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Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, M.D., M.P.H.
Commissioner

JOHANNE E. MORNE, M.S.
Executive Deputy Commissioner

July 19, 2024

CERTIFIED MAIL/RETURN RECEIPT

██████████
c/o Waters Edge at Port Jefferson
150 Dark Hollow Road
Port Jefferson, New York 11777

Patricia O'Connell, Administrator
Waters Edge at Port Jefferson
150 Dark Hollow Road
Port Jefferson, New York 11777

RE: In the Matter of ██████████ ██████████ – Discharge Appeal

Dear Parties:

Enclosed please find the Stipulation and Order in the above referenced matter. The Order is final and binding.

Either party may appeal to the courts pursuant to the provisions of Article 78 of the Civil Practice Law and Rules. A party that wishes to appeal this decision may seek advice from the legal resources available (e.g. their attorney, the County Bar Association, Legal Aid, etc.). Such an appeal must be commenced within four (4) months from the date of this Order.

Sincerely,

Natalie J. Bordeaux

Natalie J. Bordeaux
Chief Administrative Law Judge
Bureau of Adjudication

NJB: nm
Enclosure

STATE OF NEW YORK
DEPARTMENT OF HEALTH

In the Matter of an Appeal, pursuant to
10 NYCRR § 415.3, by

██████████

Appellant,

from a determination by

**Water's Edge Rehab & Nursing Center
at Port Jefferson,**

Respondent,

to discharge her from a residential
health care facility.

COPY

STIPULATION
AND
ORDER

#DA24-6395

Hearing Before: Jeanne T. Arnold
Administrative Law Judge

Hearing Location: Cisco WebEx videoconference

Hearing Dates: June 26, 2024, July 18, 2024

Parties: Water's Edge Rehab & Nursing Center at Port Jefferson
150 Dark Hollow Road
Port Jefferson, New York 11777
By: Patricia O'Connell, Administrator
patriciao@watersedgernc.com

██████████
c/o Water's Edge Rehab & Nursing Center at Port Jefferson
████████████████████
Pro Se

JURISDICTION

By Transfer/Discharge Notice dated ██████████, 2024, Water's Edge Rehab & Nursing Center
at Port Jefferson (Facility), a residential health care facility subject to Article 28 of the New York

Public Health Law, determined to discharge [REDACTED] (Appellant). The Appellant appealed the discharge determination to the New York State Department of Health pursuant to 10 NYCRR 415.3(i).

A hearing was scheduled for June 26, 2024, when the parties appeared and agreed to an adjournment to work together to prepare a Medicaid application for the Appellant. The hearing was rescheduled for July 18, 2024, when the parties reconvened, reached a settlement and a record of same was made. (Recording 0h3m.)

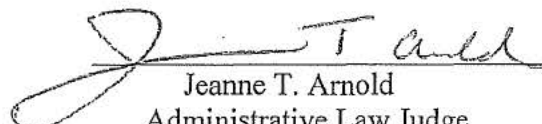
The Facility agreed to withdraw its notice dated [REDACTED], 2024 to discharge the Appellant to a hotel. The Appellant agreed that, because the Facility withdrew its notice dated [REDACTED], 2024, she no longer requires a hearing. There is no issue to be decided.

Therefore, in accordance with the parties' agreement, it is hereby

ORDERED that the Facility may not discharge the Appellant pursuant to its Transfer/Discharge Notice dated [REDACTED], 2024; and it is further

ORDERED that should the Facility determine to implement its previously contemplated action, it must issue a new notice.

Dated: July 18, 2024
Rochester, New York


Jeanne T. Arnold
Administrative Law Judge