

**STATE OF NEW YORK  
DEPARTMENT OF HEALTH**

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In the Matter of	:	
	:	
Suffolk Center	:	<b>Decision</b>
for Rehabilitation and Nursing, et al.	:	<b>on</b>
Audit # 14-4118	:	<b>Motion</b>
Appellant.	:	

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The Office of the Medicaid Inspector General (“OMIG”) conducted NAMI (Net Available Monthly Income) audits of Suffolk Center for Rehabilitation and Nursing (“Suffolk”) and numerous other facilities throughout New York State, including those named in this motion. Suffolk and the other facilities subject to this motion<sup>1</sup> (collectively “Appellants”) requested hearings. Three days of hearing (November 27, 2018, March 13, and March 14, 2019) have been held in the Suffolk matter and two additional hearing dates are scheduled for June 25 and 26, 2019.

On April 12, 2019, Appellants brought a motion to consolidate all the hearings with Suffolk and to stay all the hearings pending the determination on this motion. By letter dated May 1, 2019, OMIG opposed the request for consolidation and to stay all hearings. On a May 2, 2019 conference call, Appellants were given one week to submit additional papers. Appellants submitted a Reply Memorandum of Law on May 10, 2019, and an additional conference call was held on May 14, 2019. There were no oral arguments on the motion. OMIG reported on the May 14 conference call that it was resting on its May 1, 2019 submission and that it would not be submitting or seeking to

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<sup>1</sup> See caption from Appellants’ Reply Memorandum of Law (attached) for all names

submit additional argument (oral or written) on Appellants' Motion and Reply Memorandum of Law.

Having considered the arguments submitted by both parties, and under the authority vested in me by New York State Administrative Procedure Act §304.4 to regulate the course of hearings, the motion is denied. I see no advantage for consolidating all of these matters. I find that consolidation would not simplify the process or provide an economical use of time and resources. Three days have already been held in the Suffolk hearing, which commenced in November 2018. Consolidating these many other hearings into it would likely slow down rather than expedite the process. Consolidation, as OMIG wrote, "would simply be impractical, given the number of separate exhibits and evidence necessary to be presented for each separate provider."

Appellants' motion is denied in its entirety. The Suffolk hearing will continue on June 25 and 26, 2019.

This decision is made by Ann H. Gayle, Bureau of Adjudication, who has been designated to make such decisions.

DATED: New York, New York  
May 14, 2019

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Ann H. Gayle  
Administrative Law Judge

TO:

Marvin Neiman, Esq.  
Neiman & Mairanz, P.C.  
39 Broadway, 25<sup>th</sup> Floor  
New York, New York 10006-3003

Ferlande Milord, Senior Attorney  
Office of the Medicaid Inspector General  
90 Church Street, 14<sup>th</sup> Floor  
New York, New York 10007