

cc: Ms. Suzanne Caligiuri/Division of Quality & Surveillance by scan  
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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 17, 2024

## CERTIFIED MAIL/RETURN RECEIPT

██████████  
c/o Staten Island University Hospital  
475 Seaview Avenue  
Staten Island, New York 10305

Aileen Gutierrez, Esq.  
AG Law  
305 Broadway, Suite 733  
New York, New York 10007

Elliot Norman, Administrator  
Verrazano Nursing & Post Acute Center  
100 Castleton Avenue  
Staten Island, New York 10301

Lillie Badette  
Appellant Guardian/Case Manager  
New York Foundation for Senior Citizens  
(BY EMAIL ONLY)

**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  
Chief Administrative Law Judge  
Bureau of Adjudication

NJB: cmg  
Enclosure

In the Matter of [REDACTED]  
Verrazano Nursing & Post Acute Center  
100 Castleton Avenue  
Staten Island, New York 10301

STIPULATION & ORDER

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:

Kimberly A. O'Brien  
Administrative Law Judge (ALJ)  
New York State Department of Health  
Via Webex Videoconferencing

For Oceanview Center (Facility):

Elliot Norman, Administrator  
Verrazano Nursing & Post Acute Center  
100 Castleton Avenue  
Staten Island, New York 10301  
ENorman@VNHSi.com

For Resident [REDACTED] (Appellant):

Aileen Gutierrez, Esq.  
AG Law  
305 Broadway, Suite 733  
New York, New York 10007  
gutierrez@aglawoffice.net

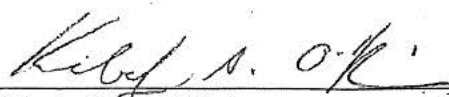
Lillie Badette, Appellant Guardian/Case Manager  
New York Foundation for Senior Citizens, Inc.  
lbadette@nyfscgs.org *(By Email Only)*

### STIPULATED FACTS

1. Verrazano Nursing & Post Acute Center, Staten Island, New York (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 has been a resident at the Facility since [REDACTED], 2022. The New York Foundation for Senior Citizens, Inc., Lillie Badette, Appellant Guardian/Case Manager, is the Appellant's guardian (Guardian.)
3. On [REDACTED] 2024, the Facility issued a Notice of Discharge (discharge notice) <sup>1</sup> to the Appellant proposing to discharge him to [REDACTED] (Hospital), because the Facility cannot meet his needs and Appellant is a danger to others.
4. Aileen Gutierrez, Esq., on behalf of the Guardian, requested a hearing.
5. At the hearing, the Hospital confirmed that the Appellant is currently both medically and psychiatrically stable, and it is appropriate for the Appellant to return to the Facility.
6. At the hearing, the Facility withdrew its discharge notice and agreed to accept the Appellant back into the Facility on [REDACTED] 2024. The Facility is prohibited from discharging the Appellant based on this discharge notice.
7. This verbal stipulation is memorialized on the audio-recording of the hearing which is contained on a compact disc in the hearing record.

NOW; after considering the parties verbal stipulation, the ALJ issues the following ORDER: The Appellant will be accepted back into Facility on [REDACTED] 2024.

Dated: July 16, 2024  
Albany, New York

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

<sup>1</sup> The date of the discharge notice is misstated as [REDACTED] and [REDACTED] in the audio-recording of the hearing.