

New York City Department for the Aging
Social Adult Day Care Ombuds City Council Report
January 2020

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: 337¹

Attached is the 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 December 31, 2019

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

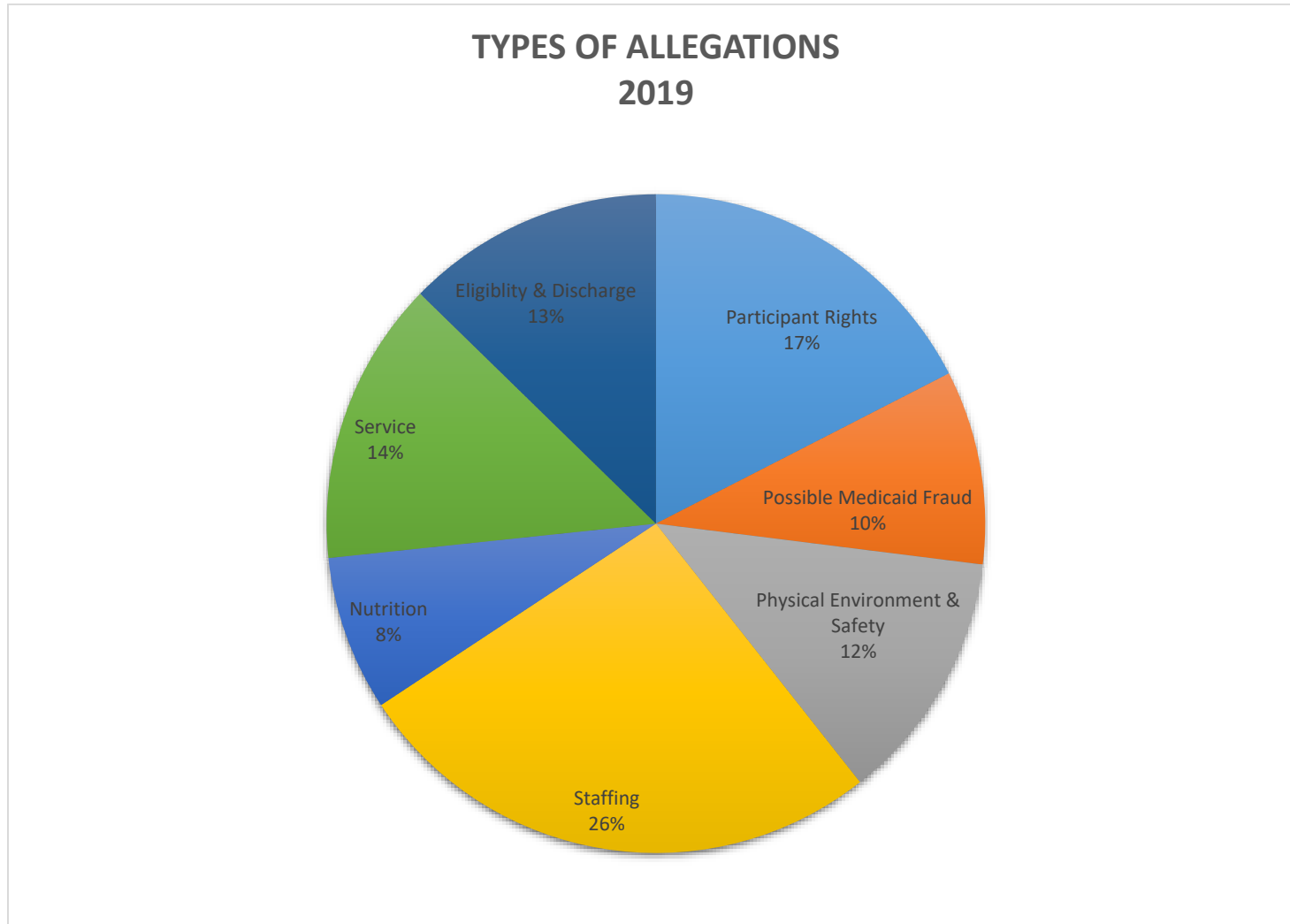
As of December 31, 2019, there were 144 complaints received; 138 complaints were allegations against SADC sites and the other six complaints were either; (1) handled directly by NYS Office of Medicaid Inspector General (OMIG); (2) rescinded by the complainant or; (3) the complainant could not be reached to obtain specific information about the complaint such as the name / location of the SADC.

The following table outlines the total number of complainants who chose to identify themselves.

Identity of the Complainant	Anonymous Individual	Identified Individual	Grand Total
Total	44	100	144

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

There were 315 distinct allegations within the 138 complaints received as shown below.



2019 Types of Allegations
Staffing: Staff are not adequately trained to provide services or work with SADC participants; director failed to create policies and procedures or enforce New York State Office for the Aging (NYSOFA) SADS Standards.
Participant Rights: SADC staff failed to enforce or protect the rights of the participants in accordance to the NYSOFA SADS Standards.
Service: Scheduled services are not provided to participants or 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.
Physical Environment & Safety: Issues regarding site condition including facilities being dirty, bathrooms malfunctioning, and Certificate of Occupancy concerns.
Possible Medicaid Fraud: Cash or goods are used as incentives to recruit seniors; possible falsification of attendance records or other documents related to billing.
Nutrition: Quality of food and/or conditions of food service area does not comply with NYSOFA SADS Standards.

- (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.

The Office notified the SADCs in question and the 138 cases were 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), NYSOFA and OMIG.

Three cases was not referred due to conflicting information at the time of the initial complaint intake and the Office was unable to connect with the complainants after multiple attempts.

Additionally, 75 referrals were made to other City or State agencies based on their respective jurisdiction regarding the nature of the allegations. Our Office referred 16 complaints to NYC Department of Health and Mental Hygiene (DOHMH); 30 complaints to NYC Department of Buildings (DOB); 14 complaints to NY Fire Department (FDNY); 13 complaints to NYC Commission for Human Rights (CCHR) and two complaints to NYS Child and Adult Care Food Program (CACFP).

- (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. The SADC Rules were approved on December 30, 2019. Once the Rules are published, the Office will have the authority to conduct investigations, review & approve corrective action plans (CAP) and issue citations and notice of violations in accordance to the NYSOFA Standards.

- (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. In September 2019 a cross-reference of the DFTA SADC registration list against the OMIG's SADC certification list was conducted. The Ombuds Office discovered 61 entities that certified with OMIG but were not registered with the SADC Ombuds Office. The SADC Ombuds Office contacted these 61 entities. The Office discovered 54 of the 61 entities were not operating as a SADC; two entities were unaware of the requirement to register with the Office and immediately registered; and the remaining five entities did not respond to the Office's multiple outreach attempts.

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

- ✓ Develop and steward relationship with Department of Finance (DOF) and Office of Administrative Trials and Hearings (OATH) to ensure collection of fees and enforcement and proper implementation of the SADC Rules.
- ✓ The SADC Ombuds Office continues to work in partnership with NYC DOHMH, DOB, FDNY, and other local and state agencies to improve coordination of monitoring activities.
- ✓ The SADC Ombuds Office continues to conduct 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 continues 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.

Activities to Note

The SADC Registration public facing search engine was updated and additional information such MLTC contacts, ownership information and organization status is available for the public to view.

The NYC DOHMH Bureau of Food Safety and Community Sanitation link was posted on the SADC Ombuds Office webpage as an additional resource for the public when selecting a SADC for their loved one.

✓ TRAINING:

- DFTA conducted a webinar for SADC providers in completing the online registration form.
- DFTA coordinated a training with NYCCHR on public access for older adults and individuals living with disabilities.