was not referred due to conflicting information and the inability to follow up as the complaint was made anonymously.

Additionally, twenty-one of the complaints were also referred to other City agencies based on their respective jurisdiction regarding the nature of the allegation. See attached chart below.

NYC Agency	DOB	DOHMH	CCHR	FDNY	Total Intergovernmental Referrals
Total # of Referrals	13	6	1	1	21

- (v) The total number of notices of violation issued pursuant to subdivisions a and c of this section, disaggregated by the specific violation for which such notice was issued:

No violations have been issued to date by DFTA’s SADC Ombuds Office. DFTA is working with the Law Dept. to finalize Rules for the procedures of the SADC Ombuds Office, including a penalty schedule. The law is fully in effect and being enforced.

- (vi) The total number of social adult day care programs that failed to register pursuant to subdivision b as of this date:

All known SADCs are registered. Through an August 2018 cross-reference of the DFTA SADC registration list with OMIG’s SADC certification list, the Ombuds Office discovered six SADC providers that were certified with OMIG but were not registered with the SADC Ombuds Office. The SADC Ombuds Office contacted these six SADC providers who all reported that they were not providing social adult day programming. OMIG was notified of the status of these six providers.

(vii) Any recommendations regarding the operation of social adult day cares:

- Develop relationship with OATH to ensure enforcement and implementation of the SADC Rules are properly implemented.
- The SADC Ombuds Office is to improve coordination of monitoring activities with local and state partners.
- The SADC Ombuds Office is to continue providing ongoing technical assistance and training to SADC providers and MLTC plans to enhance their knowledge of the SADC registration process and adherence to requirements of the NYSOFA SADS Standards.
- The SADC Ombuds Office is to continue to develop and strengthen professional relationships with City and State government agencies in order to foster a network of government specialists in areas related to the NYSOFA SADS Standards.

Key Activities

- The SADC Ombuds Office Online Registration Portal was launched in April 2018 and enables SADC providers to access, control, and update their registration information in real time.
- In July 2018, a dedicated phone line for the SADC Ombuds Office was established. This line has reinforced the ability of SADC providers and MLTCs to contact the Ombuds Office for immediate assistance with any SADC-related questions. The SADC Ombuds Office number is embedded in the SADC Ombuds Office email signature and on the SADC Ombuds letterhead.
- **PUBLIC ACCESS TO SADC INFORMATION:**

- The DFTA website was updated to include a list of all registered SADC providers. Information includes SADC name, program address and telephone number, days and hours of operation, services provided and if the program is DFTA funded.

- The list of SADC providers is also available through the City's Open Data Portal. Information includes SADC name, program address and telephone number, days and hours of operation, Community Board, City Council District, neighborhood and if the program is DFTA funded.

- The creation of Local Law 9 of 2018 established a direct relationship between DFTA's SADC Ombuds Office and the NYC DOHMH Bureau of Food Safety and Community Sanitation. The SADC Ombuds Office forwards a monthly report to DOHMH alerting them to any new or closed SADC programs for DOHMH inspections under NYC Article 81 regulations.

- The SADC Ombuds Office has also developed a relationship with the NYSDOH Child and Adult Care Food Program (CACFP), a NYSOFA SADS-authorized nutrition program. Twenty-two SADC programs are contracted with the CACFP

- **TRAINING:**
 - In response to complaint trends, the SADC Ombuds Office held two trainings for MLTCs on the NYSOFA SADS Standards' Nutrition and Physical Environment & Safety requirements.

 - The SADC Ombuds Office has partnered with NYSOFA, the New York State Adult Day Services Association (NYSADSA) and NYC DOHMH to develop and conduct ten workshops for SADC providers on the NYSOFA SADS Regulations on Nutrition, and the NYC DOHMH Food Service Establishment (FSE) permits.

 - Four trainings for SADC providers took place in 2018, including a webinar attended by both SADCs and MLTCs, and in-person workshops conducted at DFTA, at the Brighton Beach Shorefront Y, and at a Staten Island SADC. The remaining six workshops are scheduled for

January 2019 at the NYC Department of Health and Mental Hygiene Center for Health Equity (Bronx), the Flushing Library (Queens); in February, at the Center for Health Equity (Bronx), Flushing Library (Queens), Brooklyn Community Foundation (Brooklyn); and in March, at DFTA (Manhattan), and the Shorefront Y (Brooklyn). To date, approximately 87 SADC provider staff and 44 MLTC staff have participated in these trainings. Attendees have been engaged and have requested additional trainings.

- Planning activities with NYSOFA are underway for an additional series of trainings. Anticipated topics include Participant Eligibility and other key aspects of the NYSOFA SADS Standards.
- The SADC Ombuds Office continues to participate in bi-monthly OMIG/MLTC conference calls.
- **FOOD SERVICE ESTABLISHMENT (FSE) PERMITS:**
 - At the March 2018 Nutrition training for MLTCs, the NYC DOHMH informed attendees about the New York City Health Code that requires SADC programs to obtain and maintain a Food Service Establishment (FSE) permit, and that all registered SADCs were to be notified by NYC DOHMH.
 - In April of 2018, NYC DOHMH sent notification letters to all active and registered SADCs informing them of the required FSE permit. The SADC Ombuds Office also forwarded this notification to all MLTC plans.
 - During the October 2018 Nutrition webinar, NYC DOHMH further explained the requirements of the FSE permit to attendees and procedures to obtain it.
 - In December 2018, NYC DOHMH issued a final warning letter to SADCs that had not yet applied for the FSE permit, with a stated deadline of January 31, 2019.
 - NYC DOHMH has warned that any SADC that has not applied for the FSE permit by the given deadline may receive a Notice of Violation, and that the SADCs' food service operations will be closed until the FSE permit is posted or the application is in process.

- At this time, NYC DOHMH and the SADC Ombuds Office are in continual communication regarding SADCs that are out of compliance with Local Law 9 of 2018s' FSE requirement.

- The SADC Ombuds Office continues to maintain the existing process with NYSDOH in handling and investigating the complaints, as NYSDOH works directly with Managed Long Term Care (MLTC) plans that contract with SADCs. The SADC Ombuds Office refers the complaints to NYSDOH who in turn requires MLTCs investigate their contracted SADC in question. This has been an effective process as more MLTCs are involved and invested in ensuring that their contracted SADC programs are in compliance with State and Local laws.