

NH rate litigation look
pt 2

Litigation

File Number	Title	Nature	Type	Adversary Attorney Name	DOH Attorney	Status	Date Received
10279	Greater New York Health Care Facility Association, et al. v. Shah, et al.	Petitioners seek to invalidate the Depts current Medicaid rate-setting methodology for NH services for the period on and after 1/1/11, on the ground said methodology violates federal Medicaid law rate-setting standards.	OHSM Reimbursement - Nursing Home	Allison b. Kochman, Esq.	Zahnleuter, Rick	Pending	10/19/2011
10278	Schenectady Nursing and Rehabilitation Center, LLC d/b/a The Avenue Nursing and Rehabilitation Centre v. Shah	Petitioner seeks an Order declaring rate periods 2007 forward that the Depts calculation of the Petitioner's Medicaid reimbursement rates based on the Petitioner's (first) submission of a 12 month cost report for 7/1/07 to 6/30/08 was erroneous as to vari	OHSM Reimbursement - Nursing Home	Patricia A. Ranney, Paralegal of O'Connell & Aronowitz.	Zahnleuter, Rick	Pending	10/17/2011
10277	Cold Spring Hills Center for Nursing and Rehabilitation v. Shah, Megna, et al.	Petitioner seeks an Order declaring for rate periods 2009 forward that the Dept's calculation of the Petitioner's Medicaid reimbursement rates based on a pre-Berger Commission 2008 bed capacity of 672 instead of the post Berger Commission actual bed capac	OHSM Reimbursement - Nursing Home	Thomas G. Smith, Esq., of Harter Secrest & Emery, LLP	Zahnleuter, Rick	Pending	10/21/2011
10276	Bayberry Nursing Home, et al. v. Shah, Megna, et al.	Plaintiff seeking judgment (a) declaring that Medicaid rates promulgated in June 2011 for the period from April 2009 through at leaste Sept. 2011 are improper, unlawfuol and deficient; and (b) directing recalculation of Medicaid rates and payment at the r	OHSM Reimbursement - Nursing Home	Jeffrey L. Bernfeld of Bernfeld, DeMatteo & Bernfeld, LLP	Zahnleuter, Rick	Pending	11/03/2011
10273	Odd Fellows & Rebekah Rehabilitation and Health Care-Center, Inc. v. Commissioner of Health of the State of New York et al.	Petitioner is seeking an Order from the Court pursuant to Art. 78 fo the CPLR: (1) annulling the determination issued July 15, 2011 insofar as it upheld the disallowance of certain operating and property costs (e.g., reclassification of employee salaries	OHSM Reimbursement - Nursing Home	Ruffo Tabora Mainello & McKay, P.C.	Conner, Caitlin	Pending	11/18/2011
10272	German Masonic Home Corporation v. Commissioner of Health of the State of New York, et al.	Petitioner is seeking an Order from the Court pursuant to Art. 78 of the CPLR: (1) annulling the determination issued on July 15, 2011 insofar as it upheld adjustments from investment income offset and for working capital interest; and (2) directing the r	OHSM Reimbursement - Nursing Home	Ruffo, Tabora Mainello & McKay, P.C.	Conner, Caitlin	Pending	11/18/2011
10263	United Home for Aged Hebrews, et al. v. New York State Department of Health, et al.	Petitioner is seeking an Order declaring for rate periods 2009 forward that the Department calculated Medicaid reimbursement rates incorrectly by including contrary to the Kateri Court decision,	OHSM Reimbursement - Nursing Home	Thomas S. D'Antonio of Ward Greenberg Heller & Reidy, LLP	Zahnleuter, Rick	Pending	11/01/2011

10262	Good Samaritan Hospital Medical Center, Inc., et al. v. New York State Department of Health, et al.	"reserved bed days" in "patient days." Petitioner is seeking an Order declaring for rate periods 2009 forward that the Department calculated Medicaid reimbursement rates incorrectly by including contrary to the Kateri Court decision, "Reserved bed days" in "patient days."	OHSM Reimbursement - Nursing Home	Thomas S. D'Antonio of Ward Greenberg Heller & Reidy, LLP	Zahnleuter, Rick	Pending 11/01/2011
10261	Autumn View Health Care Facility, et al. v. New York State Department of Health, et al.	Petitioner is seeking an Order declaring for rate periods 2009 forward that the Department calculated Medicaid reimbursement rates incorrectly by including, contrary to the Kateri Court decision, "reserved bed days" in "patient days."	OHSM Reimbursement - Nursing Home	Thomas S. D'Antonio of Ward Greenberg Heller & Reidy LLP	Zahnleuter, Rick	Pending 11/01/2011
10260	Carthage Nursing & Rehabilitation Center, LLC, d/b/a The Country Manor Nursing & Rehabilitation Centre v. Shah	Petitioner is seeking an Order declaring for rate periods 2009 forward that the Dept. calculated Medicaid reimbursement rates incorrectly by including contrary to the Kateri court decision, "reserbed bed days" in "patient days." Petitioner is also seekin	OHSM Reimbursement - Nursing Home	Patricia A. Ranney, Paralegal of O'Connell & Aronowitz	Zahnleuter, Rick	Pending 10/18/2011
10259	Troy Nursing & Rehabilitation Center, LLC, d/b/a The Springs Nursing and Rehabilitation Centre v. Shah	Petitioner is seeking an Order declaring for rate periods 2009 forward that the Dept. calculated Medicaid reimbursement rates nicorrectly by including contrary to the Kateri court decision, "reserbed bed days" in "patient days." Petitioner is also seekin	OHSM Reimbursement - Nursing Home	Patricia A. Ranney, Paralegal of O'Connell & Aronowitz	Zahnleuter, Rick	Pending 10/18/2011
10258	Glens Falls Nursing & Rehabilitation Center, LLC, d/b/a The Stanton Nursing & Rehabilitation Centre v. Shah	Petitioner is seeking an Order declaring for rate periods 2009 forward that the Dept. calculated Medicaid reimbursement rates incorrectly by including contrary to the Kateri court decision, "reserved bed days" in "patient days." Petitioner is also seeki	OHSM Reimbursement - Nursing Home	Patricia A. Ranney, Paralegal of O'Connell & Aronowitz	Zahnleuter, Rick	Pending 10/18/2011
10257	Jansen Road Nursing & Rehabilitation Center, LLC, d/b/a The Mountain View Nursing & Rehabilitation Centre v. Shah	Petitioner is seeking an Order declaring for rate periods 2009 forward that the Dept. calculated Medicaid reimbursement rates incorrectly by including contrary to the Kateri court decision, "reserved bed days" in "patient days." Petitioner is also seekin	OHSM Reimbursement - Nursing Home	Patricia A. Ranney, Paralegal of O'Connell & Aronowitz	Zahnleuter, Rick	Pending 10/18/2011
10256	Minoa Nursing & Rehabilitation Center, LLC, d/b/a The Crossings Nursing & Rehabilitation Centre v. Shah	Petitioner is seeking an Order declaring for rate periods 2009 forward that hte Dept. calculated Medicaid reimbursement rates incorrectly by including contrary to the Kateri court decision, "reserved bed days" in "patient days." Petitioner is also seekin	OHSM Reimbursement - Nursing Home	Patricia A. Ranney, Paralegal of O'Connell & Aronowitz	Zahnleuter, Rick	Pending 10/18/2011
10255	Granville Nursing & Rehabilitation Center, LLC, d/b/a The Orchard Nursing & Rehabilitation Centre v. Shah	Petitioner is seeking an Order declaring for rate periods 2009 forward that the Kateri court deicision, "reserved bed	OHSM Reimbursement - Nursing Home	Patricia A. Ranney, Paralegal of O'Connell & Aronowitz	Zahnleuter, Rick	Pending 10/18/2011

