

Licensed Home Care Services Agency
Character and Competence Staff Review

Name of Agency: Shire Senior Living LLC
Address: Rochester
County: Monroe
Structure: Limited Liability Company
Application Number: #2331-L

Description of Project:

Shire Senior Living, LLC d/b/a Shire Senior Living Home Care, 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. Shire Senior Living, LLC was previously approved as a home care services agency by the Public Health Council at its November 19, 1993 meeting and subsequently licensed as # 9451L001.

This LHCSA will be associated with an Assisted Living Program (ALP) at Shire at Culverton Adult Home.

The sole member of Shire Senior Living, LLC is:

Brian H. Rosenman - 100%
Asset Manager. GFI Capital Resources

Affiliations:
Operator, Sutton Gardens, LLC
Receiver, Kelly's Home for Adults

The Bureau of Professional Credentialing indicated that Brian H. Rosenman's Real Estate Broker's license in good standing and they have never taken disciplinary action against this individual or his license.

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

The applicant proposes to serve the residents of the following counties from an office located at 2515 Culver Road, Rochester, NY 14609.

Monroe	Chemung	Livingston
Ontario	Wayne	Genesee
Schuyler	Seneca	Steuben
Yates		

The applicant proposes to provide the following health care services:

Nursing	Home Health Aide	Physical Therapy
Occupational Therapy	Respiratory Therapy	Speech-Language Pathology
Medical Social Services		

A seven (7) year review of the operations of the following facilities/ agencies was performed as part of this review (unless otherwise noted):

Sutton Gardens, LLC (2009 - present)
Kelly's Home for Adults (2011- present)

Sutton 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.

Kelly's Home for Adults was fined thirty thousand dollars (\$30,000.00) pursuant to a stipulation and order dated February 6, 2014 for surveillance findings of September 8, 2011, September 20, 2012, January 27, 2013 and October 10, 2013. Deficiencies were found under 10 NYCRR 487.4(a) Admission Standards, 487.6(a)(1) Resident Funds and Valuables, 487.7(g)(1)(i) Resident Services, 487.7(h)(1) Resident Services, 487.11(f)(19) Smoke/Fire Protection, 487.11(i)(11-12) Environmental Standards, 487.11(j)(1-3) Environmental Standards and 487.11(k)(4) Environmental Standards, 487.11(k)(5) Environmental Standards, 487.11(f)(19) Smoke/Fire Protection and for 487.11(j)(1-3) Housekeeping. The fine was paid on March 11, 2014.

Kelly's Home for Adults was fined one thousand and five hundred dollars (\$1,500.00) pursuant to a stipulation and order dated October 22, 2014 for surveillance findings of October 10, 2013 and March 4, 2014. Deficiencies were found under 10 NYCRR 487.11(f)(10) Environmental Standards; 487.11(i)(11-12) Environmental Standards; and for 487.11(k)(5) Environmental Standards.

The information provided by the Division of Assisted Living 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: November 10, 2014