

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

**102**

**TP 18-01401**

PRESENT: SMITH, J.P., PERADOTTO, DEJOSEPH, TROUTMAN, AND WINSLOW, JJ.

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IN THE MATTER OF CENTERS FOR SPECIALTY CARE AT  
WATERFRONT CENTER, PETITIONER,

V

ORDER

NEW YORK STATE DEPARTMENT OF HEALTH, RESPONDENT.

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COWART DIZZIA LLP, NEW YORK CITY (JENNIFER J. NEARY OF COUNSEL), FOR  
PETITIONER.

BARBARA D. UNDERWOOD, ATTORNEY GENERAL, ALBANY (KATE H. NEPVEU OF  
COUNSEL), FOR RESPONDENT.

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Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Erie County [Diane Y. Devlin, J.], entered August 1, 2018) to review a determination of respondent. The determination found that respondent was without jurisdiction to review the denial of the application for Medicaid benefits.

It is hereby ORDERED that the determination is unanimously confirmed without costs and the petition is dismissed for reasons stated in the decision of respondent New York State Department of Health.

Entered: February 1, 2019

Mark W. Bennett  
Clerk of the Court