

Division of Home & Community Based Care
Character and Competence Staff Review

Name of Agency: 229 Bennett Road Operating Company, LLC d/b/a Elderwood Home
Care at Cheektowaga
Address: Cheektowaga
County: Erie
Structure: Limited Liability Company
Application Number: 2028-L

Description of Project:

229 Bennett Road Operating Company, LLC d/b/a Elderwood Home Care at Cheektowaga, a limited liability company, requests approval for a change in ownership of a licensed home care services agency under Article 36 of the Public Health Law.

Elderwood Village at Maplewood LLC was previously approved as a home care services agency by the Public Health Council at its May 24, 2002 meeting and subsequently licensed as 1117L001. At that time the membership was as follows: Robert Chur, Member – 75% and Carol Chur, Member – 25%.

The members of the 229 Bennett Road Operating Company, LLC d/b/a Elderwood Home Care at Cheektowaga comprises the following individuals:

Warren D. Cole, Member, Co-CEO – 50%
Partner, Post Acute Partners, LLC

Jeffrey Rubin, Member, Co-CEO – 50%
Partner, Post Acute Partners, LLC

A search of the individual named above revealed no matches on either the Medicaid Disqualified Provider List or the OIG Exclusion List.

The applicant will continue to serve the residents of the Erie from an office located at 229 Bennett Road, Cheektowaga, New York 14227

The applicant proposes to provide the following health care services:

Nursing	Home Health Aide	Personal Care	Speech-Language Pathology
Physical Therapy	Occupational Therapy		

A review of the operations of the following facilities was performed as part of this review for the time periods specified:

ACU-acute care/hospital	ICF-intermediate care facility/group home
ALF-assisted living facility	IRF-intermediate rehabilitation facility (similar to SNF short term rehab)
HHA-home health agency	LTA-long term acute care hospital (similar to TCU)
HOM-homecare	RX-pharmacy
HOS-hospice	SNF-skilled nursing facility/nursing home

(Note: actual dates of ownership may extend prior to 2003)

Alabama

Laurelton Rehabilitation and Nursing Center*	SNF	10/2006 to 5/2008
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California

San Joaquin Valley Rehabilitation Hospital	Hospital	7/2004-7/2004
Kenfield Rehabilitation Hospital	Hospital	8/2003-7/2004
Care Alternatives of California*	Hospice	2003-10/2009

Colorado

North Valley Rehabilitation Hospital (Haven Behavioral Sr. Care)	ACU-PSYCH	7/2003-8/2004
North Valley Rehabilitation Hospital (Vibra LTACH)	LTA	7/2003-8/2004
North Valley Rehabilitation Hospital (Vista View Care Center)	SNF	7/2003-8/2004

Connecticut

Danbury Health Care Center*	SNF	8/2003-10/2009
Darien Health Care Center*	SNF	8/2003-10/2009
Golden Hill Health Care Center*	SNF	8/2003-10/2009
Long Ridge of Stamford*	SNF	8/2003-10/2009
Newington Health Care Center*	SNF	8/2003-10/2009
Partners Pharmacy of Connecticut*	RX	2003-10/2009
River Glen Health Care Center (a/k/a Southbury HCC)*	SNF	8/2003-10/2009
The Highlands Health Care Center*	SNF	8/2003-10/2009
West River Health Care Center (a/k/a Milford North HCC)*	SNF	8/2003-10/2009
Westport Health Care Center*	SNF	8/2003-10/2009
Wethersfield Health Care Center*	SNF	8/2003-10/2009

Kansas

Care Alternatives of Kansas	HOS	2004-10/2009
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Kentucky

Southern Kentucky Rehabilitation Hospital	IRF	5/2003-7/2004
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Maryland

Montgomery Village Health Care Center	SNF	2003-10/2009
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Massachusetts

Brookline Health Care Center*	SNF	8/2003-10/2009
Calvin Coolidge Nursing & Rehab Center for Northampton*	SNF	8/2003-10/2009
Care Alternatives of Massachusetts*	HOS	2005-10/2009
Concord Health Care Center*	SNF	8/2003-10/2009
Essex Park Rehabilitation & Nursing Center*	SNF	3/2005-10/2009
Holyoke Health Care Center*	SNF	8/2003-10/2009
Lexington Health Care Center*	SNF	8/2003-10/2009
Lowell Health Care Center*	SNF	8/2003-10/2009
Millbury Health Care Center*	SNF	8/2003-10/2009
New Bedford Health Care Center*	SNF	8/2003-10/2009
New Bedford Rehabilitation Hospital*	IRF	7/2003-8/2004
Newton Health Care Center*	SNF	8/2003-10/2009
North Shore Health Care Center*	SNF	8/2003-10/2009
Partners Pharmacy of Massachusetts*	RX	2004-10/2009
Peabody Glen Health Care Center*	SNF	8/2003-10/2009
Redstone Health Care Center (a/k/a East Longmeadow HCC)*	SNF	8/2003-10/2009
Weymouth Health Care Center*	SNF	8/2003-10/2009
Wilmington Health Care Center*	SNF	8/2003-10/2009

Michigan

Grand Blanc Rehabilitation & Nursing Center	SNF	10/2006-10/2009
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Missouri

Care Alternatives of Missouri	HOS	2003-10/2009
Cliffview at Riverside Rehab & Nursing Center	SNF	10/2006-5/2008
Partners Pharmacy of Missouri*	RX	2003-10/2009

