

\$25 Million Settlement Levied on New York State Department of Health (NYSDOH)

/EINPresswire.com/ NEW YORK, December 18, 2012 - 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.

NYSDOH's mix of autocracy and ill will, and its perennial flouting of due process and Fourteenth Amendment rights (such as the right to have witnesses for one's defense), in its actions against the state's health professionals have been challenged in the past, most notably via bills introduced by the New York State Legislature. All were vetoed by Governor George E. Pataki in 2004.

The Rochester Democrat and Chronicle filed this report on the 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 are to shoulder the burden of the full award.

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