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# Department of Health

**KATHY HOCHUL**  
Governor

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

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

March 27, 2024

## CERTIFIED MAIL/RETURN RECEIPT



Molly Little, LMSW  
Hebrew Home for the Aged at Riverdale  
5901 Palisade Avenue  
Riverdale, New York 10471

**RE: In the Matter of [REDACTED] – 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,

Natalie J. Bordeaux  
Chief Administrative Law Judge  
Bureau of Adjudication

NJB: nm  
Enclosure

STATE OF NEW YORK  
DEPARTMENT OF HEALTH

COPY

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

[REDACTED]

DECISION

Appellant,

from a determination by

HEBREW HOME FOR THE AGED  
AT RIVERDALE,

Respondent,

to discharge her from a residential health care facility.

Before: Tina M. Champion  
Administrative Law Judge

Held at: Videoconference via WebEx

Date: March 26, 2024

Parties:

[REDACTED]

Hebrew Home for the Aged at Riverdale  
5901 Palisade Avenue  
Riverdale, New York 10471

By: Molly Little, LMSW, Supervisor

**JURISDICTION**

By notice dated [REDACTED] 2024, Hebrew Home for the Aged at Riverdale (Facility), a residential care facility subject to Article 28 of the New York Public Health Law (PHL), determined to discharge [REDACTED] (the Appellant) from the Facility. The Appellant appealed the discharge determination to the New York State Department of Health (the Department) pursuant to 10 New York Codes, Rules, and Regulations (NYCRR) 415.3(i).

The hearing was held in accordance with the PHL; Part 415 of 10 NYCRR; Part 483 of the United States Code of Federal Regulations (CFR); the New York State Administrative Procedure Act (SAPA); and Part 51 of 10 NYCRR.

Evidence was received and witnesses were examined. A digital recording was made of the proceeding.

**HEARING RECORD**

ALJ Exhibits:           1 – Letter with Notice of Hearing and Transfer/Discharge Notice [REDACTED] 24)

Facility Exhibits:       1 – Request for Discharge  
                                  2 – Discharge Summary

Appellant Exhibits:    None

Facility Witnesses:     Molly Little, LMSW, Supervisor  
                                  Evelyn Alexander, Nurse Manager

Appellant Witnesses:  None

### SUMMARY

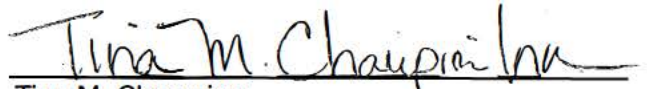
The Appellant was admitted to the Facility on [REDACTED] 2023 for short-term rehabilitation. (Testimony [T.] Little.) She completed her rehabilitation and was discharged from therapy on [REDACTED] 2024. (T. Little.) The Appellant stayed at the Facility for a period of time afterward for ease of attending/managing medical appointments. (T. Little.) On [REDACTED] 2024, the Facility determined to discharge the Appellant to her home in the community as her health had improved sufficiently that she no longer needed the services of the Facility. (ALJ Exhibit [Ex.] 1.) The Appellant appealed the discharge determination and a hearing was scheduled for March 26, 2024. (ALJ Ex. 1.) [REDACTED] days prior to the hearing, on [REDACTED] 2024, the Appellant requested to be discharged to her home and voluntarily left the Facility. (Facility Exs. 1 & 2; T. Little, Alexander.) The Appellant and her [REDACTED] with whom she resides, signed a Request for Discharge and the Discharge Summary. (Facility Exs. 1 & 2; T. Alexander.) On [REDACTED] 2024, [REDACTED] stated in an email to the ALJ and several Facility employees that the Appellant still wanted to proceed with the hearing and was not agreeable to withdrawing her request for an appeal. The hearing convened as scheduled and neither the Appellant nor [REDACTED] attended.

The Facility has shown that the Appellant voluntarily left on [REDACTED] 2024. (10 NYCRR 415.3[i].) The appeal is dismissed.

### DECISION

1. The Appellant's appeal of Hebrew Home for the Aged at Riverdale's [REDACTED] 2024 determination to discharge the Appellant is dismissed.
2. This decision may be appealed to a court of competent jurisdiction pursuant to Article 78 of the New York Civil Practice Law and Rules.

DATED: Albany, New York  
March 27, 2024

  
Tina M. Champion  
Administrative Law Judge

TO:



Molly Little, LMSW  
Hebrew Home for the Aged at Riverdale  
5901 Palisade Avenue  
Riverdale, New York 10471  
[Molly.Little@riverspring.org](mailto:Molly.Little@riverspring.org)