New Jersey

Bergen Care Home Health	HHA	2007-10/2009
Bergen Care Personal Touch	HOM	2007-10/2009
Care Alternatives of New Jersey	HOS	2001-10/2009
Care One at Dunroven	SNF	2001-10/2009
Care One at East Brunswick	SNF	2/2002-10/2009
Care One at Evesham	SNF	8/2000-10/2009
Care One at Evesham Assisted Living	ALF	10/2007-10/2009
Care One at Ewing	SNF	11/2004-10/2009
Care One at Hamilton	SNF	5/2002-10/2009
Care One at Holmdel	SNF	8/1997-10/2009
Care One at Jackson (a/k/a Jackson HCC)	SNF	2004-10/2009
Care One at King James	SNF	2003-10/2009
Care One at Livingston	SNF	10/2002-10/2009
Care One at Livingston Assisted Living	ALF	9/2005-10/2009
Care One at Madison Avenue	SNF	1/2005-10/2009
Care One at Moorestown	SNF	9/2003-10/2009
Care One at Harmony Village at Moorestown	ALF	8/2003-10/2009
Care One at Morris	SNF	8/2001-10/2009
Care One at Morris Assisted Living	ALF	3/2003-10/2009
Care One at Pine Rest	SNF	2001-10/2009
Care One at Raritan Bay MC	LTA	3/2004-10/2009
Care One Harmony Village at Moorestown	SNF	9/2003-10/2009
Care One at Teaneck	SNF	4/2007-10/2009
Care One at The Cupola	SNF	2001-10/2009
Care One at The Highlands	SNF	2001-10/2009
Care One at Valley	SNF	2001-10/2009
Care One at Wall	SNF	9/2004-10/2009
Care One at Wayne	SNF/ALF	6/2002-10/2009
Care One at Wellington	SNF	6/2002-10/2009
Marlton Rehabilitation Hospital	IRF	5/2003-7/2004
Oradell Health Care Center	SNF	2003-10/2009
Partners Pharmacy of New Jersey	RX	2001-10/2009
Somerset Valley Rehabilitation & Nursing Center	SNF	10/2009-10/2009
South Jersey Health Care Center	SNF	2003-10/2009
Woodcrest Health Care Center	SNF	2003-10/2009

North Carolina

Blue Ridge Health Care Center	SNF	8/2002-10/2009
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Ohio

Bellbrook Health Care Center	SNF	2003-10/2009
The Rehabilitation & Nursing Center at Elm Creek	SNF	10/2006-10/2009
The Rehabilitation & Nursing Center at Firelands	SNF	10/2006-10/2009
The Rehabilitation & Nursing Center at Spring Creek	SNF	10/2006-10/2009

Pennsylvania

Care Alternatives of Pennsylvania	HOS	2003-10/2009
Pediatric Specialty Care at Doylestown	SNF	2/2011-present
Pediatric Specialty Care at Hopewell	PED ICF	2/2011-present
Pediatric Specialty Care at Lancaster	PED ICF	2/2011-present
Pediatric Specialty Care at Point Pleasant	PED ICF	2/2011-present
Pediatric Specialty Care at Quakertown	PED ICF	2/2011-present
Presque Isle Rehabilitation & Nursing Center	SNF	10/2006-10/2009
Senior Living of Lancaster	HOM	2/2011-present
The Rehabilitation & Nursing Center at Greater Pittsburg	SNF	10/2006-10/2009

Puerto Rico

Medicare Y Mucho Mas*

Medicare
Agency

2005-11/2009

Rhode Island

Scallop Shell Nursing & Rehabilitation Center

SNF

12/2010-present

Virginia

Care Alternatives of Virginia*

HOS

4/2002-10/2009

Colonial Heights Health Care Center*

SNF

4/2002-10/2009

Glenburnie Rehabilitation & Nursing Center*

SNF

4/2002-10/2009

Hopewell Health Care Center*

SNF

4/2002/10/2009

Partners Pharmacy of Virginia*

RX

4/2002-10/2009

Valley Health Care Center*

SNF/ALF

4/2002-10/2009

Westport Health Care Center*

SNF

4/2002-10/2009

In order to make a determination on whether a substantially consistent high level of care has been provided at the health facilities/agencies subject to review, a ten year review of the enforcement history for each is undertaken. A positive finding would result from concluding that there were no repeat enforcement actions causing harm to residents of a facility/agency for the same issue, during the past ten years or for the years of ownership. For the subject application adequate surveillance documentation with which to make a global finding cannot be obtained due to staffing issues at multiple states. To date staff and the applicant have exhausted their efforts to obtain the necessary documentation, with the outcome that adequate information is available for only 60 out of the total 100 disclosed health facility interests.

For those health facilities/agency for which there is inadequate documentation, denoted by an asterisk (*) in the above listing, no negative information regarding the operator's track record has been received. In addition the applicants have submitted affidavits regarding the incomplete surveillance history, in which they attest to the following:

During the applicable period identified..., the Entities may have been surveyed by the applicable state regulatory authority. Statements of Deficiencies may have been issued, and enforcement action(s) resulting in the payment of a fine may have been assessed. However, to my knowledge, during the applicable period..., the Entities have not (i) received enforcement actions for repeat deficiencies that were not remedied within timeframes required by applicable law or (ii) had a license or certificate issued by a state or federal regulatory authority suspended, terminated, revoked, denied, or annulled. Further, to my knowledge, there are no currently pending federal or state enforcement actions against the Entities ...

For those facilities for which there was complete information available for review, staff concludes that a substantially consistent high level of care has been provided.

The following summarizes the review outcome for each state:

A review of the **Alabama** facility noted above indicates there is insufficient documentation with which to make a finding.

A review of the **California** facilities noted above for the periods indicated reveals that a substantially consistent high level of care has been provided with the exception of Care Alternatives of California for which there is insufficient documentation to make a finding.

A review of the **Colorado** facilities noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **Connecticut** facilities noted above indicates there is insufficient documentation with which to make a finding. The following seven Connecticut facilities owned by the principles were the subject of a Chapter 11 bankruptcy action:

Danbury Health Care Center
Darien Health Care Center
Long Ridge of Stamford
Newington Health Care Center
West River Health Care Center
Westport Health Care Center
Wethersfield Health Care Center

A review of the **Kansas** facility noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **Kentucky** facility noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **Maryland** facility noted above indicates there is insufficient documentation with which to make a finding.

A review of the **Massachusetts** facilities noted above indicates there is insufficient documentation with which to make a finding.

A review of the **Missouri** facility noted above for the periods indicated reveals that a substantially consistent high level of care has been provided with the exception of Partners Pharmacy of Missouri for which there is insufficient documentation to make a finding.

A review of the **New Jersey** facilities noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **North Carolina** facility noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **Ohio** facilities noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **Pennsylvania** facilities noted above for the periods indicated reveals that a substantially consistent high level of care has been provided with the exception of Care Alternatives of Pennsylvania, for which there is insufficient documentation to make a finding.

