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Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, MD, MPH
Commissioner

JOHANNE E. MORNE, MS
Executive Deputy Commissioner

September 16, 2025

CERTIFIED MAIL/RETURN RECEIPT

[REDACTED]
c/o Holliswood Center for Rehab & Healthcare
195-44 Woodhull Avenue
Hollis, New York 11423

Dovid Liff, NHA
Holliswood Center for Rehab & Healthcare
195-44 Woodhull Avenue
Hollis, New York 11423

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: cmg
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

HOLLISWOOD CARE CENTER,

Respondent,

to discharge him from a residential health care facility.

Before:

Tina M. Champion
Administrative Law Judge

Date:

September 15, 2025

Held at:

Videoconference via WebEx

Parties:

[REDACTED]
c/o Holliswood Care Center
195-44 Woodhull Avenue
Hollis, New York 11423
By: Pro se

Holliswood Care Center
195-44 Woodhull Avenue
Hollis, New York 11423
By: Tiffany James, Director of Social Work

JURISDICTION

By notice dated [REDACTED], 2025, Holliswood Care Center (Facility), a residential care facility subject to Article 28 of the New York Public Health Law (PHL), determined to discharge [REDACTED] (Appellant). The Appellant 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

Facility Exhibits: 1 – Face Sheet
2 – BIMS
3 – Summary
4 – Physician Progress Note

Facility Witnesses: Tiffany James, Director of Social Work
Annmarie Ramos, Director of Nursing

Appellant Exhibits: None

Appellant Witnesses: [REDACTED] Appellant

ALJ Exhibits: 1 – Letter with Notice of Hearing and Transfer/Discharge Notice

A digital recording of the hearing was made. (1:00:31 in duration.)

Also Present: Dovid Liff, Administrator
Bentzion Wolowik, Assistant Administrator
Josh Rosenberg, Assistant Administrator
Brianna Williams, Social Worker

ISSUES

Has the Facility established that its determination to discharge the Appellant is correct and that its discharge plan is appropriate?

FINDINGS OF FACT

1. The Appellant is a [REDACTED]-year-old male who was initially admitted to the Facility on [REDACTED], 2025, for short-term rehabilitation. (Facility Exhibit [Ex.] 1; Testimony [T.] James.)
2. The Appellant has had varying levels of ability with his activities of daily living (ADLs) during his stay at the Facility. He is currently receiving physical therapy (PT) and occupational therapy (OT). (T. James.)
3. The Appellant scored [REDACTED]/15 on his Brief Inventory for Mental Status. (Facility Ex. 2.)
4. The Appellant has a history of [REDACTED] since his admission to the Facility. His [REDACTED] has escalated to [REDACTED] towards staff and other residents. (Facility Exs. 3, 4; T. James, Ramos.)
5. On [REDACTED], 2025, the Appellant [REDACTED] staff member [REDACTED]. As a result, emergency medical services and law enforcement were called, and the Appellant was arrested. (Facility Ex. 3; T. James, Ramos.)
6. On [REDACTED], 2025, the Appellant became [REDACTED] with a CNA and when another resident intervened, the Appellant [REDACTED]. (Facility Ex. 3; T. James, Ramos.)
7. On [REDACTED] 2025, the Appellant became [REDACTED] and [REDACTED] [REDACTED] to a CNA. The Appellant [REDACTED] and [REDACTED] the CNA, at which time he was redirected by the nurse supervisor. Shortly after, the Appellant [REDACTED] [REDACTED] female resident and [REDACTED]. Emergency medical services and law enforcement were called, and the Appellant was transported to the hospital for [REDACTED] and medical evaluation before returning to the Facility. The female resident filed a harassment complaint with the local police. (Facility Ex. 3; T. James, Ramos.)

8. The Facility has engaged in multiple attempts to address the Appellant's behaviors, including psychology referrals, involving a wellness coach, utilizing behavioral management, and assigning a 1:1 aide. None of its attempts have been successful. (T. Ramos.)

9. On [REDACTED] 2025, the Facility issued a Transfer/Discharge Notice to the Appellant which proposes discharge to [REDACTED], a skilled nursing facility located in [REDACTED] New York. (ALJ Ex. I.)

10. The Transfer/Discharge Notice states that the Appellant will be discharged on [REDACTED] 2025, because the safety of individuals in the facility would be endangered, as evidenced by recent incidents with other residents and attempts to harm others. (ALJ Ex. I.)

