Unconstitutional Retaliation by Health Agency (NYSDOH) Cost Taxpayers $25 Million

Released on: December 27, 2012, 1:18 pm
Author: **Gerard Sunnen, MD**
Industry: Healthcare, Government, Law

NEW YORK, December 27, 2012, 1:18 pm -- /EPR NETWORK/ -- The New York State Department of Health (NYSDOH) agreed to pay the owners of the Beechwood Nursing Home, located in Rochester, New York, $25 Million dollars to settle litigation in which a federal jury had already determined that NYSDOH officials, in a context of malfeasant comportment, had illegally revoked the operating license of the facility in 1999 in retaliation against its owners, resulting in Beechwood's closure. The jury was scheduled to decide how much to award in damages when the parties reached a settlement.

The NYSDOH, known for disregarding Fourteenth Amendment rights (such as the right to have witnesses for one's defense) in its actions against the state's health professionals, has been challenged to conform to proper judicial practices, most notably via bills introduced by the New York State Legislature. All bills were vetoed by Governor George E. Pataki in 2004. According to Dr. Gérard Sunnen, a New York psychiatrist with long experience caring for patients in city hospitals and nursing homes, "the closure of the Home undoubtedly tore apart the social fabric and the connective support sustaining its tenants and patients, likely resulting in serious stress reactions, with all attendant consequences, physical and psychological."

The Rochester Democrat and Chronicle filed this report on the unconstitutional retaliation settlement. According to its August 22, 2012 article, the presentation of provocative e-mails, written by NYSDOH officials in the wake of Beechwood's closure, was a key point in the case. Jurors in the case "pointed to the e-mails as the proof they needed of the state's malice." Although Beechwood's owners sued multiple NYSDOH officials at the outset of the litigation in 2002, five were eventually found liable for the illegal revocation of the operating license: current Health Department officials Susan Baker and Cynthia Francis, and former officials Laura Leeds, Sanford Rubin, and Sharon

Carlo. These individuals will not be personally liable for the $25 Million settlement.

New York State taxpayers, however, are the ones to shoulder the burden of the full award.

Contact details:

Gérard Sunnen, MD
200 East 33 Street
New York, NY 10016
gsunnen@aol.com
http://www.triroc.com/sunnen

~~~~~

Press release distributed via EPR Network (http://express-press-release.net/submit-press-release.php)
~~~~~