A review of the **Puerto Rico** health related agency noted above indicates there is insufficient documentation with which to make a finding.

A review of the **Rhode Island** facility noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **Virginia** facilities noted above for the periods indicated reveals that a substantially consistent high level of care has been provided with the exception of Colonial Heights Health Care Center, Glenburnie Rehabilitation & Nursing Center, Hopewell Health Care Center, Valley Health Care Center and Westport Health Care Center, for which there is insufficient documentation to make a finding.

If able to base our judgment solely on the documentation received from other states, the Department would be able to render a positive finding as to the character and competence of the applicants. We must, however, deal with a larger record, one which lacks sufficient documentation, by the Department's standards for analysis, of the applicants' operation of 35 facilities in five different states. However, it

should be made clear that while these five states could not provide our customarily needed level of detail on operating history, we did not receive any negative findings that would warrant disapproval of this application; and we did receive indications of acceptable operating experience. The Department believes it reasonable to infer from these facts that the applicants have provided a sufficiently high level of care at the facilities they have operated.

Contingency

Submission of any and all information requested by the Division of Legal Affairs, in a form and manner acceptable to the Department.

Recommendation: Contingent Approval

Date: March 16, 2012

Division of Home & Community Based Care
Character and Competence Staff Review

Name of Agency: 580 Orchard Park Road Operating Company, LLC d/b/a Elderwood Home Care at West Seneca
Address: West Seneca
County: Erie
Structure: Limited Liability Company
Application Number: 2029-L

Description of Project:

580 Orchard Park Road Operating Company, LLC d/b/a Elderwood Home Care at West Seneca, a limited liability company, requests approval for a change in ownership of a licensed home care services agency under Article 36 of the Public Health Law.

Westwood Village, Inc. d/b/a Elderwood Village at Westwood was previously approved as a home care services agency by the Public Health Council at its January 24, 2003 meeting and subsequently licensed as 1171L001. At that time the membership was as follows: Robert Chur, Member – 75% and Carol Chur, Member – 25%.

The members of the 580 Orchard Park Road Operating Company, LLC d/b/a Elderwood Home Care at West Seneca comprises the following individuals:

Warren D. Cole, Member, Co-CEO – 50% Partner, Post Acute Partners, LLC	Jeffrey Rubin, Member, Co-CEO – 50% Partner, Post Acute Partners, LLC
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A search of the individual named above revealed no matches on either the Medicaid Disqualified Provider List or the OIG Exclusion List.

The applicant will continue to serve the residents of the Erie from an office located at 580 Orchard Park Road, West Seneca, New York 14224.

The applicant proposes to provide the following health care services:

Nursing	Home Health Aide	Physical Therapy	Speech-Language Pathology
Occupational Therapy			

A review of the operations of the following facilities was performed as part of this review for the time periods specified:

ACU-acute care/hospital	ICF-intermediate care facility/group home
ALF-assisted living facility	IRF-intermediate rehabilitation facility (similar to SNF short term rehab)
HHA-home health agency	LTA-long term acute care hospital (similar to TCU)
HOM-homecare	RX-pharmacy
HOS-hospice	SNF-skilled nursing facility/nursing home

(Note: actual dates of ownership may extend prior to 2003)

Alabama

Laurelton Rehabilitation and Nursing Center*	SNF	10/2006 to 5/2008
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California

San Joaquin Valley Rehabilitation Hospital	Hospital	7/2004-7/2004
Kenfield Rehabilitation Hospital	Hospital	8/2003-7/2004

Care Alternatives of California*	Hospice	2003-10/2009
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Colorado

North Valley Rehabilitation Hospital (Haven Behavioral Sr. Care)	ACU-PSYCH	7/2003-8/2004
North Valley Rehabilitation Hospital (Vibra LTACH)	LTA	7/2003-8/2004
North Valley Rehabilitation Hospital (Vista View Care Center)	SNF	7/2003-8/2004

Connecticut

Danbury Health Care Center*	SNF	8/2003-10/2009
Darien Health Care Center*	SNF	8/2003-10/2009
Golden Hill Health Care Center*	SNF	8/2003-10/2009
Long Ridge of Stamford*	SNF	8/2003-10/2009
Newington Health Care Center*	SNF	8/2003-10/2009
Partners Pharmacy of Connecticut*	RX	2003-10/2009
River Glen Health Care Center (a/k/a Southbury HCC)*	SNF	8/2003-10/2009
The Highlands Health Care Center*	SNF	8/2003-10/2009
West River Health Care Center (a/k/a Milford North HCC)*	SNF	8/2003-10/2009
Westport Health Care Center*	SNF	8/2003-10/2009
Wethersfield Health Care Center*	SNF	8/2003-10/2009

Kansas

Care Alternatives of Kansas	HOS	2004-10/2009
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Kentucky

Southern Kentucky Rehabilitation Hospital	IRF	5/2003-7/2004
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Maryland

Montgomery Village Health Care Center	SNF	2003-10/2009
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Massachusetts

Brookline Health Care Center*	SNF	8/2003-10/2009
Calvin Coolidge Nursing & Rehab Center for Northampton*	SNF	8/2003-10/2009
Care Alternatives of Massachusetts*	HOS	2005-10/2009
Concord Health Care Center*	SNF	8/2003-10/2009
Essex Park Rehabilitation & Nursing Center*	SNF	3/2005-10/2009
Holyoke Health Care Center*	SNF	8/2003-10/2009
Lexington Health Care Center*	SNF	8/2003-10/2009
Lowell Health Care Center*	SNF	8/2003-10/2009
Millbury Health Care Center*	SNF	8/2003-10/2009
New Bedford Health Care Center*	SNF	8/2003-10/2009
New Bedford Rehabilitation Hospital*	IRF	7/2003-8/2004
Newton Health Care Center*	SNF	8/2003-10/2009
North Shore Health Care Center*	SNF	8/2003-10/2009
Partners Pharmacy of Massachusetts*	RX	2004-10/2009
Peabody Glen Health Care Center*	SNF	8/2003-10/2009
Redstone Health Care Center (a/k/a East Longmeadow HCC)*	SNF	8/2003-10/2009
Weymouth Health Care Center*	SNF	8/2003-10/2009
Wilmington Health Care Center*	SNF	8/2003-10/2009

