

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 23, 2024

## CERTIFIED MAIL/RETURN RECEIPT

██████████ ██████████  
c/o Highland Gardens Care Center  
199 Community Drive  
Great Neck, New York 11021

Diego Martinez  
Saima Petrone  
Long Island Jewish Medical Center  
270-05 76<sup>th</sup> Avenue  
New Hyde Park, New York 11040

Kelly Calamusa, DNS  
Ocean View Nursing and Rehab Center  
315 Beach 9<sup>th</sup> Street  
Far Rockaway, New York 11691

**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

STATE OF NEW YORK  
DEPARTMENT OF HEALTH

COPY

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

██████████ ██████████

Appellant,

from a determination by

**Oceanview Nursing and  
Rehabilitation Center,**

Respondent,

to discharge him from a residential  
health care facility.

ORDER

#DA24-6406

Hearing before: John Harris Terepka  
Administrative Law Judge  
July 17, 2024


Parties: Oceanview Nursing and Rehabilitation Center  
315 Beach 9<sup>th</sup> Street  
Far Rockaway, New York 11691  
By: Kelly Calamusa, Dir. of Nursing Services  
[kcalamusa@oceanviewnh.com](mailto:kcalamusa@oceanviewnh.com)

██████████ ██████████  
c/o Highfield Gardens Care Center  
199 Community Drive  
Great Neck, NY 11021  
[rmotechin@highfieldgardens.com](mailto:rmotechin@highfieldgardens.com)  
By: Diego Martinez, Social Services  
Saima Petrone, Social Services  
Long Island Jewish Medical Center  
270-05 76<sup>th</sup> Avenue  
New Hyde Park, New York 11040  
[dmartinez13@northwell.edu](mailto:dmartinez13@northwell.edu)  
[spetrone@northwell.edu](mailto:spetrone@northwell.edu)

Oceanview Nursing and Rehabilitation Center (the Respondent), a residential health care facility (RHCF) subject to Article 28 of the Public Health Law, discharged █ █ (the Appellant) from care and treatment in its nursing home. The Appellant appealed the discharge to the New York State Department of Health pursuant to 10 NYCRR 415.3(i).

A hearing was noticed and scheduled for July 17, 2024 by videoconference. In prehearing email exchanges between Long Island Jewish Medical Center, which requested the hearing on the Appellant's behalf; the Respondent; Highfield Gardens Care Center, a nursing home to which the Appellant has now been admitted; and this Bureau of Adjudication, the Appellant withdrew the hearing request. The hearing was accordingly cancelled. There is no issue to be decided and this appeal is dismissed.

Dated: Rochester, New York  
July 22, 2024

  
\_\_\_\_\_  
John Harris Terepka  
Administrative Law Judge  
Bureau of Adjudication