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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

April 11, 2024

CERTIFIED MAIL/RETURN RECEIPT

Samontra Spencer, NHA
Rochester Community Nursing and Rehab
989 Blossom Road
Rochester, New York 14610



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**

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

██████████
Appellant,
from a determination by

**Rochester Community
Nursing and Rehabilitation**
Respondent,
to discharge him from a residential
health care facility.

COPY

DECISION
#DA24-6338

Hearing before: Kendra Vergason
Administrative Law Judge

Hearing date: April 4, 2024
By videoconference

Parties: Rochester Community Nursing & Rehabilitation
989 Blossom Road,
Rochester, New York 14610
By: Samontra Spencer
sspencer@rochesterhealthcare.com

By: ██████████, Appellant's ██████████

Also appearing: Rochester General Hospital
1425 Portland Avenue
Rochester, New York 14621
By: Carolyn Flowerday, social worker
carolyn.flowerday@rochesterregional.org

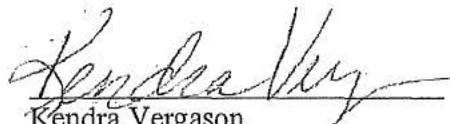
By notice dated ██████████, 2024, Rochester Community Nursing and Rehabilitation Center (Facility), a residential care facility subject to Article 28 of the New York Public Health Law, determined to discharge ██████████ (Appellant) from the Facility to Rochester General Hospital (RGH). The Appellant appealed the discharge determination to the New York State Department of Health (Department) pursuant to 10 New York Codes Rules, and Regulations (NYCRR) § 415.3(i).

A hearing was scheduled for April 4, 2024. The Facility appeared by Samontra Spencer, Nursing Home Administrator. The Appellant appeared from RGH with Carolyn Flowerday, RGH manager of social services.

On ██████████, the Facility agreed to readmit the Appellant. The parties requested the hearing be adjourned to ██████████, 2024, to ensure the agreement could be implemented. By email dated ██████████ the Facility confirmed that Mr. ██████████ has been readmitted to the Facility and that the ██████████ notice of discharge is withdrawn.

There is no issue to be decided. Any further attempts by the Facility to discharge the Appellant will require a new notice of discharge.

Dated: Rochester, New York
April 11, 2024


Kendra Vergason
Administrative Law Judge