Michigan

Grand Blanc Rehabilitation & Nursing Center	SNF	10/2006-10/2009
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Missouri

Care Alternatives of Missouri	HOS	2003-10/2009
Cliffview at Riverside Rehab & Nursing Center	SNF	10/2006-5/2008
Partners Pharmacy of Missouri*	RX	2003-10/2009

New Jersey

Bergen Care Home Health	HHA	2007-10/2009
Bergen Care Personal Touch	HOM	2007-10/2009
Care Alternatives of New Jersey	HOS	2001-10/2009
Care One at Dunroven	SNF	2001-10/2009
Care One at East Brunswick	SNF	2/2002-10/2009
Care One at Evesham	SNF	8/2000-10/2009
Care One at Evesham Assisted Living	ALF	10/2007-10/2009
Care One at Ewing	SNF	11/2004-10/2009
Care One at Hamilton	SNF	5/2002-10/2009
Care One at Holmdel	SNF	8/1997-10/2009
Care One at Jackson (a/k/a Jackson HCC)	SNF	2004-10/2009
Care One at King James	SNF	2003-10/2009
Care One at Livingston	SNF	10/2002-10/2009
Care One at Livingston Assisted Living	ALF	9/2005-10/2009
Care One at Madison Avenue	SNF	1/2005-10/2009
Care One at Moorestown	SNF	9/2003-10/2009
Care One at Harmony Village at Moorestown	ALF	8/2003-10/2009
Care One at Morris	SNF	8/2001-10/2009
Care One at Morris Assisted Living	ALF	3/2003-10/2009
Care One at Pine Rest	SNF	2001-10/2009
Care One at Raritan Bay MC	LTA	3/2004-10/2009
Care One Harmony Village at Moorestown	SNF	9/2003-10/2009
Care One at Teaneck	SNF	4/2007-10/2009
Care One at The Cupola	SNF	2001-10/2009
Care One at The Highlands	SNF	2001-10/2009
Care One at Valley	SNF	2001-10/2009
Care One at Wall	SNF	9/2004-10/2009
Care One at Wayne	SNF/ALF	6/2002-10/2009
Care One at Wellington	SNF	6/2002-10/2009
Marlton Rehabilitation Hospital	IRF	5/2003-7/2004
Oradell Health Care Center	SNF	2003-10/2009
Partners Pharmacy of New Jersey	RX	2001-10/2009
Somerset Valley Rehabilitation & Nursing Center	SNF	10/2009-10/2009
South Jersey Health Care Center	SNF	2003-10/2009
Woodcrest Health Care Center	SNF	2003-10/2009

North Carolina

Blue Ridge Health Care Center	SNF	8/2002-10/2009
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Ohio

Bellbrook Health Care Center	SNF	2003-10/2009
The Rehabilitation & Nursing Center at Elm Creek	SNF	10/2006-10/2009
The Rehabilitation & Nursing Center at Firelands	SNF	10/2006-10/2009
The Rehabilitation & Nursing Center at Spring Creek	SNF	10/2006-10/2009

Pennsylvania

Care Alternatives of Pennsylvania	HOS	2003-10/2009
Pediatric Specialty Care at Doylestown	SNF	2/2011-present
Pediatric Specialty Care at Hopewell	PED ICF	2/2011-present
Pediatric Specialty Care at Lancaster	PED ICF	2/2011-present
Pediatric Specialty Care at Point Pleasant	PED ICF	2/2011-present
Pediatric Specialty Care at Quakertown	PED ICF	2/2011-present
Presque Isle Rehabilitation & Nursing Center	SNF	10/2006-10/2009
Senior Living of Lancaster	HOM	2/2011-present

The Rehabilitation & Nursing Center at Greater Pittsburg	SNF	10/2006-10/2009
<u>Puerto Rico</u>		
Medicare Y Mucho Mas*	Medicare Agency	2005-11/2009
<u>Rhode Island</u>		
Scallop Shell Nursing & Rehabilitation Center	SNF	12/2010-present
<u>Virginia</u>		
Care Alternatives of Virginia*	HOS	4/2002-10/2009
Colonial Heights Health Care Center*	SNF	4/2002-10/2009
Glenburnie Rehabilitation & Nursing Center*	SNF	4/2002-10/2009
Hopewell Health Care Center*	SNF	4/2002/10/2009
Partners Pharmacy of Virginia*	RX	4/2002-10/2009
Valley Health Care Center*	SNF/ALF	4/2002-10/2009
Westport Health Care Center*	SNF	4/2002-10/2009

In order to make a determination on whether a substantially consistent high level of care has been provided at the health facilities/agencies subject to review, a ten year review of the enforcement history for each is undertaken. A positive finding would result from concluding that there were no repeat enforcement actions causing harm to residents of a facility/agency for the same issue, during the past ten years or for the years of ownership. For the subject application adequate surveillance documentation with which to make a global finding cannot be obtained due to staffing issues at multiple states. To date staff and the applicant have exhausted their efforts to obtain the necessary documentation, with the outcome that adequate information is available for only 60 out of the total 100 disclosed health facility interests.

For those health facilities/agency for which there is inadequate documentation, denoted by an asterisk (*) in the above listing, no negative information regarding the operator's track record has been received. In addition the applicants have submitted affidavits regarding the incomplete surveillance history, in which they attest to the following:

During the applicable period identified..., the Entities may have been surveyed by the applicable state regulatory authority. Statements of Deficiencies may have been issued, and enforcement action(s) resulting in the payment of a fine may have been assessed. However, to my knowledge, during the applicable period..., the Entities have not (i) received enforcement actions for repeat deficiencies that were not remedied within timeframes required by applicable law or (ii) had a license or certificate issued by a state or federal regulatory authority suspended, terminated, revoked, denied, or annulled. Further, to my knowledge, there are no currently pending federal or state enforcement actions against the Entities ...

For those facilities for which there was complete information available for review, staff concludes that a substantially consistent high level of care has been provided.

