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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

June 28, 2024

## CERTIFIED MAIL/RETURN RECEIPT

██████████ ██████████  
c/o Nickelle Williams, SW  
Oceanview Nursing and Rehab Center  
315 Beach 9<sup>th</sup> Street  
Far Rockaway, New York 11691

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Oceanview Nursing and Rehab Center  
315 Beach 9<sup>th</sup> Street  
Far Rockaway, New York 11691

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c/o Nickelle Williams, SW  
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Far Rockaway, New York 11691

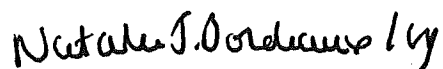
**RE: In the Matter of ██████████ ██████████ – Discharge Appeal**

Dear Parties:

Enclosed please find the Decision on Agreement in the above referenced matter. This Decision is final and binding.

The party who did not prevail in this hearing may appeal to the courts pursuant to the provisions of Article 78 of the Civil Practice Law and Rules. If the party wishes to appeal this decision it 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 Decision.

Sincerely,

A handwritten signature in black ink that reads "Natalie J. Bordeaux" followed by a stylized flourish.

Natalie J. Bordeaux  
Chief Administrative Law Judge  
Bureau of Adjudication

NJB: cmg  
Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH

COPY

In the Matter of [REDACTED]  
Oceanview Nursing and Rehabilitation Center  
315 Beach 9<sup>th</sup> Street  
Far Rockaway, New York 11691

Order Following Stipulation

Appeal from a Nursing Home Resident  
Discharge pursuant to Title 10 (Health) of the  
Official Compilation of Codes, Rules and  
Regulation of the State of New York (NYCRR)  
§415.3

Before:

Administrative Law Judge (ALJ)  
Kimberly A. O'Brien

For Oceanview Center (Facility):

Nickelle Williams, Director of Social Work (DSW)  
Oceanview Nursing and Rehabilitation Center  
315 Beach 9<sup>th</sup> Street  
Far Rockaway, New York 11691  
[sw@oceanviewnh.com](mailto:sw@oceanviewnh.com)

Ben Rosenberg, Administrator  
[brosenberg@oceanviewnh.com](mailto:brosenberg@oceanviewnh.com)

For Resident [REDACTED] (Appellant):

[REDACTED] Appellant's [REDACTED]  
C/o Nickelle Williams, DSW  
Oceanview Nursing and Rehabilitation Center 1  
315 Beach 9<sup>th</sup> Street  
Far Rockaway, New York 11691  
[REDACTED]

[REDACTED] Appellant's [REDACTED]  
[REDACTED]

1 The Appellant's family, [REDACTED] and [REDACTED] (family), provided only the Facility's postal address. Both the Appellant's and the Facility's copy of the Order will be mailed to the Facility's postal address and emailed to the Facility and the family at the email addresses provided.

## STIPULATED FACTS

1 The Facility holds licensure as a skilled nursing facility in the State of New York and operates pursuant to the New York State Nursing Home Code, including those provisions of the Code relating to discharge and transfer at Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) § 415.3.

2 The Appellant is [REDACTED] years old and has been a resident at the Facility since [REDACTED] 2023.

3 On [REDACTED] 2024, the Facility served a Notice of Discharge on the Appellant proposing to discharge her to [REDACTED] (assisted living placement), because the Appellant's condition has improved and no longer requires the services the Facility provides.

4 The Appellant requested a hearing pursuant to Title 10 NYCRR § 415.3(h), which took place at the Facility on [REDACTED], 2024 (hearing).

5 At the hearing, the family stated that it would like to secure an alternative assisted living placement for the Appellant.

6 The Facility agreed to allow the Appellant to remain at the Facility until [REDACTED] 2024, to allow time to secure an alternative assisted living placement for the Appellant.

7 The Appellant's [REDACTED] [REDACTED] agreed that he would be the Appellant's primary family contact. The family agreed to promptly provide the Facility with a list of its preferred assisted living facilities and any information required to complete the applications.

8 The Facility and the Appellant agreed that an alternative assisted living placement must be secured on or before [REDACTED], 2024.

9 If an alternative assisted living placement is not secured, the Facility can discharge the Appellant to [REDACTED], on [REDACTED], 2024.

10 This verbal stipulation is memorialized on the audio-recording of the hearing which is contained on a Compact Disc in the hearing record.

ORDER

NOW; after considering the parties verbal stipulation; the ALJ issues the following Order:

On or before [REDACTED], 2024, the Facility may discharge the Appellant to an available alternative assisted living facility. If no agreed alternative assisted living facility placement becomes available, the Facility may discharge the Appellant on [REDACTED] 2024, to Wave Crest Assisted Living, Far Rockaway, New York.

Dated: June 27, 2024  
Albany, New York

Kimberly A. O'Brien  
Kimberly A. O'Brien  
Administrative Law Judge