		days" in "patient days." Petitioner is also seeking an Order granting its various pending rate appeals on the ground that the Dept. is li				
10254	Schenectady Nursing and Rehabilitation Center LLC, d/b/a Dutch Manor Nursing and Rehabilitation Centre v. Shah	Petitioner is seeking an Order declaring for rate periods 2009 forward that the Dept. calculated Medicaid reimbursement rates incorrectly by including contrary to the Kateri court decision, "reserved bed days" in "patient days." Petitioner is also seekin	OHSM Reimbursement - Nursing Home	Patricia A. Ranney, Paralegal	Zahnleuter, Rick	Pending 10/18/2011
10249	St. Barnabas Nursing Home, Inc. v. Shah, et al.	Petitioner is seeking in this "hybrid declaratory judgment action and article 78 proceeding" (1) declaration that Respondents' determination of petitioner's Medicaid rates have been set incorrectly due to errors in the computation of a hold harmless rate, p	OHSM Reimbursement - Nursing Home	Jason Hsi of Garfunkel Wild, P.C.	Zahnleuter, Rick	Pending 10/21/2011
10238	Jewish Home Lifecare - Sarah Neuman Center, Westchester v. Shah and Megna (2)	Petitioner challenges the Department's classification of petitioner as a New York City facility, rather than a Westchester County facility, for purposes of determining its wage equalization factor, also referred to as the Regional Input Price Adjustment F	OHSM Reimbursement - Nursing Home	Brian T. McGovern of Cadwalader, Wickersham & Taft LLP	Cartier, Susan	Pending 10/21/2011
10236	Bridge View Nursing Home, Inc., et al v Cuomo, Shah	Declaratory judgment action by 32 downstate proprietary NHs challenging their "re-basing" Medicaid rates issued in June, 2011 and made retro to 4/1/09. Also, issue of \$210M scale-back law.	OHSM Reimbursement - Nursing Home	Jerome T. Levy, Esq., (Duane Morris, LLP)	Veino, Robert	Pending 10/20/2011
10228	Wedgewood Care Center, Inc. d/b/a Highfield Gardens Care Center of Great Neck v. Nirav R. Shah, M.D., M.P.H., as Commissioner of Health of the State of New York	Petitioner is seeking a judgment directing the Department to process petitioner's outstanding Medicaid rate appeals and revise its Medicaid reimbursement rate.	OHSM Reimbursement - Nursing Home	Mark H. Zafrin, Esq., of Michelman & Robinson, LLP	Cartier, Susan	Pending 10/06/2011
10208	Ozanam Hall of Queens Nursing Home, Inc. v. Commissioner of Health	Petitioner is challenging the Department's denial to reconsider an appeal and seeks an order demanding the Department to provide plaintiff with an opportunity to be heard regarding an alleged disputed issue of fact.	OHSM Reimbursement - Nursing Home	Gurudev D. Allin, Esq., of Ruffo Tabora Mainello & McKay, P.C.	Cartier, Susan	Pending 09/01/2011
10180	M. M. Ewing Continuing Care Center v. DOH	Petitioner is seeking an order directing the Department to process petitioner's outstanding Medicaid rate appeals from between 1984 and 2007.	OHSM Reimbursement - Nursing Home	Hermes Fernandes, Esq., of Bond, Schoeneck & King, PLLC	Cartier, Susan	Pending 07/12/2011
10169	Grace Plaza of Great Neck, Inc. v. Shah, Megna	Petitioner is seeking to require the recalculation of the Medicare Part B Offset used in calculating its 1999 through 2003 Medicaid reimbursement rate and in particular challenges the correction of a purported error in the	OHSM Reimbursement - Nursing Home	Neil Murray of O'Connell Rosenthal, Hal & Aronowitz		Pending 06/23/2011

10168	Sunshine Children's Home & Rehab Center v. Shah, Megna	calculation of a 1994 physician Petitioner, a 44 bed for-profit pediatric nursing home, challenges the calculation of its new base year (new operator) cost based Medicaid rates for September 1, 2009 onward.	OHSM Reimbursement - Nursing Home	Cornelius D. Murray (O'Connell & Aronowitz)	Veino, Robert	Pending 06/23/2011
10167	Isabella Geriatric Center, Inc., vs DOH, OMIG, DOB	Declaratory judgment action in Supreme Court, Albany County seeking to annul an OMIG audit determination re plaintiff's reimbursement for its mortgage interest expense for 2002-05 period.	OHSM Reimbursement - Nursing Home	Ruffo, Tabora, Mainello & McKay, PC (Gurudev D. Allin, esq)	Veino, Robert	Pending 06/23/2011
10161	Baird Nursing Home vs Shah, Megna [DOB]	Article 78 proceeding seeking to require DOH to process certain pending administrative rate appeals (2002-09 period) filed by petitioner.	OHSM Reimbursement - Nursing Home	Harter, Secrest & Emery, LLP (Thomas G. Smith, esq)	Veino, Robert	Pending 06/14/2011
10151	Conesus Lake Nursing Home, Penfield Place, LLC v. Shah, Megna	Petitioner's are seeking to annul determinations pertaining to recruitment and retention awards for April 1, 2007 onward.	OHSM Reimbursement - Nursing Home	Tom Smith of Harter Secrest & Emery	Rosenthal, Hal	Pending 05/23/2011
10150	Adirondack Medical Center v. Sheehan, OMIG	Petitioner challenges the Office of the Medicaid Inspector General's authority to audit Patient Review Instruments the Department was served with notice of the proceeding, but is not named as a party.	OHSM Reimbursement - Nursing Home	Richard Frankel of Iseman Cunningham Riester & Hyde	Rosenthal, Hal	Pending 05/13/2011
10142	New Sans Souci Nursing Home, LLC, Sans Souci Rehabilitation and Nursing Center as d/b/a of Westchester Park, LLC v. Commissioner of Health of the State of New York, Director of the Budget of the State of New York	Petitioners challenge the medical reimbursement rates calculated for a new nursing home operator for periods after October 1, 2007, asserting that the Department improperly utilized patient review instruments for periods prior to October 1, 2007, in deter	OHSM Reimbursement - Nursing Home	Raul Tabora	Rosenthal, Hal	Pending 04/28/2011
10139	Avalon Gardens Rehabilitation and Health Care Center LLC v. Shah, Megna	Petitioner challenges determinations including the calculation of its cost-based pediatric unit rates, and the denial of working capital interest and capital cost appeals. Petitioner seeks a preliminary injunction enjoining recoupment of Medicaid overpay	OHSM Reimbursement - Nursing Home	David Yaffle	Rosenthal, Hal	Pending 05/06/2011
10132	Putnam Ridge Nursing Home & Rehabilitation Center, et al vs Nirav R. Shah, MD, Commissioner NYS DEPT OF HEALTH and Robert L. Megna, Director NYS Budget	Article 78 -- S. CT, Monroe Co., seeking to require DOH + DOB to issue final re-basing rates for NHs (per 2808 (2-b)(b)) retro to 4/1/09.	OHSM Reimbursement - Nursing Home	Harter, Secrest & Emory, LLP (Thomas G. Smith, Esq)	Veino, Robert	Pending 04/21/2011
10115	Concourse Rehabilitation & Nursing Center, Inc. v. Nirav R. Shah, M.D., M.P.H., Robert L. Megna	Plaintiff challenges the calculation of its January 1, 2008 through March 31, 2009 Medicaid reimbursement rates asserting it has not received proper reimbursement of its real property taxes.	OHSM Reimbursement - Nursing Home	Marvin Neiman	Rosenthal, Hal	Pending 03/28/2011
10109	Kirkhaven Transitional	Article 78 proceeding	OHSM Reimbursement - Nursing Home	Harter, Secrest &	Veino, Robert	Pending 03/23/2011