The following summarizes the review outcome for each state:

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A review of the **Colorado** facilities noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **Connecticut** facilities noted above indicates there is insufficient documentation with which to make a finding. The following seven Connecticut facilities owned by the principles were the subject of a Chapter 11 bankruptcy action:

Danbury Health Care Center
Darien Health Care Center
Long Ridge of Stamford
Newington Health Care Center
West River Health Care Center
Westport Health Care Center
Wethersfield Health Care Center

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A review of the **Maryland** facility noted above indicates there is insufficient documentation with which to make a finding.

A review of the **Massachusetts** facilities noted above indicates there is insufficient documentation with which to make a finding.

A review of the **Missouri** facility noted above for the periods indicated reveals that a substantially consistent high level of care has been provided with the exception of Partners Pharmacy of Missouri for which there is insufficient documentation to make a finding.

A review of the **New Jersey** facilities noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **North Carolina** facility noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **Ohio** facilities noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **Pennsylvania** facilities noted above for the periods indicated reveals that a substantially consistent high level of care has been provided with the exception of Care Alternatives of Pennsylvania, for which there is insufficient documentation to make a finding.

A review of the **Puerto Rico** health related agency noted above indicates there is insufficient documentation with which to make a finding.

A review of the **Rhode Island** facility noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **Virginia** facilities noted above for the periods indicated reveals that a substantially consistent high level of care has been provided with the exception of Colonial Heights Health Care Center, Glenburnie Rehabilitation & Nursing Center, Hopewell Health Care Center, Valley Health Care Center and Westport Health Care Center, for which there is insufficient documentation to make a finding.

If able to base our judgment solely on the documentation received from other states, the Department would be able to render a positive finding as to the character and competence of the applicants. We must, however, deal with a larger record, one which lacks sufficient documentation, by the Department's standards for analysis, of the applicants' operation of 35 facilities in five different states. However, it

should be made clear that while these five states could not provide our customarily needed level of detail on operating history, we did not receive any negative findings that would warrant disapproval of this application; and we did receive indications of acceptable operating experience. The Department believes it reasonable to infer from these facts that the applicants have provided a sufficiently high level of care at the facilities they have operated.

Contingency

Submission of any and all information requested by the Division of Legal Affairs, in a form and manner acceptable to the Department.

Recommendation: Contingent Approval

Date: March 16, 2012

Division of Home & Community Based Care
Character and Competence Staff Review

Name of Agency: 76 Buffalo Street Operating Company, LLC d/b/a Elderwood Home Care at Hamburg
Address: Hamburg
County: Erie
Structure: Limited Liability Company
Application Number: 2030-L

Description of Project:

76 Buffalo Street Operating Company, LLC d/b/a Elderwood Home Care at Hamburg, a limited liability company, requests approval for a change in ownership of a licensed home care services agency under Article 36 of the Public Health Law.

Rosewood Village, Inc. was previously approved as a home care services agency by the Public Health Council at its September 25, 1998 meeting and subsequently licensed as 0784L001. At that time the membership was as follows: Robert Chur, Member – 75% and Carol Chur, Member – 25%.

The members of the 229 76 Buffalo Street Operating Company, LLC d/b/a Elderwood Home Care at Hamburg comprises the following individuals:

Warren D. Cole, Member, Co-CEO – 50% Jeffrey Rubin, Member, Co-CEO – 50%
Partner, Post Acute Partners, LLC Partner, Post Acute Partners, LLC

A search of the individual named above revealed no matches on either the Medicaid Disqualified Provider List or the OIG Exclusion List.

The applicant will continue to serve the residents of the Erie from an office located at 76 Buffalo Street, Hamburg, New York 14075.

The applicant proposes to provide the following health care services:

Nursing Home Health Aide Personal Care Speech-Language Pathology
Physical Therapy Occupational Therapy

A review of the operations of the following facilities was performed as part of this review for the time periods specified:

ACU-acute care/hospital	ICF-intermediate care facility/group home
ALF-assisted living facility	IRF-intermediate rehabilitation facility (similar to SNF short term rehab)
HHA-home health agency	LTA-long term acute care hospital (similar to TCU)
HOM-homecare	RX-pharmacy
HOS-hospice	SNF-skilled nursing facility/nursing home

(Note: actual dates of ownership may extend prior to 2003)

Alabama

Laurelton Rehabilitation and Nursing Center*	SNF	10/2006 to 5/2008
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California

San Joaquin Valley Rehabilitation Hospital	Hospital	7/2004-7/2004
Kenfield Rehabilitation Hospital	Hospital	8/2003-7/2004
Care Alternatives of California*	Hospice	2003-10/2009

Colorado

North Valley Rehabilitation Hospital (Haven Behavioral Sr. Care)	ACU-PSYCH	7/2003-8/2004
North Valley Rehabilitation Hospital (Vibra LTACH)	LTA	7/2003-8/2004
North Valley Rehabilitation Hospital (Vista View Care Center)	SNF	7/2003-8/2004

Connecticut

Danbury Health Care Center*	SNF	8/2003-10/2009
Darien Health Care Center*	SNF	8/2003-10/2009
Golden Hill Health Care Center*	SNF	8/2003-10/2009
Long Ridge of Stamford*	SNF	8/2003-10/2009
Newington Health Care Center*	SNF	8/2003-10/2009
Partners Pharmacy of Connecticut*	RX	2003-10/2009
River Glen Health Care Center (a/k/a Southbury HCC)*	SNF	8/2003-10/2009
The Highlands Health Care Center*	SNF	8/2003-10/2009
West River Health Care Center (a/k/a Milford North HCC)*	SNF	8/2003-10/2009
Westport Health Care Center*	SNF	8/2003-10/2009
Wethersfield Health Care Center*	SNF	8/2003-10/2009

Kansas

Care Alternatives of Kansas	HOS	2004-10/2009
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Kentucky

Southern Kentucky Rehabilitation Hospital	IRF	5/2003-7/2004
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Maryland

Montgomery Village Health Care Center	SNF	2003-10/2009
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Massachusetts

