

cc: Ms. Suzanne Caligiuri/Division of Quality & Surveillance by scan
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Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, MD, MPH
Commissioner

JOHANNE E. MORNE, MS
Executive Deputy Commissioner

April 25, 2025

CERTIFIED MAIL/RETURN RECEIPT

Samuel Busari, Administrator
The Highlands Living Center
500 Hahnemann Trail
Pittsford, New York 14534

[REDACTED]
c/o The Highlands Living Center
Room [REDACTED]
500 Hahnemann Trail
Pittsford, New York 14534

RE: In the Matter of [REDACTED] – 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

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

██████████
Appellant,

from a determination by

The Highlands Living Center,

Respondent,

to discharge her from a residential
health care facility.

COPY

**Stipulation
and
Order**

Hearing before:

Kathleen Dix
Administrative Law Judge
April 14 and April 24, 2025
By WebEx Videoconference

Parties:

The Highlands Living Center
500 Hahnemann Trail
Pittsford, New York 14534

██████████
c/o The Highlands Living Center
Room ██████████
500 Hahnemann Trail
Pittsford, New York 14534
██████████

By notice dated [REDACTED] 2025, The Highlands Living Center (Respondent), a residential health care facility subject to Article 28 of the Public Health Law (PHL), determined to discharge / transfer [REDACTED] (Appellant) from care and treatment in its facility on the grounds that her health has improved sufficiently that she no longer needs the services provided by the facility (ALJ Exhibit I). 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).

A hearing was held on [REDACTED] and [REDACTED], 2025, in accordance with 10 NYCRR 415.3(i) via Webex videoconference. The Appellant appeared on her own behalf with the assistance of Ombudsmen Ann Tallman and [REDACTED]. The Respondent appeared by Samuel Busari, its Administrator. The Notice of Hearing and Discharge Notice are in evidence as ALJ Exhibit I. A digital recording of the hearing was made. (1 hr 49:39 min in total.)

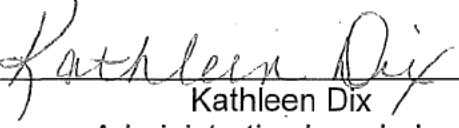
At the hearing, the parties entered into discussion to resolve this appeal, as the Appellant agreed that she is independent in her activities of daily living and that she no longer needs nursing home care. The Appellant also agreed to be discharged on [REDACTED] 2025 to her home.

ORDER

1. The Respondent shall allow the Appellant to stay at its facility until [REDACTED] 2025, at which time she will be discharged to her home.

2. If the Appellant fails or refuses to leave the Respondent's facility on [REDACTED] 2025, the Respondent is authorized to discharge the Appellant pursuant to the [REDACTED], 2025 notice of discharge.

Dated: Menands, New York
April 25, 2025


Kathleen Dix
Administrative Law Judge

To: Samuel Busari, Administrator
The Highlands Living Center
500 Hahnemann Trail
Pittsford, New York 14534
Samuel_busari@urmc.rochester.edu

[REDACTED]
c/o The Highlands Living Center
Room [REDACTED]
500 Hahnemann Trail
Pittsford, New York 14534
[REDACTED]