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**Department
of Health**

KATHY HOCHUL
Governor

JAMES V. McDONALD, M.D., M.P.H.
Commissioner

MEGAN E. BALDWIN
Acting Executive Deputy Commissioner

June 23, 2023

CERTIFIED MAIL/RETURN RECEIPT

██████████ ██████████
c/o Split Rock Rehabilitation and
Health Care Center
3525 Baychester Avenue
Bronx, New York 10466

Jason Atlas, Esq.
Schwartz Sladkus Reich Greenberg Atlas
444 Madison Avenue
New York, New York 10022

RE: In the Matter of ██████████ ██████████ – Discharge Appeal

Dear Parties:

Enclosed please find the Stipulation and Order in the above referenced matter. This Order 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

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

Split Rock Rehabilitation
and Health Care Center,

Respondent,

to discharge her from a residential
health care facility.

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STIPULATION & ORDER
CASE #317638

Hearing Before: Kimberly A. O'Brien
Administrative Law Judge (ALJ)

Hearing Date: June 22, 2023
By videoconference

Parties: Split Rock Rehabilitation and Health Care Center
3525 Baychester Avenue
Bronx, New York
By: Jason Atlas, Esq.
jatlas@ssrga.com

████████████████████
Split Rock Rehabilitation and Health Care Center
████████████████████

Split Rock Rehabilitation and Health Care Center (Respondent or facility), a residential health care facility subject to Article 28 of the Public Health Law (PHL), determined to discharge [REDACTED] [REDACTED] (Appellant) from care and treatment in its nursing home. Pursuant to 10 NYCRR 415.3, the Appellant appealed the discharge determination to the New York State Department of Health. The Appellant, age [REDACTED] was admitted to the facility on [REDACTED], 2022 for short term rehabilitation after hospitalization. By notice dated [REDACTED], 2023, Respondent advised the Appellant that it had determined to discharge him on the grounds that his health has improved sufficiently that he no longer needs the services provided by the facility, and that he was accepted by and would be discharged to the [REDACTED] [REDACTED], [REDACTED] (shelter). (ALJ Exhibit 1.)¹

The Appellant and Kelly Marin, Director of Social Work (DSW Marin),² were sworn and agreed to the stipulation and settlement terms herein, and a recording was made, 6 minutes and 27 seconds.

1. The Appellant has withdrawn his discharge appeal and agrees that he no longer requires the services the facility provides.
2. Respondent agrees to allow the Appellant to remain at the facility until [REDACTED] 2023, while he gets his affairs in order and identifies an alternative discharge location, and the Appellant may choose to leave the facility before this time.

¹ The notice of hearing and the discharge notice are incorporated by reference and made part of this Stipulation & Order and marked as ALJ Exhibit 1.


² DSW Marin affirmed that she is authorized by the Respondent to agree to the stipulation and settlement terms herein.

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3. Upon the Appellant's request the facility will assist the Appellant with identifying and securing an alternative discharge location.
4. Upon discharge the facility will make a follow-up appointment for the Appellant with a primary care physician in the community, provide the Appellant with his medications and prescriptions, and schedule transportation, within the five boroughs of New York City, to his chosen discharge location.
5. In the event that the Appellant does not secure an alternative discharge location by ██████████, 2023, the facility may discharge him to the shelter.

The above stipulation and settlement terms as agreed are SO ORDERED.

Dated: Albany, New York
June 22, 2023



Kimberly A. O'Brien
Administrative Law Judge
Bureau of Adjudication