	& LTC, et al v. Nirav R. Shah, MD, Commissioner of Health and Robert Megna [DOB]	commenced on 3/23/11 on behalf of many (50+) upstate nursing homes seeking to require DOH + DOB to implement re-basing rates for NHs retro to 4/1/09 as required by PHL sec 2808(2-b)(b)	Nursing Home	Emory, LLP (Thomas G. Smith, Esq.)		
10070	Baptist Health Nursing and Rehabilitation Center, Inc. v. The Commissioner of Health of the State of New York and the Director of the Division of the Budget of the State of New York	Petitioner is seeking to annul the calculation of the Medicare Part B offset utilized in calculating its 1999-2007 Medicaid reimbursement rates.	OHSM Reimbursement - Nursing Home	Ruffo Tabora Mainello & McKay, P.C.	Rosenthal, Hal	Pending 01/03/2011
10063	Village Park Health Care Center, et al. v. Daines, Megna	Petitioners are seeking a judgment that the Department's determinations of petitioners' Medicaid rate appeals for rates effective on or after January 1, 1992 be declared illegal.	OHSM Reimbursement - Nursing Home	Thomas G. Smith, Esq., of Harter, Secrest & Emery LLP	Cartier, Susan	Pending 12/14/2010
10058	Mercy Hospital Skilled Nursing Facility v Richard F. Daines, M.D., Robert L. Megna	Petitioner seeks to require the processing of a capital cost rate appeal submitted on October 8, 2008.	OHSM Reimbursement - Nursing Home	Harter Secrest & Emery, LLP	Rosenthal, Hal	Pending 12/08/2010
10055	Bronx-Lebanon Hospital Center v. Richard F. Daines, New York State Department of Health	Petitioner challenges the denial of a rate appeal by which petitioner sought a revision of its 2008/2009 Medicaid reimbursement rates for inpatient medically managed detoxification care.	OHSM Reimbursement - Nursing Home	Ed Kornreich, Hershel Goldfield, Roger A. Cohen, Pierre Circ, of Proskauer Rose	Cartier, Susan	Pending 11/19/2010
10049	Nassau University Medical Center v. Richard F. Daines, New York State Department of Health	Petitioner challenges the denial of a rate appeal by which petitioner sought a revision of its 2008/2009 Medicaid reimbursement rates for inpatient medically managed detoxification care.	OHSM Reimbursement - Nursing Home	Ed Kornreich, Hershel Goldfield, Roger A. Cohen, Pierre Circ, of Proskauer Rose	Cartier, Susan	Pending 11/16/2010
10048	Sound Shore Medical Center v. Richard F. Daines, New York State Department of Health	Petitioner challenges the denial of a rate appeal by which petitioner sought a revision of its 2008/2009 Medicaid reimbursement rates for inpatient medically managed detoxification care.	OHSM Reimbursement - Nursing Home	Ed Kornreich, Hershel Goldfield, Roger A. Cohen, Pierre Circ, of Proskauer Rose	Cartier, Susan	Pending 11/16/2010
10037	Richmond Medical Center v. Richard F. Daines, New York State Department of Health	Petitioner challenges the denial of a rate appeal by which petitioner sought a revision of its 2008 Medicaid reimbursement rates for inpatient medically managed detoxification care.	OHSM Reimbursement - Nursing Home	Ed Kornreich, Hershel Goldfield, Roger A. Cohen, Pierre Circ, of Proskauer Rose	Cartier, Susan	Pending 11/08/2010
10036	Meadow Park Rehabilitation & Health Care Center, LLC, and New Surfside Nursing Home, LLC v. Richard F. Daines, M.D., Robert L. Megna	Petitioners are seeking to require the Department to revise their Medicaid reimbursement rates to reflect their January and April 2006 Patient Review Instrument submissions.	OHSM Reimbursement - Nursing Home	Hamburger, Mayson Yaffee Knauer & McNally	Rosenthal, Hal	Pending 10/26/2010
10027	The Dewitt Nursing and Rehabilitation Center V Richard F. Daines MD Commissioner NYS DOH and James G. Sheehan as Inspector General of OMIG	This is an action for declaratory judgment and injunctive relief under the PHL. Issue pertains to OMIG PRI audit authority.	OHSM Reimbursement - Nursing Home	Harvey Weinberg	Veino, Robert	Pending 10/27/2010

10007	New Surfside Nursing Home, LLC, Meadow Park Rehabilitation and Health Care Center, LLC v. State	Claimants allege the Department failed to properly reimburse them for residents in claimants' neurobiological program and seek damages for fraudulent inducement, and breach of express and implied contracts and unjust enrichment.	OHSM Reimbursement - Nursing Home	Hamburger, Maxson, Yaffe, Knaures & McNally, LLP	Bierman, Joseph	Pending 09/09/2010
10005	Bayberry Nursing Home, et al vs. Daines + Megna [DOB]	Declaratory judgement action by 13 NHs re Medicaid nursing home rates for 2008 and 2009 period. Issues include reserve bed days, 60 day notice of rates, \$210 M scaleback law and trend factor elimination. [Same plaintiff's attorney + about the same N	OHSM Reimbursement - Nursing Home	Bernfeld, DeMatteo & Bernfeld, LLP (Jeffrey Bernfeld, Esq.)	Veino, Robert	Pending 09/13/2010
10004	Three Rivers Health Care Center, Inc., Arbor Park Health Care Center, and Park Shore Health Care Center, Inc. vs Richard F. Daines, MD, Commissioner NYS DOH & Robert L. Megna as Director of the Budget of the State of NY	Art 78 proceeding in S Ct, Monroe Co seeking to challenge DOH denial of certain rate appeals re to Part B offset + admin cap	OHSM Reimbursement - Nursing Home	Harter, Secret & Emory, LLP (Thomas G. Smith, Esq.)	Veino, Robert	Pending 09/13/2010
9769	Nassau Health Care Corporation v. NYSDOH, Daines	Petitioner seeks to annual rate revisions to A. Holly Paterson Nursing Home's 1996-2002 Medicaid reimbursement rates.	OHSM Reimbursement - Nursing Home	Jeffrey Thorpe of Foley & Lordner, LLP	Rosenthal, Hal	Pending 08/02/2010
9766	North Sea Associates, LLC d/b/a The Hamptons Center for Rehabilitation & Nursing v. Richard F. Daines, et al.	Petitioner seeks to require the processing of a rate appeal for cost based rates.	OHSM Reimbursement - Nursing Home	Hamburger Maxson Yaffe Knauer & McNally, LLP	Rosenthal, Hal	Pending 07/26/2010
9751	Sprain Brook Manor Nursing Home LLC v. New York State Department of Health, et al.	Petitioner seeks to require the Department to allow it to file reports regarding its cash receipts assessment liabilities after those amounts have been billed for recoupment and to refund alleged our recoupment of Medicaid payments.	OHSM Reimbursement - Nursing Home	Garfunkel Wild	Rosenthal, Hal	Pending 06/22/2010
9743	Concourse Rehabilitation & Nursing Center, Inc. v. Daines, Sheehan	Plaintiff is seeking to enjoin an audit of its 2005 and 2006 Patient Review Instruments being conducted by the Office of the Medicaid Inspector General.	OHSM Reimbursement - Nursing Home	Marvin Neiman	Rosenthal, Hal	Pending 06/17/2010
9733	Willoughby Rehabilitation and Health Care Center, LLC d/b/a Spring Creek Rehabilitation Nursing Care Center v. Daines, Megna	Petitioner seeks to require the processing of two Medicaid rate appeals and its patient minimum data set submissions and to enjoin recoupment of Medicaid overpayments pending the determination of the rate appeals.	OHSM Reimbursement - Nursing Home	Hamburger, Maxson, Yaffe, Knauer & McNally, LLP	Rosenthal, Hal	Pending 06/11/2010
9729	Chapin Home for the Aging v. Daines, Director of the Budget	Challenge to Medicaid reimbursement rates in effect from April 1, 2009 through March 31, 2010. Issues raised are application of the scaleback and Medicaid only case mix adjustments	OHSM Reimbursement - Nursing Home	Ruffo, Tabora, Mainello & McKay, P.C.	Bierman, Joseph	Pending 05/27/2010
9728	St. Mary's Center, Inc. v. Daines, Director of the Budget	Challenge to Medicaid reimbursement rates in effect from April 1,	OHSM Reimbursement - Nursing Home	Ruffo Tabora Mainello & McKay, P.C.	Bierman, Joseph	Pending 05/27/2010

