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**Department
of Health**

KATHY HOCHUL
Governor

JAMES V. McDONALD, MD, MPH
Commissioner

JOHANNE E. MORNE, MS
Executive Deputy Commissioner

February 18, 2025

CERTIFIED MAIL/RETURN RECEIPT

Shmuel Berger, NHA
Laconia Nursing Home
1050 East 230th Street
Bronx, New York 10466

██████████ ██████████
c/o Laconia Nursing Home
1050 East 230th Street
Bronx, New York 10466

██████████ Advocate
██████████

RE: In the Matter of ██████████ ██████████ – 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

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

COPY

DECISION

██████████ ██████████

Appellant,

from a determination by

LACONIA NURSING HOME,

Respondent,

to discharge her from a residential health care facility.

Before: Tina M. Champion
Administrative Law Judge

Date: February 5, 2025
February 13, 2025

Held at: Videoconference via WebEx

Parties: ██████████ ██████████
c/o Laconia Nursing Home
1050 East 230th Street
Bronx, New York 10466
Assisted By: ██████████ ██████████ Advocate

Laconia Nursing Home
1050 East 230th Street
Bronx, New York 10466
By: Shmuel Berger, Administrator

JURISDICTION

By notice dated [REDACTED], 2025, Laconia Nursing Home (Facility), a residential care facility subject to Article 28 of the New York Public Health Law (PHL), determined to discharge [REDACTED] [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 – Scheduling Letter

Facility Exhibits: 1 – Therapy Discharge Summaries
2 – Nurse Progress Note
3 – Social Work Progress Note
4 – BIMS
5 – Social Work Progress Note
6 – Physician Progress Note

Facility Witnesses: Romeo Marimat, Director of Rehabilitation
Katarina Kupchenko, Social Worker

Appellant Exhibits: Hospital Medical Record Note

Appellant Witnesses: [REDACTED] [REDACTED] Appellant

A digital recording of the hearing was made. (Duration of 14:42 on 2/5/25 and 1:13:35 on 2/13/25.)

SUMMARY

The Appellant was admitted to the Facility on [REDACTED], 2023. (Testimony [T.] Kupchenko.) While at the Facility, she received and was discharged from physical therapy and occupation therapy. (Ex. 1; T. Marimat.) The Appellant is medically stable to be discharged into the community. (Ex. 5.) The Appellant currently has no home in the community to which she can return and is working on securing an apartment. (T. [REDACTED]) The Facility has proposed discharge to a shelter in [REDACTED] (ALJ Ex. I.)

At the conclusion of the hearing, the parties agreed that the Appellant will remain at the Facility until no later than [REDACTED] 2025. The Appellant indicated that she would continue to work to locate an apartment to which she can be discharged prior to [REDACTED] 2025. The Appellant and the Facility agree to work together to identify, as an alternative, an assisted living facility to which the Appellant can be discharged on or before [REDACTED] 2025. In the event that the Appellant is unable to secure an apartment in the community and is not accepted into an assisted living facility that she deems acceptable, the parties agree that the Appellant will be discharged on [REDACTED], 2025, to the shelter identified in the Discharge Notice dated [REDACTED], 2025.

This Decision serves as a memorialization of the verbal agreement reached at the conclusion of the hearing.

DECISION

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

DATED: February 18, 2025



Tina M. Champion
Administrative Law Judge

TO:

[REDACTED]
Laconia Nursing Home
1050 East 230th Street
Bronx, New York 10466

[REDACTED] Advocate
[REDACTED]

Shmuel Berger, Administrator
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smberger@laconianursinghome.com