11. The Appellant timely appealed the Facility's discharge determination.

12. The Appellant has remained at the Facility during the pendency of the appeal.

APPLICABLE LAW

A residential health care facility, also referred to in the Department's Rules and Regulations as a nursing home, is a facility which provides regular nursing, medical, rehabilitative, and professional services to residents who do not require hospitalization. (PHL § 2801[2][3]; 10 NYCRR 415.2[k].)

Pursuant to 10 NYCRR 415.3(i)(1)(i)(a)(3), a resident may be discharged because the safety of individuals in the facility is endangered. A Facility must ensure complete documentation in the resident's clinical record when a resident is discharged. (10 NYCRR 415.3[i][1][ii].)

Facilities are also required to "provide sufficient preparation and orientation to residents to ensure safe and orderly transfer or discharge from the facility in the form of a discharge plan which addresses the medical needs of the resident and how these will be met after discharge." (10 NYCRR 415.3[i][1][vi].)

Under the hearing procedures at 10 NYCRR 415.3(i)(2)(iii), the Facility bears the burden to prove a discharge is necessary and appropriate.

DISCUSSION

The Facility has determined to discharge the Appellant to another skilled nursing facility, [REDACTED] in [REDACTED] New York, on the grounds that the safety of individuals in the Facility would otherwise be endangered.

Tiffany James, Director of Social Work, and Annmarie Ramos, Director of Nursing, testified consistently to [REDACTED] exhibited by the Appellant that has increasingly turned to [REDACTED] that places other residents and staff at risk of harm. The Appellant has participated in PT and OT while at the Facility and has remained capable of acting on [REDACTED] [REDACTED] and has exhibited [REDACTED] on multiple occasions. (Facility Exs. 3, 4; T. James, Ramos.) The Appellant's actions have resulted in emergency medical services and law enforcement responding to the Facility on more than one occasion. The Appellant has been arrested on at least one occasion, and he has been sent to the hospital for evaluation on at least one other occasion. (T. James, Ramos.).

Ms. Ramos testified that the Facility has made numerous and various attempts to address the Appellant's [REDACTED] and it has sent the Appellant to the hospital for medical and [REDACTED] evaluation. She testified that upon the Facility assigning a 1:1 aide to the Appellant to ensure the safety of others, the Appellant responded by calling the police because he did not want a 1:1 aide. Ms. Ramos testified that none of the attempts by the Facility have successfully curtailed the Appellant's [REDACTED]

The Appellant's medical record contains a Physician Progress Note with an entry effective [REDACTED], 2025, stating that the Appellant "returned from ER visit post altercation with [REDACTED] [REDACTED] Resident currently on 1:1 observation due to

unpredictable display of [REDACTED]." The Physician Progress Note also contains a notation that the safety of individuals in the facility would be endangered as evidenced by incidents with other residents and staff and his attempt to harm others. (Facility Ex. 4.)

The Appellant testified on his own behalf. He denied allegations of [REDACTED] while admitting that he "[REDACTED] The Appellant stated that he does not have a problem [REDACTED] residents but that he is taking medication to [REDACTED] and he is willing to [REDACTED]

The Appellant's denials of [REDACTED] are unpersuasive. The Facility has met its burden to show that the discharge is permissible on the stated grounds.

Ms. James testified that discharge planning for the Appellant during his short-term rehabilitation stay has been difficult due to the Appellant's fluctuating preference in discharge location. She testified that, most recently, the Appellant has expressed the desire to reside in a long-term care setting. Ms. James testified that the Appellant has had limited options due to his history of [REDACTED] and that he has declined every option presented to him. She also testified that the Appellant just recently started working with [REDACTED] to secure housing in the community. This is, however, inconsistent with his expressed desire to reside in a long-term care setting. Ms. James testified that the [REDACTED] in [REDACTED] although a far distance from the Facility, is the only location that has accepted the Appellant given his history of [REDACTED]

The Facility has shown that [REDACTED] is the only viable discharge option for the Appellant at this time and that it is safe and appropriate for him. As a skilled nursing facility, it will be able to continue the Appellant's current therapy services.

DECISION

The Holliswood Care Center has established that its determination to discharge the Appellant is permissible, and that its discharge plan is appropriate.

1. The Appellant may be discharged in accordance with the Transfer/Discharge Notice dated [REDACTED], 2025.
2. This decision may be appealed to a court of competent jurisdiction pursuant to Article 78 of the New York Civil Practice Law and Rules.

DATED: September 16, 2025


Tina M. Champion
Administrative Law Judge

TO:

[REDACTED]
c/o Holliswood Care Center
195-44 Woodhull Avenue
Hollis, New York 11423
[REDACTED]

Dovid Liff, Administrator
Holliswood Care Center
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DLiff@holliswood.net