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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

August 23, 2024

CERTIFIED MAIL/RETURN RECEIPT



Kim Jenney, DSW
Crown Park Rehab & Nursing Center
28 Kellogg Road
Cortland, New York 13045



Richard H. Miller, III, Esq.
Hinman, Howard & Kattell, LLP
PO Box 5250
Binghamton, New York 13902

RE: In the Matter of [REDACTED] [REDACTED] – Discharge Appeal

Dear Parties:

Enclosed please find the Decision After Hearing 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,

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

[REDACTED]

Appellant,

from a determination by

Crown Park Rehabilitation and Nursing Center,

Respondent,

to discharge her from a residential
health care facility.

DECISION
AFTER
HEARING

Hearing before: Kathleen Dix
Administrative Law Judge
August 23, 2024
By WebEx Videoconference

Parties: Kim Jenney, Director of Social Work
Crown Park Rehabilitation and Nursing Center
28 Kellogg Road
Cortland, New York 13045
By: Richard H. Miller, III, Esq.
rmiller@hbk.com

[REDACTED]
c/o [REDACTED]
By: [REDACTED]


JURISDICTION

By notice dated [REDACTED] 2024, Crown Park Rehabilitation and Nursing Center, (Respondent), a residential health care facility subject to Article 28 of the PHL, determined to discharge / transfer [REDACTED] [REDACTED] (Appellant) from care and treatment in its Facility. The Appellant appealed the determination to the New York State Department of Health (the Department) pursuant to 10 New York Codes, Rules, and Regulations (NYCRR) Section 415.3(i).

The hearing was held via Webex videoconference on August 23, 2024, in accordance with the PHL; Part 415 of 10 NYCRR; Part 483 of the United States Code of Federal Regulations (CFR); and the New York State Administrative Procedure Act (SAPA). A digital recording of the hearing was made. (1 h. 34 m.)

Both parties appeared at the hearing. After presenting its first witness, the Respondent stated that it would readmit the Appellant. The Appellant asserted that he no longer wished to be readmitted to the Respondent's facility. Thereafter, the Appellant withdrew his hearing request on the record. The hearing was accordingly ended. There is no issue to be decided and this appeal is dismissed.

Dated: Menands, New York
August 23, 2024


Kathleen Dix
Administrative Law Judge

To: Crown Park Rehabilitation & Nursing Center
28 Kellogg Road
Cortland, New York 13045
kjenney@crownparkrehab.com

c/o [REDACTED]
[REDACTED]

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