9726	Schervier Nursing Care Center and 5 others v. Daines, Director of the Budget	2009, through March 31, 2010. Issues raised are application of the scaleback and Medicaid only case mix adjustments Challenge to Medicaid reimbursement rates issued for April 1, 2009, through March 31, 2010. Issues raised are the application of the scaleback adjustment and the Medicaid mix case adjustment.	OHSM Reimbursement - Nursing Home	Ruffo Tabors Mainello & Bierman, Joseph McKay, P.C.		Pending 05/24/2010
9723	Father Baker Manor and 30 others v. Daines, Megna	Challenge to Medicaid reimbursement rates effective April 1, 2009. Issues raised are scaleback adjustment, Medicaid only case mix adjustment and computation of the WEF.	OHSM Reimbursement - Nursing Home	Harter Secrest & Emery, Cartier, Susan LLP		Pending 05/20/2010
9722	Hawthorn Health Multicare Center for Living and 8 others v. Daines, Megna	Challenge to Medicaid reimbursement rates effective April 1, 2009. Issues raised are scaleback adjustment Medicaid only case mix adjustment and computation of the WEF, and individual nursing home computation errors.	OHSM Reimbursement - Nursing Home	Harter Secrest & Emery, Cartier, Susan LLP		Pending 05/20/2010
9721	Avon Nursing Home, LLC, and 29 others v. Daines, Megna	Challenge to Medicaid reimbursement rates effective April 1, 2009. Issues raised are scale back adjustment, Medicaid only case mix adjustment, and computation of the WEF.	OHSM Reimbursement - Nursing Home	Harter, Secrest & Emery, LLP	Bierman, Joseph	Pending 05/21/2010
9720	Jamaica Hospital Nursing Home Co., Inc. v. New York State Department of Health, Richard F. Daines	Petitioner challenges various aspects of the calculation of its 2009 and 2010 Medicaid reimbursement rates.	OHSM Reimbursement - Nursing Home	Foley & Lardner	Rosenthal, Hal	Pending 05/21/2010
9719	Schulman and Schachne Institute for Nursing and Rehabilitation v. NYSDOH, Daines	Petitioner challenges various appeals of the calculation of its 2009 and 2010 Medicaid reimbursements	OHSM Reimbursement - Nursing Home	Foley & Lardner	Rosenthal, Hal	Pending 05/21/2010
9718	Nassau Healthcare Corp. v. New York State Department of Health, Daines	Petitioner challenges various aspects of the calculation of its 2009 and 2010 Medicaid rate.	OHSM Reimbursement - Nursing Home	Foley & Lardner	Rosenthal, Hal	Pending 05/21/2010
9716	Greater New York Health Care Facilities Association, et al. v. Daines, et al.	Petitioners, Greater New York Facilities Association and its members, assert that their 2010 Medicaid reimbursement rates violate 42 USC 1396a (a)(30)'s standard that rates be consistent with efficiency, economy and quality of care and are sufficient to re	OHSM Reimbursement - Nursing Home	Thorns Cone	Rosenthal, Hal	Pending 05/19/2010
9715	Bronx-Lebanon Highbridge Woodcrest Center v. Daines, NYSDOH	Art 78 proceeding in which petitioner seeks to annul April 1, 2009, May 1, 2009, and January 1, 2010 Medicaid reimbursement rates on several grounds. Issues center on "re-basing rates" computed per PHL 2808(2-b)(b). Also reserved bed days issue. *Amended Petition served 10/21/11 --	OHSM Reimbursement - Nursing Home	Garfunken, Wild & Travis, P.C. (Jason Hsi, esq)	Veino, Robert	Pending 05/17/2010
9714	Bronx-Lebanon Special Care Center v. Daines, NYSDOH	Article 78 proceeding challenging Medicaid rates noticed for April 1, 2009, May 1, 2009 and	OHSM Reimbursement - Nursing Home	Garfunkel, Wild & Travis, P.C. (Jason Hsi, esq)	Veino, Robert	Pending 05/17/2010

		January 1, 2010 on several grounds. Amended Petition served 10/21/11, challenging final rebasing rates issued 6/11 on various grounds. Also reserved bed days issue.				
9708	DMN Management Services LLC d/b/a Capital Living & Rehabilitation Centers, et al. v. Daines, Megna	Petitioners challenge April 1, 2009 through March 31, 2010 rates on various grounds. They also seek to compel revisions to their 2008 Medicaid rates to reflect actual gross receipts payments.	OHSM Reimbursement - Nursing Home	O'Connell & Aronowitz	Bierman, Joseph	Pending 05/11/2010
9705	Huntington Living Center v. Richard F. Daines, et al.	Petitioner challenges the calculation of its rate for 2007 onward asserting the rates were not properly calculated in accordance with the "hold harmless" provisions of Public Health Law Section 2808(2-b)(5)(ii).	OHSM Reimbursement - Nursing Home	Harter Secrest & Emery LLP	Rosenthal, Hal	Pending 04/28/2010
9703	New Surfside Nursing Home, LLC and Meadow Park Rehabilitation Care Center, LLC v. Daines	Petitioners seek to annul Medicaid rate revisions which implement case mix adjustments based upon audits of petitioners' patient review instruments.	OHSM Reimbursement - Nursing Home	Hamburger, Maxson, Yaffe, Knauer & McNally, LLP	Bierman, Joseph	Pending 04/26/2010
9679	Bezalel Nursing Home Company, et al. v. Richard F. Daines	Plaintiffs seek a declaration that the rebased Medicaid reimbursement rates issued by the Dept. on January 13, 2010, are invalid for various reasons and that rates in effect on March 31, 2009, shall continue in effect until new rates are properly promulgated.	OHSM Reimbursement - Nursing Home	Tenzer & Lunin	Rosenthal, Hal	Pending 03/10/2010
9660	Adirondack Medical Center - Uihlein, et al. v. Richard F. Daines, M.D.	Petitioners, 25 nursing homes, seek to annul their 2009 Medicaid reimbursement rates and require recalculation of the rates without inclusion of the administrative and fiscal services cost cap and the rate reduction to encourage improved efficiency and pr.	OHSM Reimbursement - Nursing Home	Ruffo, Tabora, Mainello & McKay, P.C.	Rosenthal, Hal	Pending 01/27/2010
9646	Concourse Rehabilitation and Nursing Center, Inc. v. Richard F. Daines, M.D., Robert L. Megna	Plaintiff challenges the calculation of its recruitment retention funds for April 1, 2008 onward.	OHSM Reimbursement - Nursing Home	Marvin Neiman	Rosenthal, Hal	Pending 12/21/2009
9593	The Brightonian Nursing Home, et al. v. Daines, Paterson	Petitioners/Plaintiffs are seeking to enjoin provisions of Public Health Law Section 2805(5)(c) which requires homes to obtain prior written approvals of the Commissioner of Health for withdrawal of equity or assets from the nursing home.	OHSM Reimbursement - Nursing Home	Harter, Secrest & Emery, LLP	Rosenthal, Hal	Pending 09/18/2009
9588	Matter of Benedictine Hospital, as receiver of Hutton Nursing Home	Final Accounting for receivership	OHSM Reimbursement - Nursing Home	Daniels & Porco, LLP	Rosenthal, Hal	Pending 08/25/2009
9574	Bayberry Nursing Home v. Daines, Anglin & 13 other actions	Plaintiffs in 14 separate, but identical actions, seek to declare unlawful the retroactive revision of their 2009 Medicaid reimbursement rates	OHSM Reimbursement - Nursing Home	Bernfeld, DeMatteo & Bernfeld, LLP	Rosenthal, Hal	Pending 08/05/2009

