

cc: [DOH.sm.DCAppeals@health.ny.gov](mailto:DOH.sm.DCAppeals@health.ny.gov) by scan  
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## Department of Health

**KATHY HOCHUL**  
Governor

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

**JOHANNE E. MORNE, M.S.**  
Acting Executive Deputy Commissioner

January 11, 2024

### CERTIFIED MAIL/RETURN RECEIPT

[REDACTED]  
c/o Mary Manning Walsh Nursing Home  
1339 York Avenue  
New York, New York 10021

Nerissa Lawrence, Director of Special Projects  
Mary Manning Walsh Nursing Home  
1339 York Avenue  
New York, New York 10021

**RE: In the Matter of [REDACTED] – Discharge Appeal**

Dear Parties:

Enclosed please find the Administrative Law Judge's decision confirming the Facility's withdrawal of its discharge notice. This decision is final and binding.

Any appeal of this decision must be to the courts pursuant to the provisions of Article 78 of the Civil Practice Law and Rules. If a 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  
Chief Administrative Law Judge  
Bureau of Adjudication

NJB: nm  
Enclosure

STATE OF NEW YORK  
DEPARTMENT OF HEALTH

In the Matter of an Appeal, pursuant to  
10 NYCRR 415.3, by

[REDACTED]

Appellant,

from a determination by

**Mary Manning Walsh Nursing Home**  
Respondent,

to discharge him from a residential  
health care facility.

COPY

DECISION

Hearing Before:           Jeanne T. Arnold  
                                  Administrative Law Judge

Held via:                    WebEx Videoconference

Hearing Date:             January 10, 2024

Parties:                    [REDACTED]  
                                  c/o Mary Manning Walsh Home  
                                  1339 York Avenue  
                                  New York, New York 10021

Mary Manning Walsh Home  
1339 York Avenue  
New York, New York 10021

By:   Nerissa Lawrence, Director of Special Projects  
      nlawrence@archcare.org

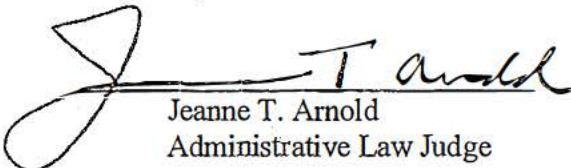
Mary Manning Walsh Nursing Home (Facility), a residential health care facility subject to Article 28 of the New York Public Health Law, determined to discharge resident [REDACTED] (Appellant) from care and treatment in the Facility to [REDACTED]

██████████ in ██████████. The Appellant appealed the determination to the New York State Department of Health pursuant to 10 NYCRR 415.3(i).

A hearing was scheduled, and a pre-hearing conference was held on January 10, 2024. The Appellant appeared pro se. The Facility appeared by Nerissa Lawrence, Director of Special Projects and Nadira Ajvazoska, Long-term Care Social Worker. Prior to commencement of the hearing, the parties reached a resolution. A recording of the resolution was made. (0h4m.)

The Facility agreed to withdraw its Notice dated ██████████ 2023 to discharge the Appellant to the ██████████. The Facility and the Appellant will work towards a safe discharge for the Appellant to return home on or around ██████████ 2024. As the Facility agreed to withdraw its notice dated ██████████ 2023, there is no issue ripe for a hearing. Should the Appellant not leave the Facility voluntarily and the Facility determines to implement its previously contemplated action, the Facility must issue a new notice.

Dated: January 10, 2024  
Rochester, New York

  
Jeanne T. Arnold  
Administrative Law Judge