

cc: Ms. Suzanne Caligiuri/Division of Quality & Surveillance by scan  
SAPA File  
BOA by scan



# Department of Health

KATHY HOCHUL  
Governor

MARY T. BASSETT, M.D., M.P.H.  
Commissioner

KRISTIN M. PROUD  
Acting Executive Deputy Commissioner

May 26, 2022

## CERTIFIED MAIL/RETURN RECEIPT

██████████  
c/o Briarcliff Manor Center for  
Rehabilitation and Nursing  
620 Sleepy Hollow Road  
Briarcliff Manor, New York 10510

Vanessa Walker, DSW  
Briarcliff Manor Center for  
Rehabilitation and Nursing  
620 Sleepy Hollow Road  
Briarcliff Manor, New York 10510

**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,

Dawn MacKillop-Soller  
Acting Chief Administrative Law Judge  
Bureau of Adjudication

DXM: 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

**Briarcliff Manor Center for Rehab & Nursing,**

Respondent,

to discharge Appellant from a residential health care facility.

**DECISION**

COPY

Before: Matthew Hall  
Administrative Law Judge

Date: February 9, 2022

Held at: Webex videoconference

Parties: ██████████ Appellant  
c/o Briarcliff Manor Center for Rehab & Nursing  
620 Sleepy Hollow Road  
Briarcliff Manor, New York 10510

Vanessa Walker, Director of Social Work  
Briarcliff Manor Center for Rehab & Nursing  
620 Sleepy Hollow Road  
Briarcliff Manor, New York 10510

Briarcliff Manor Center for Rehab & Nursing (Facility), a nursing home subject to Article 28 of the Public Health Law, through Notice of Discharge dated ██████████ 2021, determined to transfer ██████████ (Appellant) to DSS District Office Shelter Services. As grounds for discharge, the Facility alleged that the Appellant’s “health has improved sufficiently so that (she) no longer needs the services provided by Briarcliff Manor Center for Rehabilitation and Nursing.”

[Ex I.] The Appellant filed an appeal of the transfer to the New York State Department of Health pursuant to 10 NYCRR 415.3(h). The Facility has the burden of proving the discharge or transfer is necessary and the discharge plan is appropriate. 10 NYCRR 415.3(i)(2)(iii)(b).

#### HEARING RECORD

ALJ Exhibits: I – Notice of Hearing, January 3, 2022  
II – Notice of Discharge, [REDACTED], 2021

Facility Exhibits: None provided

#### DISCUSSION

The hearing was scheduled for January 25, 2022, but adjourned to February 9, 2022, at the request of the Facility because the Facility did not have exhibits prepared or witnesses available. The Facility and the Appellant were duly served with written notice of the hearing dates via email correspondence and certified or regular U.S. mail. [Ex I and II.]


The hearing was held on February 9, 2022, by videoconference before Matthew Hall, Administrative Law Judge. Neither the Appellant nor the Facility appeared at the hearing on February 9, 2022, despite written notice, as well as electronic videoconference invitations sent to Facility representatives and the Appellant. No request for an adjournment was received. Therefore, the Appellant and the Facility have abandoned this hearing. NY State APA § 301(5) (2014).

ORDER

This matter has been abandoned. There is no issue to be decided regarding the Facility's

██████████ 2021, determination to discharge the Appellant.

Dated: May 26, 2022  
Albany, New York

  
Matthew C. Hall  
Administrative Law Judge

TO: ██████████ Appellant  
c/o Briarcliff Manor Center for Rehab & Nursing  
620 Sleepy Hollow Road  
Briarcliff Manor, New York 10510

Vanessa Walker, Director of Social Work  
Briarcliff Manor Center for Rehab & Nursing  
620 Sleepy Hollow Road  
Briarcliff Manor, New York 10510