9560	Founders Pavilion, Inc. v. Commissioner of Health of the State of New York	and the use of reserved bed days in the rate calculation. Petitioner is seeking a judgment directing the Department to recalculate and revise petitioner's Medicaid rates to reflect depreciation utilizing a 23-year useful life.	OHSM Reimbursement - Nursing Home	Raul A. Tabora, Esq., of Ruffo Tabora Mainello & McKay, P.C.	Cartier, Susan	Pending 07/08/2009
9548	Providence Rest, Inc. v. Commissioner of Health, Director of the Budget (2)	Petitioner is challenging the Department's calculation of Medicaid reimbursement rates related to approved project costs for a construction project and seeks a declaration that the Department process plaintiff's pending rate appeals.	OHSM Reimbursement - Nursing Home	Raul A. Tabora, Esq., of Ruffo Tabora Mainello & McKay, P.C.	Cartier, Susan	Pending 06/03/2009
9547	Baptist Health Nursing and Rehabilitation Center, Inc. v. Daines, Budget (3)	Petitioner is seeking a judgment directing the Department to recalculate and revise petitioner's Medicaid rates to reflect depreciation utilizing a 23-year useful life.	OHSM Reimbursement - Nursing Home	Raul A. Tabora, Esq., of Ruffo Tabora Mainello & McKay, P.C.	Cartier, Susan	Pending 06/12/2009
9546	Baptist Health Nursing and Rehabilitation Center, Inc. v. Daines, Budget (2)	Petitioner is seeking a judgment directing the Department to process petitioner's Medicaid rate appeals for rates effective January 1999 to present.	OHSM Reimbursement - Nursing Home	David A. Ruffo, Esq., of Ruffo Tabora Mainello & McKay, P.C.	Cartier, Susan	Pending 06/10/2009
9543	New York Association of Homes and Services for the Aging, Inc. v. Daines, Anglin, Patterson	Action on behalf of NYAHS members to challenge statutory amendments enacted by chapter 2 & 58 of the laws of 2009 which delayed rebasing of nursing home rates, reduced the trend factor adjustment applicable to 6/1/08-12/31/08 rates and to 2009 rates and	OHSM Reimbursement - Nursing Home	Cadwalader, Wickersham & Taft, LLP	Bierman, Joseph	Pending 06/05/2009
9542	Our Lady of Peace Nursing Care Residence, et al. v. Daines, Anglin, Patterson	265 nursing homes challenge changes to the nursing home methodology enacted by chapters 2 & 58 of the laws of 2009 delaying rebasing, reducing the trend factor, and capping the impact	OHSM Reimbursement - Nursing Home	O'Connell & Aronowitz	Bierman, Joseph	Pending 06/04/2009
9539	Providence Rest, Inc. v. Commissioner of Health, Director of the Budget (2)	Petitioner is challenging the Department's calculation of Medicaid reimbursement rates related to approved project costs for a construction project and seeks a declaration that the Department process plaintiff's pending rate appeals.	OHSM Reimbursement - Nursing Home	Raul A. Tabora, Esq., of Ruffo Tabora Mainello & McKay, P.C.	Cartier, Susan	Pending 06/03/2009
9538	Soldiers & Sailors Memorial Hospital d/b/a The Homestead, et al. v. Daines, Anglin, Patterson	21 nursing homes challenge statutory amendments promulgated by chapters 2 & 58 of the laws of 2009 which delayed the rebasing of nursing home rates and reduced a trended factor adjustment applicable to 4/1/08-12/31/08 rates and to 2009 rates, and capped t	OHSM Reimbursement - Nursing Home	Harter Secrest & Emery, LLP	Bierman, Joseph	Pending 06/03/2009
9521	Fort Hudson Nursing Center, Inc. v. The Commissioner of Health of the State of New	Petitioner is seeking a judgment directing the Department to process a Medicaid rate appeal	OHSM Reimbursement - Nursing Home	David A. Ruffo, Esq., of Ruffo, Tabora, Mainello & McKay, P.C.	Cartier, Susan	Pending 05/13/2009

9519	York Concourse Rehabilitation & Nursing Center, Inc. v. Richard F. Daines, M.D., Laura L. Anglin	filed by petitioner. Plaintiff is challenging Medicaid reimbursement rate determinations made on or about December 26, 30 and 31, 2008, and seeks an order that reimbursement of its real estate taxes be recalculated.	OHSM Reimbursement - Nursing Home	Marvin Neiman Rosenthal, Hal	Pending 05/07/2009
9516	Glens Falls Nursing & Rehabilitation Center, LLC d/b/a The Stanton Nursing & Rehabilitation Center v. Richard Daines	Petitioner seeks to annul the Part D Offset methodology utilized in calculating its January 1, 2006 through July 31, 2007 Medicaid reimbursement rates.	OHSM Reimbursement - Nursing Home	O'Connell & Aronowitz Rosenthal, Hal	Pending 04/29/2009
9514	Adirondack Tri-County Nursing & Rehabilitation Center, Inc. v. Commissioner of Health, Director of the Budget	Plaintiff challenges its 2008 Medicaid rate for capital cost reimbursement and working capital interest expense.	OHSM Reimbursement - Nursing Home	Ruffo Tabora Mainello & McKay, P.C. Bierman, Joseph	Pending 04/28/2009
9512	Concourse Rehabilitation & Nursing Center, Inc. v. Richard F. Daines, M.D., Laura L. Anglin	Plaintiff challenges the calculation of its 2008 and 2009 Medicaid reimbursement rates for ventilator patients.	OHSM Reimbursement - Nursing Home	Marvin Neiman Rosenthal, Hal	Pending 04/27/2009
9497	United Home for Aged Hebrews, d/b/a United Hebrew Geriatric Center and United Nursing Home for the Aged v. Richard F. Daines, M.D., et al.	Petitioners seek to be classified as a New York City facility in determining the wage equalization factor utilized in calculating their 2009 Medicaid reimbursement rates	OHSM Reimbursement - Nursing Home	Proskauer Rose LLP Rosenthal, Hal	Pending 04/10/2009
9484	Greater New York Health Care Facilities Association, et al. v. Daines, et al.	Petitioners, Greater New York Facilities Association and its members, assert that their 2009 Medicaid reimbursement rates violate 42 USC 1396a (a)(30)'s standard that rates be consistent with efficiency, economy and quality of care and are sufficient to re	OHSM Reimbursement - Nursing Home	Allison Kochman Rosenthal, Hal	Pending 03/17/2009
9476	Kenmore Mercy Hospital d/b/a McAuley Residence v. Daines	Plaintiff seeks a declaratory judgment that it is a hospital based nursing home for Medicaid reimbursement purposes	OHSM Reimbursement - Nursing Home	John Horn, Esq., Harter, Bierman, Joseph Secrest & Emery, LLP	Pending 02/25/2009
9469	Pleasant Valley Residential Health Care Facility v. Commissioner of Health, Director of the Budget	Plaintiff challenges its capital cost reimbursement for its nursing home and adult day health care program.	OHSM Reimbursement - Nursing Home	Ruffo Tabora Mainello & McKay, P.C. Bierman, Joseph	Pending 02/13/2009
9460	Wesley Health Care Center, Inc. v. Commissioner of Health	Petitioner seeks to require the Department to recalculate petitioner's reimbursement rates for 2004 through 2007 to adjust the reimbursement for gross receipts assessment to reflect actual gross receipts assessment payments	OHSM Reimbursement - Nursing Home	Ruffo Tabora Mainello & McKay, PC Bierman, Joseph	Pending 01/30/2009
9451	Incarnation Children's Center v. Richard F. Daines	Petitioner seeks to require the revision of its Medicaid reimbursement rates to reflect what its terms are appropriate cost allocations and to eliminate the administrative and fiscal services cost limitation adjustment from its 2007 and 2008 Medicaid rate	OHSM Reimbursement - Nursing Home	Ruffo Tabora Mainello & McKay PC Rosenthal, Hal	Pending 01/23/2009
9449	Aurora Park Health Care Center, Inc., d/b/a	Eleven nursing homes seek an order requiring	OHSM Reimbursement - Nursing Home	Harter, Secrest, Emery LLP Bierman, Joseph	Pending 01/20/2009