Brookline Health Care Center*	SNF	8/2003-10/2009
Calvin Coolidge Nursing & Rehab Center for Northampton*	SNF	8/2003-10/2009
Care Alternatives of Massachusetts*	HOS	2005-10/2009
Concord Health Care Center*	SNF	8/2003-10/2009
Essex Park Rehabilitation & Nursing Center*	SNF	3/2005-10/2009
Holyoke Health Care Center*	SNF	8/2003-10/2009
Lexington Health Care Center*	SNF	8/2003-10/2009
Lowell Health Care Center*	SNF	8/2003-10/2009
Millbury Health Care Center*	SNF	8/2003-10/2009
New Bedford Health Care Center*	SNF	8/2003-10/2009
New Bedford Rehabilitation Hospital*	IRF	7/2003-8/2004
Newton Health Care Center*	SNF	8/2003-10/2009
North Shore Health Care Center*	SNF	8/2003-10/2009
Partners Pharmacy of Massachusetts*	RX	2004-10/2009
Peabody Glen Health Care Center*	SNF	8/2003-10/2009
Redstone Health Care Center (a/k/a East Longmeadow HCC)*	SNF	8/2003-10/2009
Weymouth Health Care Center*	SNF	8/2003-10/2009
Wilmington Health Care Center*	SNF	8/2003-10/2009

Michigan

Grand Blanc Rehabilitation & Nursing Center	SNF	10/2006-10/2009
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Missouri

Care Alternatives of Missouri	HOS	2003-10/2009
Cliffview at Riverside Rehab & Nursing Center	SNF	10/2006-5/2008
Partners Pharmacy of Missouri*	RX	2003-10/2009

New Jersey

Bergen Care Home Health	HHA	2007-10/2009
Bergen Care Personal Touch	HOM	2007-10/2009
Care Alternatives of New Jersey	HOS	2001-10/2009
Care One at Dunroven	SNF	2001-10/2009
Care One at East Brunswick	SNF	2/2002-10/2009
Care One at Evesham	SNF	8/2000-10/2009
Care One at Evesham Assisted Living	ALF	10/2007-10/2009
Care One at Ewing	SNF	11/2004-10/2009
Care One at Hamilton	SNF	5/2002-10/2009
Care One at Holmdel	SNF	8/1997-10/2009
Care One at Jackson (a/k/a Jackson HCC)	SNF	2004-10/2009
Care One at King James	SNF	2003-10/2009
Care One at Livingston	SNF	10/2002-10/2009
Care One at Livingston Assisted Living	ALF	9/2005-10/2009
Care One at Madison Avenue	SNF	1/2005-10/2009
Care One at Moorestown	SNF	9/2003-10/2009
Care One at Harmony Village at Moorestown	ALF	8/2003-10/2009
Care One at Morris	SNF	8/2001-10/2009
Care One at Morris Assisted Living	ALF	3/2003-10/2009
Care One at Pine Rest	SNF	2001-10/2009
Care One at Raritan Bay MC	LTA	3/2004-10/2009
Care One Harmony Village at Moorestown	SNF	9/2003-10/2009
Care One at Teaneck	SNF	4/2007-10/2009
Care One at The Cupola	SNF	2001-10/2009
Care One at The Highlands	SNF	2001-10/2009
Care One at Valley	SNF	2001-10/2009
Care One at Wall	SNF	9/2004-10/2009
Care One at Wayne	SNF/ALF	6/2002-10/2009
Care One at Wellington	SNF	6/2002-10/2009
Marlton Rehabilitation Hospital	IRF	5/2003-7/2004
Oradell Health Care Center	SNF	2003-10/2009
Partners Pharmacy of New Jersey	RX	2001-10/2009
Somerset Valley Rehabilitation & Nursing Center	SNF	10/2009-10/2009
South Jersey Health Care Center	SNF	2003-10/2009
Woodcrest Health Care Center	SNF	2003-10/2009

North Carolina

Blue Ridge Health Care Center	SNF	8/2002-10/2009
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Ohio

Bellbrook Health Care Center	SNF	2003-10/2009
The Rehabilitation & Nursing Center at Elm Creek	SNF	10/2006-10/2009
The Rehabilitation & Nursing Center at Firelands	SNF	10/2006-10/2009
The Rehabilitation & Nursing Center at Spring Creek	SNF	10/2006-10/2009

Pennsylvania

Care Alternatives of Pennsylvania	HOS	2003-10/2009
Pediatric Specialty Care at Doylestown	SNF	2/2011-present
Pediatric Specialty Care at Hopewell	PED ICF	2/2011-present
Pediatric Specialty Care at Lancaster	PED ICF	2/2011-present
Pediatric Specialty Care at Point Pleasant	PED ICF	2/2011-present
Pediatric Specialty Care at Quakertown	PED ICF	2/2011-present
Presque Isle Rehabilitation & Nursing Center	SNF	10/2006-10/2009
Senior Living of Lancaster	HOM	2/2011-present
The Rehabilitation & Nursing Center at Greater Pittsburg	SNF	10/2006-10/2009

Puerto Rico

Medicare Y Mucho Mas*	Medicare Agency	2005-11/2009
<u>Rhode Island</u>		
Scallop Shell Nursing & Rehabilitation Center	SNF	12/2010-present

Virginia

Care Alternatives of Virginia*	HOS	4/2002-10/2009
Colonial Heights Health Care Center*	SNF	4/2002-10/2009
Glenburnie Rehabilitation & Nursing Center*	SNF	4/2002-10/2009
Hopewell Health Care Center*	SNF	4/2002/10/2009
Partners Pharmacy of Virginia*	RX	4/2002-10/2009
Valley Health Care Center*	SNF/ALF	4/2002-10/2009
Westport Health Care Center*	SNF	4/2002-10/2009

In order to make a determination on whether a substantially consistent high level of care has been provided at the health facilities/agencies subject to review, a ten year review of the enforcement history for each is undertaken. A positive finding would result from concluding that there were no repeat enforcement actions causing harm to residents of a facility/agency for the same issue, during the past ten years or for the years of ownership. For the subject application adequate surveillance documentation with which to make a global finding cannot be obtained due to staffing issues at multiple states. To date staff and the applicant have exhausted their efforts to obtain the necessary documentation, with the outcome that adequate information is available for only 60 out of the total 100 disclosed health facility interests.

