

**New York City Department for the Aging
Social Adult Day Care Ombuds
LL9 Annual Report 2022**

In compliance with Local Law 9 of 2015, the following is the annual report of the Social Adult Day Care (SADC) Ombuds Office from December 1, 2021 to November 30, 2022.

- (i) The total number of registered and active social adult day cares (SADCs) operating in New York City: **337 as of November 30, 2022.**
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: **237**
- (iii) A general description of the reason for each such complaint: **There were 12 distinct types of allegations among the 237 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.
Non-SADC Complaints:	Complaints against older adult centers, nursing home facilities, and assisted living facilities.
Registration in Accordance with Local Law 9:	SADC failed to register with the SADC Ombuds Office, operating without registration.
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.
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.
Physical Environment & Safety:	Issues regarding site conditions including unsanitary conditions, overcrowding, and insufficient Covid-19 protocols.
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.
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.
Nutrition:	Quality of food and/or conditions of food service area do not comply with NYSOFA SADS Standards.
Emergency Preparedness:	SADC does not have current written procedures for handling emergencies, such as missing or incomplete NY Forward Reopening Safety plan for business by NYS Department of Health.
Supervision & Monitoring:	Staff are not providing adequate supervision and monitoring of participants in accordance with NYSOFA SADS Standards.
Transportation & Safety:	Participants transported by vehicles in poor condition, with failed inspection, or without air conditioning.

- (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 12 investigations. Below are general descriptions of the bases for the 12 completed investigations, along with our findings and outcomes.**

	General Descriptions	Findings	Outcomes
1.	Physical Environment & Safety	Complaint unsubstantiated ¹	N/A
2.	1) Nutrition 2) Physical Environment & Safety 3) Registration in accordance with Local Law 9	1) Inconclusive ² 2) Inconclusive 3) Complaint unsubstantiated	1) Another investigation is pending 2) Another investigation is pending 3) N/A
3.	1) Staff & Training, 2) Registration in Accordance with Local Law 9	1) Complaint unsubstantiated 2) Complaint unsubstantiated (Registered, but registration not up to date)	1) N/A 2) SADC placed on a Corrective Action Plan; SADC complied and updated the registration.
4.	Participant Rights	Complaint unsubstantiated	N/A
5.	Physical Environment & Safety	Complaint unsubstantiated	N/A
6.	Nutrition	Complaint unsubstantiated	N/A
7.	Physical Environment & Safety	Complaint unsubstantiated	N/A
8.	Participant Rights	Complaint unsubstantiated	N/A
9.	Registration in accordance with Local Law 9	Complaint unsubstantiated	N/A
10.	Registration in accordance with Local Law 9	Complaint substantiated	SADC complied with the Ombuds Office recommendations to correct the issue within three business days.
11.	Registration in accordance with Local Law 9	Complaint unsubstantiated	N/A
12.	Registration in accordance with Local Law 9	Complaint unsubstantiated	N/A

- (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 were issued from December 1, 2021 to November 30, 2022. The SADCs that were found in violation of the NYSOFA SADS Standards were informed of the investigative findings. The SADCs resolved the violations through Corrective Action Plans (CAPs) approved by the SADC Ombuds Office.**
- (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: **One SADC failed to register with the SADC Ombuds Office. The Office notified the SADC of the registration requirement and investigated the SADC. The SADC complied with the requirement and registered within 3 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.

¹ An unsubstantiated finding indicates a lack of proof which supports the complaint or allegation.

² An inconclusive finding indicates that a substantiated claim was not firmly determined, and another investigation will occur.