

**STATE OF NEW YORK
DEPARTMENT OF HEALTH**

In the Matter of the Appeal of

Orchard Manor Rehab. & Nursing Center
Medicaid ID # 00355986

from a determination to seek restitution of
Medicaid Program overpayments

#13-4290

Before: John Harris Terepka
 Administrative Law Judge

Held at: New York State Department of Health
 584 Delaware Avenue
 Buffalo, New York 14202
 April 20, 2017

Parties: New York State Office of the Medicaid Inspector General
 584 Delaware Avenue
 Buffalo, New York 14202
 By: William L. Busler, Esq.

Orchard Manor Rehab. & Nursing Center
Martin Mackenzie, Administrator
600 Bates Road
Medina, New York 14103
By: Jamal Hussain, Rehabilitation Director

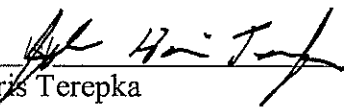
The New York State Office of the Medicaid Inspector General (OMIG) is an independent office within the Department of Health responsible for the Department's duties with respect to the recovery of improperly expended Medicaid funds. PHL 31. The OMIG determined to recover Medicaid Program overpayments from Orchard Manor Rehab. & Nursing Center (the Appellant). The Appellant requested a hearing pursuant to SSL 22 and former Department of Social Services (DSS) regulations at 18 NYCRR 519.4 to review the overpayment determination. (Exhibit 2.)

The OMIG's determination was communicated to the Appellant by a final audit report (audit # 13-4290) dated August 8, 2016. (Exhibit 3.) Written notice of hearing in conformity with the requirements of 18 NYCRR 519.10 was sent to the Appellant on October 11, 2016, scheduling the hearing to commence on December 14, 2016.

The hearing was rescheduled upon the request and consent of both parties to January 12, February 23, March 14, and April 20, 2017. On April 20, 2017, the parties appeared, and the Appellant made a statement on the record at the hearing withdrawing the hearing request. (Transcript, page 5.)

The Appellant having withdrawn the hearing request pursuant to 18 NYCRR 519.12(b)(2), there is no issue to be decided herein.

DATED: Rochester, New York
May 3, 2017



John Harris Terepka
Bureau of Adjudication