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State will move patients of Putnam mental health provider SLS after

"Having reviewed the record accordingly, we are satisfied that the hearing officer's determination that all of the charges were sustained is supported by substantial evidence based upon the record as a whole," said the ruling of the state Supreme Court Appellate Division, Second Department.

court upholds revoking permits

A Putnam County-based, for-profit mental health provider that treats teens and young adults lost its latest legal battle when an appellate court upheld the state mental health commissioner's decision to revoke its operating certificates because it violated patients' rights and ignored state regulations.

Though an attorney for SLS Residential Inc. said the company is appealing the ruling, a spokeswoman for the state Office of Mental Health said the agency will begin working with SLS to move its patients to other facilities.

The court issued its ruling Nov. 15, confirming an earlier decision by mental health Commissioner Michael F. Hogan to revoke three operating permits of SLS Residential, also known as Supervised LifeStyles.

Hogan's decision followed a 49-day hearing before the OMH that began in January 2010 and involved 31 witnesses and more than 200 exhibits.

David L. Trueman, attorney for SLS, said Monday that his client already has filed an appeal to the full Second Department and will try to take the matter to the New York Court of Appeals, the state's highest court, if necessary.

On Friday, SLS sought a temporary restraining order that would have stopped the permit-revocation process but was denied.

The state OMH is already moving toward shutting down the 20-year-old company.

"We are gratified by the decision of the Appellate Division, Second Department, which unanimously upheld the (OMH)

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commissioner's final determination revoking all three operating certificates," Leesa Rademacher said in a statement. "OMH will immediately begin working cooperatively with SLS to (ensure) that all patients currently being served by the programs will be transitioned to appropriate care settings."

The ruling is the latest in a court fight that began in November 2006 when state inspectors visited two residential facilities SLS operates in Southeast, found numerous violations and fined the company \$80,000. Inspectors returned three weeks later and found more violations, resulting in another \$30,000 in fines for a total of \$110,000.

Among the violations were that SLS limited residents' contact with people outside the facility, violated their privacy by watching them as they used the bathroom, punished them unfairly and failed to conduct incident reviews as required by state law.

The state also alleged that SLS illegally restrained patients, but a court dismissed that charge and a \$10,000 fine.

The state then moved to rescind the permits SLS uses to run its residential-treatment facilities and clinic. The company fought the fines and findings, first in a state hearing in 2007 and later with a motion in state Supreme Court in Putnam County before Justice Andrew O'Rourke.

A state hearing officer upheld the fines and findings, but O'Rourke ruled in favor of SLS in December 2008.

The state then appealed O'Rourke's decision and, in November 2009, the court's Appellate Division largely overturned O'Rourke and reinstated most of the fines. SLS then requested a second hearing before the state OMH and Hogan, who upheld the charges.

SLS then filed an Article 78 petition with the Appellate Division of the state Supreme Court, Second Department, seeking to overturn Hogan's decision. The court upheld Hogan with its Nov. 15 decision.

Pleasantville resident Glen Feinberg, an attorney who has alleged his son received abusive treatment while an SLS patient, said he does not think it can successfully appeal the latest ruling.

"The courts are not likely to overturn the unanimous ruling upholding OMH's determination that SLS lacks the character and competence to operate a licensed facility in New York state," Feinberg wrote in an email Tuesday.

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