

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

Name of Agency: Garden Homecare, LLC
Address: Kenmore
County: Erie
Structure: Limited Liability Company
Application Number: 2153-L

Description of Project:

Garden Homecare, LLC, a limited liability company, requests approval to obtain licensure as a home care services agency under Article 36 of the Public Health Law.

This application is to establish a licensed home care service agency associated with a new Assisted Living Program (ALP). This LHCSA will be associated with Kenwell Gardens Adult Care Facility Assisted Living Program.

The members of the Garden Homecare, LLC comprises the following individuals:

Brian Rosenman – 90%	Leah Rosenman – 10%
Operator, Suton Gardens, LLC	Unemployed
Receiver, Kelly's Home for Adults	

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

The applicant will serve the residents of the Erie County from an office located at 3456 Delaware Avenue, New York 14217.

The applicant proposes to provide the following health care services:

Nursing	Home Health Aide	Personal Care	Medical Social Services
Physical Therapy	Occupational Therapy	Nutrition	Homemaker
Housekeeper			

A review of the operations of the adult care facilities was performed as part of this review. The Adult Care Facility Policy and Surveillance unit has indicated the following:

Suton Gardens, LLC was fined two thousand dollars (\$2,000.00) pursuant to a stipulation and order dated November 21, 2012 for surveillance findings of June 9, 2011 and August 25, 2011. Deficiencies were found under 10 NYCRR 487.8(e)(1) Food Service.

The information provided by the Adult Care Facility Policy and Surveillance unit has indicated that the applicant has provided sufficient supervision to prevent harm to the health, safety and welfare of residents and to prevent recurrent code violations.

Review of the Personal Qualifying Information indicates that the applicant has the required character and competence to operate a licensed home care services agency.

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: January 30, 2013