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**Department
of Health**

KATHY HOCHUL
Governor

JAMES V. McDONALD, MD, MPH
Commissioner

JOHANNE E. MORNE, MS
Executive Deputy Commissioner

February 6, 2025

CERTIFIED MAIL/RETURN RECEIPT

Michael Scarione, Administrator
Luxor Nursing and Rehabilitation at Sayville
300 Broadway Avenue
Sayville, New York 11782

Eric Cohen, Esq.
180 Southern Avenue
Englewood Cliffs, New Jersey 07632

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Allied Community Support Services, *guardian*
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265 Sunrise Highway, Suite 50
Rockville Centre, New York 11570

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: nm
Enclosure

STATE OF NEW YORK
DEPARTMENT OF HEALTH

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

██████████ ██████████

Appellant,

from a determination by

**Luxor Nursing and Rehabilitation
at Sayville,**

Respondent,

to discharge him from a residential
health care facility.

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#DA25-6519

Hearing before: John Harris Terepka
Administrative Law Judge
February 6, 2025
By videoconference

Parties: Luxor Nursing and Rehabilitation at Sayville
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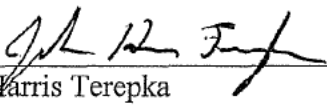
Also appearing: South Shore University Hospital
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Luxor Nursing and Rehabilitation at Sayville (the Respondent), a residential health care facility (RHCF) subject to Article 28 of the Public Health Law, transferred and discharged [REDACTED] (the Appellant) from its nursing home to South Shore Hospital, an acute care hospital. The Appellant appealed the discharge to the New York State Department of Health pursuant to 10 NYCRR 415.3(i). A hearing was held and recorded by Webex videoconference on February 6, 2025. (0h3m.)

South Shore Hospital has determined that the Appellant does not require hospitalization and is ready to return to the Respondent's care. At the hearing the Respondent agreed to readmit the Appellant. In accordance with its agreement made on the record at the hearing the Respondent is directed, pursuant to 10 NYCRR 415.3(i)(2)(i)(d), to readmit the Appellant immediately.

Any further determination by the Respondent to discharge the Appellant will require a new notice of discharge setting forth permissible grounds for discharge and an appropriate discharge plan, in accordance with the requirements of PHL 2803-z, 10 NYCRR 415.3(i) and 42 CFR 483.15(c).

Dated: Rochester, New York
February 6, 2025



John Harris Terepka
Administrative Law Judge
Bureau of Adjudication