For those health facilities/agency for which there is inadequate documentation, denoted by an asterisk (*) in the above listing, no negative information regarding the operator's track record has been received. In addition the applicants have submitted affidavits regarding the incomplete surveillance history, in which they attest to the following:

During the applicable period identified..., the Entities may have been surveyed by the applicable state regulatory authority. Statements of Deficiencies may have been issued, and enforcement action(s) resulting in the payment of a fine may have been assessed. However, to my knowledge, during the applicable period..., the Entities have not (i) received enforcement actions for repeat deficiencies that were not remedied within timeframes required by applicable law or (ii) had a license or certificate issued by a state or federal regulatory authority suspended, terminated, revoked, denied, or annulled. Further, to my knowledge, there are no currently pending federal or state enforcement actions against the Entities ...

For those facilities for which there was complete information available for review, staff concludes that a substantially consistent high level of care has been provided.

The following summarizes the review outcome for each state:

A review of the **Alabama** facility noted above indicates there is insufficient documentation with which to make a finding.

A review of the **California** facilities noted above for the periods indicated reveals that a substantially consistent high level of care has been provided with the exception of Care Alternatives of California for which there is insufficient documentation to make a finding.

A review of the **Colorado** facilities noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **Connecticut** facilities noted above indicates there is insufficient documentation with which to make a finding. The following seven Connecticut facilities owned by the principles were the subject of a Chapter 11 bankruptcy action:

Danbury Health Care Center
Darien Health Care Center
Long Ridge of Stamford
Newington Health Care Center
West River Health Care Center
Westport Health Care Center
Wethersfield Health Care Center

A review of the **Kansas** facility noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **Kentucky** facility noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **Maryland** facility noted above indicates there is insufficient documentation with which to make a finding.

A review of the **Massachusetts** facilities noted above indicates there is insufficient documentation with which to make a finding.

A review of the **Missouri** facility noted above for the periods indicated reveals that a substantially consistent high level of care has been provided with the exception of Partners Pharmacy of Missouri for which there is insufficient documentation to make a finding.

A review of the **New Jersey** facilities noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **North Carolina** facility noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **Ohio** facilities noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **Pennsylvania** facilities noted above for the periods indicated reveals that a substantially consistent high level of care has been provided with the exception of Care Alternatives of Pennsylvania, for which there is insufficient documentation to make a finding.

A review of the **Puerto Rico** health related agency noted above indicates there is insufficient documentation with which to make a finding.

A review of the **Rhode Island** facility noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **Virginia** facilities noted above for the periods indicated reveals that a substantially consistent high level of care has been provided with the exception of Colonial Heights Health Care Center, Glenburnie Rehabilitation & Nursing Center, Hopewell Health Care Center, Valley Health Care Center and Westport Health Care Center, for which there is insufficient documentation to make a finding.

If able to base our judgment solely on the documentation received from other states, the Department would be able to render a positive finding as to the character and competence of the applicants. We must, however, deal with a larger record, one which lacks sufficient documentation, by the Department's standards for analysis, of the applicants' operation of 35 facilities in five different states. However, it

should be made clear that while these five states could not provide our customarily needed level of detail on operating history, we did not receive any negative findings that would warrant disapproval of this application; and we did receive indications of acceptable operating experience. The Department believes it reasonable to infer from these facts that the applicants have provided a sufficiently high level of care at the facilities they have operated.

Contingency

Submission of any and all information requested by the Division of Legal Affairs, in a form and manner acceptable to the Department.

Recommendation: Contingent Approval

Date: March 16, 2012

Division of Home & Community Based Care
Character and Competence Staff Review

Name of Agency: 44 Ball Street Operating Company, LLC d/b/a Elderwood Home Care at Waverly
 Address: Waverly
 County: Tioga
 Structure: Limited Liability Company
 Application Number: 2031-L

Description of Project:

44 Ball Street Operating Company, LLC d/b/a Elderwood Home Care at Waverly, a limited liability company, requests approval for a change in ownership of a licensed home care services agency under Article 36 of the Public Health Law.

Elderwood Assisted Living at Tioga, LLC was previously approved as a home care services agency by the Public Health Council at its November 16, 2007 meeting and subsequently licensed as 1626L001. At that time the membership was as follows: Robert Chur, Member – 75% and Carol Chur, Member – 25%.

The members of the 44 Ball Street Operating Company, LLC d/b/a Elderwood Home Care at Waverly comprises the following individuals:

Warren D. Cole, Member, Co-CEO – 50% Partner, Post Acute Partners, LLC	Jeffrey Rubin, Member, Co-CEO – 50% Partner, Post Acute Partners, LLC
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A search of the individual named above revealed no matches on either the Medicaid Disqualified Provider List or the OIG Exclusion List.

The applicant will continue to serve the residents of the Tioga from an office located at 44 Ball Street, Waverly New York 14892.

The applicant proposes to provide the following health care services:

Nursing	Home Health Aide	Personal Care	Speech-Language Pathology
Physical Therapy	Occupational Therapy	Audiology	Respiratory Therapy
Nutrition	Homemaker	Housekeeper	Medical Social Services

A review of the operations of the following facilities was performed as part of this review for the time periods specified:

ACU-acute care/hospital	ICF-intermediate care facility/group home
ALF-assisted living facility	IRF-intermediate rehabilitation facility (similar to SNF short term rehab)
HHA-home health agency	LTA-long term acute care hospital (similar to TCU)
HOM-homecare	RX-pharmacy
HOS-hospice	SNF-skilled nursing facility/nursing home

(Note: actual dates of ownership may extend prior to 2003)

Alabama

Laurelton Rehabilitation and Nursing Center*	SNF	10/2006 to 5/2008
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California

San Joaquin Valley Rehabilitation Hospital	Hospital	7/2004-7/2004
Kenfield Rehabilitation Hospital	Hospital	8/2003-7/2004

Care Alternatives of California*	Hospice	2003-10/2009
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Colorado

North Valley Rehabilitation Hospital (Haven Behavioral Sr. Care)	ACU-PSYCH	7/2003-8/2004
North Valley Rehabilitation Hospital (Vibra LTACH)	LTA	7/2003-8/2004
North Valley Rehabilitation Hospital (Vista View Care Center)	SNF	7/2003-8/2004

