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**Department
of Health**

KATHY HOCHUL
Governor

JAMES V. McDONALD, MD, MPH
Commissioner

JOHANNE E. MORNE, MS
Executive Deputy Commissioner

December 16, 2024

CERTIFIED MAIL/RETURN RECEIPT

[REDACTED]
c/o Brooklyn Queens Nursing Home
2749 Linden Blvd.
Brooklyn, New York 11208

Dominick Crouchelli, LMSW
Brooklyn Queens Nursing Home
2749 Linden Blvd.
Brooklyn, New York 11208

RE: In the Matter of [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: nm
Enclosure

STATE OF NEW YORK
DEPARTMENT OF HEALTH

COPY

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

[REDACTED]

DECISION

Appellant,

from a determination by

BROOKLYN QUEENS NURSING HOME,

Respondent,

to discharge him from a residential health care facility.

Before: Tina M. Champion
Administrative Law Judge

Date: December 9, 2024

Held at: Videoconference via WebEx

Parties: [REDACTED]
c/o Brooklyn Queens Nursing Home
2749 Linden Blvd.
Brooklyn, New York 11208

[REDACTED]

Brooklyn Queens Nursing Home
2749 Linden Blvd.
Brooklyn, New York 11208

By: Dominick Crouchelli, LMSW
dsw@bqrehab.com

JURISDICTION

By notices dated [REDACTED] 2024, and [REDACTED] 2024, Brooklyn Queens Nursing Home (Facility), a residential care facility subject to Article 28 of the New York Public Health Law (PHL), determined to discharge [REDACTED] (Appellant). The Appellant subsequently appealed the discharge determination to the New York State Department of Health (Department) pursuant to 10 New York Codes, Rules and Regulations (NYCRR) 415.3(i).

HEARING RECORD

ALJ Exhibits: I – Letter with Notice of Hearing and Transfer/Discharge Notice
II – Initial Transfer/Discharge Notice

Facility Exhibits: 1 – Resident Face Sheet
2 – Summary
3 – Resident Interview
4 – Progress Notes
5 – Physical Therapy Progress Note [REDACTED] 24
6 – Occupational Therapy Progress Note [REDACTED] 24

Facility Witnesses: Dominick Crouchelli, Director of Social Work

Appellant Exhibits: None

Appellant Witnesses: [REDACTED]

A digital recording of the hearing was made. (41:38 in duration.)

SUMMARY

The Appellant was admitted to the Facility on [REDACTED], 2024, for rehabilitation post-hospitalization. (Exhibit [Ex.] 1; Testimony [T.] Crouchelli.) While at the Facility, he received physical therapy (PT) and occupation therapy (OT). (Exs. 5 & 6; T. Crouchelli.) The Appellant is medically stable to be discharged into the community. (Ex. 4; T. Crouchelli.) The Appellant has an apartment in [REDACTED] New York, which the Facility has identified as the discharge location. (ALJ Exs. I & II.) The Appellant frequently leaves the Facility on pass, with his apartment being one of the places he goes. (T. Crouchelli; [REDACTED]) The Appellant testified that he is able to

drive and that he owns at least one vehicle and property in [REDACTED] in addition to his apartment in [REDACTED]. He stated that he wants to return to his apartment in [REDACTED] but that he needs more time to clean it. The Facility has arranged for the Appellant to receive home aide services upon his discharge. (T. Couchelli.)

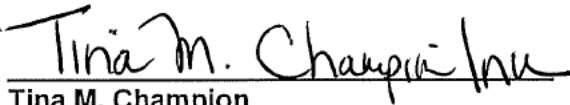
At the conclusion of the hearing, the parties agreed that the Appellant will be discharged to his home in [REDACTED] on [REDACTED] 2024. The agreed-upon date was reached in consideration of allowing the Appellant to have sufficient time to continue cleaning his apartment as he has been doing when he leaves the Facility, or to arrange for assistance with cleaning.

This Decision serves as a memorialization of the verbal agreement reached at the conclusion of the hearing wherein the parties agreed that the Appellant would be discharged to home on [REDACTED] 2024.

DECISION

There is no issue to be decided as the matter has been settled by mutual agreement between the parties.

DATED: December 13, 2024
Menands, New York


Tina M. Champion
Administrative Law Judge

TO: [REDACTED]
c/o Brooklyn Queens Nursing Home
2749 Linden Blvd.
Brooklyn, New York 11208

[REDACTED]
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