	Waters of Aurora Park, et al.	the Department to process their outstanding Medicaid rate appeals				
9400	Concourse Rehabilitation and Nursing Center, Inc. v. Richard F. Daines, M.D., Laura Anglin	Plaintiff challenges the calculation of its recruitment retention funds for 7/1/07 onward.	OHSM Reimbursement - Nursing Home	Marvin Neiman	Rosenthal, Hal	Pending 10/20/2008
9391	Valley Health Services, Inc., v. Commissioner of Health, Director of the Budget	Petitioner challenges its Medicaid reimbursement rates from August 1, 2006 to date on the grounds that the incorrect PRIs were used.	OHSM Reimbursement - Nursing Home	Ruffo Tabora Mainello & McKay, P.C.	Cartier, Susan	Pending 10/22/2008
9386	Isabella Geriatric Center, Inc. v. Commissioner of Health of the State of New York and Director of the Budget of the State of New York	Petitioner is seeking to annul the Department's denial of petitioner's Medicaid rate appeals.	OHSM Reimbursement - Nursing Home	Amanda Figgs Ganter, Esq., of Ruffo Tabora Mainello & McKay, P.C.	Cartier, Susan	Pending 09/19/2008
9379	Pinegrove Manor II v. Daines	Petitioner is seeking to require the revision of its July 1, 2007 through march 31, 2008 Medicaid reimbursement rates to include recruitment and retention funds. Petitioner has similar litigation for earlier years.	OHSM Reimbursement - Nursing Home	Abrams, Fensterman, et al.	Rosenthal, Hal	Pending 09/10/2008
9360	Providence Rest, Inc. v. Commissioner of Health, Director of the Budget	Plaintiff is challenging the Department's calculation of payment rates for Adult Day Health Care for the period April 1, 2007 through December 31, 2007 and seeks a declaration that the Department process plaintiff's rate appeals.	OHSM Reimbursement - Nursing Home	Raul A. Tabora, Esq., of Ruffo Tabora Mainello & McKay, PC	Cartier, Susan	Pending 07/31/2008
9335	Methodist Church Home for the Aged v. Daines	Plaintiff challenges the calculation of its 2008 Medicaid rates. Issues raised include, stale data, adjustment to encourage efficiency and economy, 97/98 trend factor, reserved bed days, PRI audits, cash receipts assessment, reimbursement for HCRA mandat	OHSM Reimbursement - Nursing Home	David Bernfeld, Esq.	Rosenthal, Hal	Pending 07/02/2008
9334	New Sans Souci Nursing Home v. Daines	Plaintiff challenges the calculation of its 2008 Medicaid rates. Issues raised include stale data, adjustment to encourage efficiency and economy, 97/98 trend factor, reserved bed days, PRI audits, cash receipts assessment, reimbursement of HCRA mandates	OHSM Reimbursement - Nursing Home	David Bernfeld, Esq.	Rosenthal, Hal	Pending 07/02/2008
9333	Elant at Newburgh, Inc. v. Daines	Plaintiff challenges the calculation of its 2008 Medicaid rates. Issues raised include stale data, adjustment to encourage efficiency and economy, 97/98 trend factor, reserved bed days, PRI audits, cash receipts assessment, reimbursement of HCRA mandates	OHSM Reimbursement - Nursing Home	David Bernfeld, Esq.	Rosenthal, Hal	Pending 07/02/2008
9332	Elant at Goshen, Inc. v. Daines	Plaintiff challenges the calculation of its 2008 Medicaid rates. Issues raised include stale data, adjustment to	OHSM Reimbursement - Nursing Home	David Bernfeld, Esq.	Rosenthal, Hal	Pending 07/02/2008

9331	Glen Arden, Inc. v. Daines	encourage efficiency and economy, 97/98 trend factor, reserved bed days, PRI audits, cash receipts assessment, reimbursement of HCRA mandates Challenge to 2008 rates, issues include; state base year data, productivity & efficiency reduction, PRI policy, administrator and operator salary ceiling, 97/98 trend factor, reserved bed days, RIPAF calculations, A&F Cap as HCRA expenditures	OHSM Reimbursement - Nursing Home - David Bernfeld, Esq.	Rosenthal, Hal	Pending 07/02/2008
9330	King Street Home, Inc. v. Daines	Plaintiff challenges the calculation of its 2008 Medicaid rates. Issues raised include state data, adjustment to encourage efficiency and economy, 97/98 trend factor, reserved bed days, PRI audits, cash receipts assessment, reimbursement of HCRA mandates,	OHSM Reimbursement - Nursing Home - David Bernfeld, Esq.	Rosenthal, Hal	Pending 07/02/2008
9329	Bayberry Nursing Home v. Daines, Francis	Challenge to 2008 Medicaid rates; issues raised are inadequacy, continued use of 1983 base, reduction for efficiency, elimination of 97/98 trend factor, reserved bed days, PRI policy, RIPAF calculation, recalibration, A&F cap, indirect ceiling calculation	OHSM Reimbursement - Nursing Home - Bernfeld, DeMatteo & Bernfeld, LLP	Bierman, Joseph	Pending 07/02/2008
9328	Cedar Manor, Inc. v. Daines, Francis	Challenge to 2008 Medicaid rates; issues raised are inadequacy, use of 1983 base, reduction for productivity, elimination of 97/98 trend factor; reserved bed days, PRI policy, RIPAF calculation, indirect component calculation, return on investment and eq	OHSM Reimbursement - Nursing Home - Bernfeld, DeMatteo & Bernfeld, LLP	Bierman, Joseph	Pending 07/02/2008
9327	German Masonic Home Corporation, d/b/a Dumont Masonic Home v. Daines, Francis	Challenge to 2008 Medicaid rates; issues raised are inadequacy, reduction for productivity, elimination of 97/98 trend factor, reserved bed days, PRI policy, RIPAF calculation, A&F Cap, indirect component calculation, ceilings on direct and indirect costs	OHSM Reimbursement - Nursing Home - Bernfeld, DeMatteo & Bernfeld, LLP	Bierman, Joseph	Pending 07/02/2008
9326	Elant at Brandywine, Inc. v. Daines, Francis	Challenge to 2008 Medicaid rates: issues raised are inadequacy, use of 1983 base year, reduction for productivity, elimination of 97/98 trend factor; reserved bed days, PRI policy; RIPAF calculation; recalibration; return on investment and equity; base p	OHSM Reimbursement - Nursing Home - Bernfeld, DeMatteo & Bernfeld, LLP	Bierman, Joseph	Pending 07/02/2008
9325	Northwoods at Hilltop	Challenge to 2008 Medicaid rates; issues raised are inadequacy, continued use of 1983 base year costs,	OHSM Reimbursement - Nursing Home - Bernfeld, DeMatteo & Bernfeld, LLP	Bierman, Joseph	Pending 07/02/2008