Connecticut

Danbury Health Care Center*	SNF	8/2003-10/2009
Darien Health Care Center*	SNF	8/2003-10/2009
Golden Hill Health Care Center*	SNF	8/2003-10/2009
Long Ridge of Stamford*	SNF	8/2003-10/2009
Newington Health Care Center*	SNF	8/2003-10/2009
Partners Pharmacy of Connecticut*	RX	2003-10/2009
River Glen Health Care Center (a/k/a Southbury HCC)*	SNF	8/2003-10/2009
The Highlands Health Care Center*	SNF	8/2003-10/2009
West River Health Care Center (a/k/a Milford North HCC)*	SNF	8/2003-10/2009
Westport Health Care Center*	SNF	8/2003-10/2009
Wethersfield Health Care Center*	SNF	8/2003-10/2009

Kansas

Care Alternatives of Kansas	HOS	2004-10/2009
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Kentucky

Southern Kentucky Rehabilitation Hospital	IRF	5/2003-7/2004
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Maryland

Montgomery Village Health Care Center	SNF	2003-10/2009
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Massachusetts

Brookline Health Care Center*	SNF	8/2003-10/2009
Calvin Coolidge Nursing & Rehab Center for Northampton*	SNF	8/2003-10/2009
Care Alternatives of Massachusetts*	HOS	2005-10/2009
Concord Health Care Center*	SNF	8/2003-10/2009
Essex Park Rehabilitation & Nursing Center*	SNF	3/2005-10/2009
Holyoke Health Care Center*	SNF	8/2003-10/2009
Lexington Health Care Center*	SNF	8/2003-10/2009
Lowell Health Care Center*	SNF	8/2003-10/2009
Millbury Health Care Center*	SNF	8/2003-10/2009
New Bedford Health Care Center*	SNF	8/2003-10/2009
New Bedford Rehabilitation Hospital*	IRF	7/2003-8/2004
Newton Health Care Center*	SNF	8/2003-10/2009
North Shore Health Care Center*	SNF	8/2003-10/2009
Partners Pharmacy of Massachusetts*	RX	2004-10/2009
Peabody Glen Health Care Center*	SNF	8/2003-10/2009
Redstone Health Care Center (a/k/a East Longmeadow HCC)*	SNF	8/2003-10/2009
Weymouth Health Care Center*	SNF	8/2003-10/2009
Wilmington Health Care Center*	SNF	8/2003-10/2009

Michigan

Grand Blanc Rehabilitation & Nursing Center	SNF	10/2006-10/2009
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Missouri

Care Alternatives of Missouri	HOS	2003-10/2009
Cliffview at Riverside Rehab & Nursing Center	SNF	10/2006-5/2008
Partners Pharmacy of Missouri*	RX	2003-10/2009

New Jersey

Bergen Care Home Health	HHA	2007-10/2009
Bergen Care Personal Touch	HOM	2007-10/2009
Care Alternatives of New Jersey	HOS	2001-10/2009
Care One at Dunroven	SNF	2001-10/2009
Care One at East Brunswick	SNF	2/2002-10/2009
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Care One at Ewing	SNF	11/2004-10/2009
Care One at Hamilton	SNF	5/2002-10/2009
Care One at Holmdel	SNF	8/1997-10/2009
Care One at Jackson (a/k/a Jackson HCC)	SNF	2004-10/2009
Care One at King James	SNF	2003-10/2009
Care One at Livingston	SNF	10/2002-10/2009
Care One at Livingston Assisted Living	ALF	9/2005-10/2009
Care One at Madison Avenue	SNF	1/2005-10/2009
Care One at Moorestown	SNF	9/2003-10/2009
Care One at Harmony Village at Moorestown	ALF	8/2003-10/2009
Care One at Morris	SNF	8/2001-10/2009
Care One at Morris Assisted Living	ALF	3/2003-10/2009
Care One at Pine Rest	SNF	2001-10/2009
Care One at Raritan Bay MC	LTA	3/2004-10/2009
Care One Harmony Village at Moorestown	SNF	9/2003-10/2009
Care One at Teaneck	SNF	4/2007-10/2009
Care One at The Cupola	SNF	2001-10/2009
Care One at The Highlands	SNF	2001-10/2009
Care One at Valley	SNF	2001-10/2009
Care One at Wall	SNF	9/2004-10/2009
Care One at Wayne	SNF/ALF	6/2002-10/2009
Care One at Wellington	SNF	6/2002-10/2009
Marlton Rehabilitation Hospital	IRF	5/2003-7/2004
Oradell Health Care Center	SNF	2003-10/2009
Partners Pharmacy of New Jersey	RX	2001-10/2009
Somerset Valley Rehabilitation & Nursing Center	SNF	10/2009-10/2009
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North Carolina

Blue Ridge Health Care Center	SNF	8/2002-10/2009
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The Rehabilitation & Nursing Center at Elm Creek	SNF	10/2006-10/2009
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Pennsylvania

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Pediatric Specialty Care at Doylestown	SNF	2/2011-present
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Presque Isle Rehabilitation & Nursing Center	SNF	10/2006-10/2009
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<u>Puerto Rico</u>		
Medicare Y Mucho Mas*	Medicare Agency	2005-11/2009
<u>Rhode Island</u>		
Scallop Shell Nursing & Rehabilitation Center	SNF	12/2010-present
<u>Virginia</u>		
Care Alternatives of Virginia*	HOS	4/2002-10/2009
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Glenburnie Rehabilitation & Nursing Center*	SNF	4/2002-10/2009
Hopewell Health Care Center*	SNF	4/2002/10/2009
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A review of the **Rhode Island** facility noted above for the periods indicated reveals that a substantially consistent high level of care has been provided.

A review of the **Virginia** facilities noted above for the periods indicated reveals that a substantially consistent high level of care has been provided with the exception of Colonial Heights Health Care Center, Glenburnie Rehabilitation & Nursing Center, Hopewell Health Care Center, Valley Health Care Center and Westport Health Care Center, for which there is insufficient documentation to make a finding.

If able to base our judgment solely on the documentation received from other states, the Department would be able to render a positive finding as to the character and competence of the applicants. We must, however, deal with a larger record, one which lacks sufficient documentation, by the Department's standards for analysis, of the applicants' operation of 35 facilities in five different states. However, it

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Contingency

Submission of any and all information requested by the Division of Legal Affairs, in a form and manner acceptable to the Department.

Recommendation: Contingent Approval

Date: March 16, 2012