9324	Northwoods at Troy	productivity and efficiency, reduction, elimination of 1997/98 trend factor, reserved bed days, PRI policy, RIPAF calculation, administrative and fiscal Challenge to 2008 Medicaid rates; issues raised are inadequacy, continued use of 1983 base year costs, productivity and efficiency reduction, elimination of 1997/98 trend factor, reserved bed days, PRI policy, RIPAF calculation, administrative and fiscal ca	OHSM Reimbursement - Nursing Home	Bernfeld, DeMatteo & Bernfeld, LLP	Bierman, Joseph	Pending 07/02/2008
9323	Northwoods at Rosewood Gardens	Challenge to 2008 Medicaid rates; issued raised are inadequacy, continued use of 1983 base year costs, productivity and efficiency reduction, elimination of 1997/98 trend factor, reserved bed days, PRI policy, RIPAF calculation, administrative and fiscal	OHSM Reimbursement - Nursing Home	Bernfeld, DeMatteo & Bernfeld, LLP	Bierman, Joseph	Pending 07/02/2008
9322	Northwoods at Cortland v. Daines, Francis	Challenge to 2008 Medicaid rates; issued raised are inadequacy, continued use of 1983 base year costs, productivity and efficiency reduction, elimination of 1997/98 trend factor, reserved bed days, PRI policy, RIPAF calculation, administrative and fiscal	OHSM Reimbursement - Nursing Home	Bernfeld, DeMatteo & Bernfeld, LLP	Bierman, Joseph	Pending 07/02/2008
9314	Cabrini of Westchester d/b/a St. Cabrini Nursing Home v. Richard F. Daines, Laura F. Anglin	Petitioner us seeking to require the Department to calculate its Medicaid reimbursement rates as if it were a hospital based nursing home notwithstanding that Cabrini Medical Center has closed.	OHSM Reimbursement - Nursing Home	Calwalder Wickersham & Taft	Rosenthal, Hal	Pending 07/01/2008
9310	Isabella Geriatric Center, Inc. v. Richard F. Daines, Laura L. Anglin	Plaintiff challenges various aspects of the calculation of its rebased ventilation unit rates.	OHSM Reimbursement - Nursing Home	Raul Tabora	Rosenthal, Hal	Pending 06/19/2008
9302	Carthage Nursing and Rehabilitation Center, LLC d/b/a Country Manor Nursing and Rehabilitation Centre v. Daines, M.D.	Petitioner is seeking a judgment annulling the Department's determination denying petitioner's Medicaid rate appeals related to the calculation of the return on equity allegedly due to petitioner and directing the Department to process petitioner's rate a	OHSM Reimbursement - Nursing Home	Cornelius D. Murray, Esq., of O'Connell & Aronowitz	Cartier, Susan	Pending 06/11/2008
9244	Greater New York Health Care Facilities Association, et al. v. Daines, et al.	Petitioners, Greater New York Facilities Association and its members, assert that their 2008 Medicaid reimbursement rates violate 42 USC 1396a (a)(30)'s standard that rates be consistent with efficiency, economy and quality of care and are sufficient to re	OHSM Reimbursement - Nursing Home	Allison Kochman	Rosenthal, Hal	Pending 02/27/2008
9199	Concourse Rehabilitation & Nursing Center, Inc. v. Novello	Plaintiff seeks the paymentof recruitment and retention funds from Decmeber 2002 onward	OHSM Reimbursement - Nursing Home	Marvin Neiman	Rosenthal, Hal	Pending 11/10/2006
9165	Presbyterian Home for	Seeking a judgment for	OHSM Reimbursement -	Amanda I. FiggsGanter,	Cartier, Susan	Pending 10/15/2007

	Central New York, Inc. v. Richard F. Daines, M.D., as Commissioner of Health of the State of New York and Director of the Budget of the State of New York	DOH to process rate appeals w/o delay; Medicare Part B	Nursing Home	Esq., of Ruffo, Tabora, Mainello & McKay		
9152	Robert C. Geer Memorial Hospital, Inc. d/b/a Geer Nursing and Rehabilitation Center v. Daines	Connecticut nursing home is challenging the Medicaid reimbursement rates established by the Department for rate periods commencing January 1, 2002 through December 31, 2006.	OHSM Reimbursement - Nursing Home	O'Connell & Aronowitz	Bierman, Joseph	Pending 09/26/2007
9149	Baptist Health Nursing and Rehabilitation Center, Inc. v. Daines, Budget	Petitioner is seeking a judgment directing the Department to recalculate and revise petitioner's Medicaid rates to reflect depreciation utilizing a 23-year useful life	OHSM Reimbursement - Nursing Home	Amanda Figgs Ganter, Esq., of Ruffo Tabora Mainello & McKay, P.C.	Cartier, Susan	Pending 08/31/2007
9148	Isabella Geriatric Center, Inc. v. Commissioner of Health of the State of New York and Director of the Budget of the State of New York	Petitioner is seeking a judgment directing the Department to process petitioner's rate appeals without delay; also brings up capital costs issue	OHSM Reimbursement - Nursing Home	Amanda Figgs Ganter, Esq., of Ruffo Tabora Mainello & McKay, P.C.	Cartier, Susan	Pending 08/31/2007
9139	Concourse Rehabilitation and Nursing Center, Inc. v. Richard F. Daines, M.D., Paul E. Francis	Plaintiff challenges an April 30, 2007 determination	OHSM Reimbursement - Nursing Home	Marvin Neiman	Rosenthal, Hal	Pending 09/07/2007
9111	Northern Manor Multicare Center, Inc., f/k/a Northern Manor Geriatric Center, Inc., v. Daines, et al.	Petitioner seeks to annul various rate revisions following audit resulting from correction of a computer programming error.	OHSM Reimbursement - Nursing Home	Nixon Peabody	Rosenthal, Hal	Pending 06/29/2007
9107	St. Patrick's Home for the Aged and Infirm v. Commissioner of Health of the State of New York and Director of Budget of the State of New York	Seeking a judgment for DOH to process rate appeal w/o delay and DOH has acted in an arbitrary and capricious manner in not performing its duty of revising Medicare Part B offsets in a prompt manner.	OHSM Reimbursement - Nursing Home	Amanda I. FiggsGanter, Esq., of Ruffo Tabora Mainello & McKay, P.C.	Cartier, Susan	Pending 06/28/2007
9043	Terrence Cardinal Cooke Health Care Center v. Daines, Francis	Plaintiff challenges calculation of 07 Medicaid rates. Issues raised include: use of stale data, reductions across the board, elimination of the 97/98 trend factor, reserved bed days, improper PRI policy, cash assessment, excluding agency and RNs from	OHSM Reimbursement - Nursing Home	David Bernfeld, Esq.	Cartier, Susan	Pending 03/21/2007
9042	St. Teresa's Nursing Home v. Daines, Francis	Plaintiff challenges the calculations of its 07 Medicaid rates. Issues raised include: use of stale data, reductions across the board, elimination of the 97/98 trend factor, reserved bed days, improper PRI policy, cash assessment, excluding agency and R.	OHSM Reimbursement - Nursing Home	David Bernfeld, Esq.	Cartier, Susan	Pending 03/21/2007
9041	Palm Tree Nursing Home v. Daines, Francis	Plaintiff challenges the calculation of its 07 Medicaid rates. Issues raised include: use of stale data, reductions across the board, elimination of the 97/98 trend factor, reserved bed days, improper PRI policy, cash assessment, excluding	OHSM Reimbursement - Nursing Home	David Bernfeld, Esq.	Cartier, Susan	Pending 03/21/2007

9040	Palm Gardens Nursing Home v. Daines, Francis	agency and RN Plaintiff challenges calculation of 07 Medicaid rates Issued raised include: use of stale data, reductions across the board, elimination of the 97/98 trend factor, reserved bed days, improper PRI policy, cash assessment, excluding agency and RNs from RI	OHSM Reimbursement - Nursing Home	Brian T. McGovern, Esq., of Cadwalader, Wickersham & Taft LLP	Cartier, Susan	Pending 03/21/2007
9039	Mary Manning Walsh Nursing Home Co., Inc. v. Daines, Francis	Plaintiff challenges the calculations of its 07 Medicaid rates Issues raised include: use of stale data, reductions across the board, elimination of the 97/98 trend factor, reserved bed days, improper PRI policy, cash assessment, excluding agency and RN	OHSM Reimbursement - Nursing Home	David Bernfeld, Esq.	Cartier, Susan	Pending 03/21/2007
9038	Kateri Residence v. Daines, Francis	Plaintiff challenges the calculation of its 07 Medicaid rates. Issues raised include: use of stale data, reductions across the board, elimination of the 97/98 trend factor, reserved bed days, improper PRI policy, cash assessment, excluding agency and RNs	OHSM Reimbursement - Nursing Home	David Bernfeld, Esq.	Cartier, Susan	Pending 03/21/2007
9037	The Concord Nursing Home, Inc. v. Daines, Francis	Plaintiff challenges the calculation of its 07 Medicaid rates. Issues raised include: use of stale data, reductions across the board, elimination of the 97/98 trend factor, reserved bed days, improper PRI policy, cash assessment, excluding agency and RNs	OHSM Reimbursement - Nursing Home	David Bernfeld, Esq.	Cartier, Susan	Pending 03/21/2007
9036	St. Vincent de Paul Residence v. Daines, Francis	Challenge to 2007 Medicaid rates: issues raised are adequacy, use of 1983 base, reduction for productivity, elimination of 97/98 trend factor, reserved bed days, PRI policy, gross receipts assessment, RIPA calculation, indirect component calculation and	OHSM Reimbursement - Nursing Home	Bernfeld, DeMatteo & Bernfeld, LLP	Bierman, Joseph	Pending 03/21/2007
9035	German Masonic Home Corporation, d/b/a Dumont Masonic Home v. Daines, Francis	Challenge to 2007 Medicaid rates: issues raised are adequacy, reduction for productivity, elimination of 97/98 trend factor, reserved bed days, PRI policy, gross receipts assessment, RIPA calculation, recalibration, A&F cap, indirect component calculati	OHSM Reimbursement - Nursing Home	Bernfeld, DeMatteo & Bernfeld, LLP	Bierman, Joseph	Pending 03/21/2007
9034	Fercliff Nursing Home Co., Inc. v. Daines, Francis	Challenge to 2007 Medicaid rates: issues raised are adequacy, use of 1983 base, reduction for productivity, elimination of 97/98 trend factor, reserved bed days, PRI policy, gross receipts assessment, RIPA calculation, recalibration, A&F cap, HCRA add-o	OHSM Reimbursement - Nursing Home	Bernfeld, DeMatteo & Bernfeld, LLP	Bierman, Joseph	Pending 03/21/2007
9033	Elant at Brandywine,	Challenge to 2007	OHSM Reimbursement -	Bernfeld, DeMatteo &	Bierman, Joseph	Pending 03/21/2007

	Inc. v. Daines, Francis	Medicaid rates: issues raised are inadequacy, use of 1983 base year, reduction for productivity, elimination of 97/98 trend factor; reserved bed days, PRI policy; gross receipts assessment; RIPAF calculation; recalibration; return on in	Nursing Home	Bernfeld, LLP		
9032	Cedar Manor, Inc. v. Daines, Francis	Challenge to 2007 Medicaid rates: issues raised are adequacy, use of 1983 base, reduction for productivity, elimination of 97/98 trend factor, reserved bed days, PRI policy, gross receipts assessment, RIPAF calculation, indirect component calculation, re	OHSM Reimbursement - Nursing Home	Bernfeld, DeMatteo & Bernfeld, LLP	Bierman, Joseph	Pending 03/21/2007
9031	Carmel Richmond Nursing Home v. Daines, Francis	Challenge to 2007 rates; issues include: stale base year data, productivity & efficiency reduction; PRI policy; cash assessments; A&F cap; ceilings, elimination of 97/98 trend factor; reserved bed days; exclusion of agency and registry nurses; HCRA add-o	OHSM Reimbursement - Nursing Home	Bernfeld, DeMatteo & Bernfeld, LLP	Bierman, Joseph	Pending 03/21/2007
9030	Bayberry Nursing Home v. Daines, Francis	Challenge to 2007 Medicaid rates; issued raised are inadequacy, continued use of 1983 base, reduction for efficiency, elimination of 97/98 trend factor, reserved bed days, PRI policy, gross receipts assessment, RIPAF calculation, recalibration, A&F cap, i	OHSM Reimbursement - Nursing Home	Bernfeld, DeMatteo & Bernfeld, LLP	Bierman, Joseph	Pending 03/21/2007
9028	Methodist Church Home for the Aged v. Daines	Plaintiff challenges the calculation of its 2007 Medicaid rates. Issues raised include, stale data, adjustment to encourage efficiency and economy, 97/98 trend factor, reserved bed days, PRI audits, cash receipts assessment, reimbursement for HCRA mandat	OHSM Reimbursement - Nursing Home	David Bernfeld, Esq.	Rosenthal, Hal	Pending 03/21/2007
9027	King Street Home, Inc. v. Daines	Plaintiff challenges the calculation of tis 2007 Medicaid rates. Issues raised include stale data, adjustment to encourage efficiency and economy, 97/98 trend factor, reserved bed days, PRI audits, cash receipts assessment, reimbursement of HCRA mandates	OHSM Reimbursement - Nursing Home	David Bernfeld, Esq.	Rosenthal, Hal	Pending 03/21/2007
9026	Glen Arden, Inc. v. Daines	Challenge to 2007 rates, issues include; stale base year data, productivity & efficiency reduction, PRI policy, cash assessments, ceilings, 97/98 trend factor, reserved bed days, RIPAF calculations, A&F Cap as HCRA expenditures	OHSM Reimbursement - Nursing Home	David Bernfeld	Rosenthal, Hal	Pending 03/21/2007
9025	Elant at Goshen, Inc. v. Daines	Plaintiff challenges the calculation of tis 2007 Medicaid rates . Issues	OHSM Reimbursement - Nursing Home	David Bernfeld	Rosenthal, Hal	Pending 03/21/2007

		raised include state data, adjustment to encourage efficiency and economy, 97/98 trend factor, reserved bed days, PRI audits, cash receipts assessment, reimbursement of HCRA mandates				
9024	New Sans Souci Nursing Home v. Daines	Plaintiff challenges the calculation of its 2007 Medicaid rates. Issues raised include state data, adjustment to encourage efficiency and economy, 97/98 trend factor, reserved bed days, PRI audits, cash receipts assessment, reimbursement of HCRA mandate	OHSM Reimbursement - Nursing Home	David Bernfeld, Esq.	Rosenthal, Hal	Pending 03/21/2007
9023	Elant at Newburgh, Inc. v. Daines	Plaintiff challenges the calculation of its 2007 Medicaid rates. Issues raised include state data, adjustment to encourage efficiency and economy, 97/98 trend factor, reserved bed days, PRI audits, cash receipts assessment, reimbursement of HCRA mandates	OHSM Reimbursement - Nursing Home	David Bernfeld	Rosenthal, Hal	Pending 03/21/2007
9015	Greater New York Health Care Facilities Association, et al. v. Daines, et al.	Petitioners, Greater New York Facilities Association and its members, assert that their 2007 Medicaid reimbursement rates violate 42 USC 1396a (a)(30)'s standard that rates be consistent with efficiency, economy and quality of care and are sufficient to re	OHSM Reimbursement - Nursing Home	Allison Kochman	Rosenthal, Hal	Pending 03/01/2007
8951	Concourse Rehabilitation & Nursing Center, Inc. v. Novello, individually and as Commissioner	Plaintiff is seeking a declaratory judgment that DOH's determination on 7/14/06 is arbitrary & capricious and unlawful and DOH should return \$300,000 recouped from Medicaid payments plus interest thereon from 10/1996.	OHSM Reimbursement - Nursing Home	Marvin Neiman, Esq., of Neiman Ginsburg & Mairanz P.C.	Cartier, Susan	Pending 11/14/2006
8941	Concourse Rehabilitation & Nursing Center v. Novello, Van Guysling	Civil rights action challenging a determination issued on June 28, 2006 pertaining to gross receipts assessments due for the period commencing January 1, 2003.	OHSM Reimbursement - Nursing Home	Neiman, Ginsburg & Mairanz, P.C.	Bierman, Joseph	Pending 10/26/2006
8940	SS. Joachim & Anne Residence v. Novello	Petitioner seeks to require the Department to process its Medicaid rate appeals seeking correction of the Medicare Part B offset	OHSM Reimbursement - Nursing Home	Ruffo Tabora Mainvello & McKay, P.C.	Bierman, Joseph	Pending 10/25/2006
8917	Brandywine Nursing Home, Inc. v. Novello	Challenge to the audit results of plaintiff's patient review instrument submissions.	OHSM Reimbursement - Nursing Home	Bernfeld, Dematteo & Bernfeld, LLP	Bierman, Joseph	Pending 09/05/2006
8891	Charles Glessing d/b/a Hutton Nursing Home v. The New York State Department of Health	Petitioner seeks to annul the Department's determination to recoup proceeds of the revision of Hutton Nursing Homes 1995-1997 Medicaid rates pursuant to the St. James Nurisn Home decision to pay for overpayments and unpaid cash receipt	OHSM Reimbursement - Nursing Home	McNamee, Lochner, Titus & Williams, P.C.	Rosenthal, Hal	Pending 01/19/2006