

cc: Ms. Suzanne Caligiuri/Division of Quality & Surveillance by scan  
SAPA File  
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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

July 8, 2024

**CERTIFIED MAIL/RETURN RECEIPT**

██████████  
c/o The Grand Rehab & Nursing  
at Guilderland  
428 State Route 146  
Altamont, New York 12009

Barbara Phair, Esq.  
Abrams Fensterman, LLP  
3 Dakota Drive, Suite 300  
Lake Success, New York 11042

LaVonda S. Collins, Esq.  
The Legal Project  
24 Aviation Road, Suite 101  
Albany, New York 12205

**RE: In the Matter of ██████████ – Discharge Appeal**

Dear Parties:

Enclosed please find the Stipulation and Order in the above referenced matter. The Order is final and binding.

Either party may appeal to the courts pursuant to the provisions of Article 78 of the Civil Practice Law and Rules. A party that wishes to appeal this decision 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 Order.

Sincerely,

Natalie J. Bordeaux  
Chief Administrative Law Judge  
Bureau of Adjudication

NJB: cmg  
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

**The Grand Rehabilitation and Nursing  
at Guilderland,**

Respondent,

to discharge her from a residential  
health care facility.

COPY

STIPULATION  
AND ORDER

DA24-6340

Hearing Before: Jeanne T. Arnold  
Administrative Law Judge

Hearing via: Cisco WebEx videoconference

Hearing Date: July 2, 2024

Parties: The Grand Rehabilitation and Nursing at Guilderland  
428 State Route 146  
Guilderland, New York 12009  
By: Barbara Phair, Esq.  
Abrams Fensterman, LLP  
3 Dakota Drive, Suite 300  
Lake Success, New York 11042  
bphair@abramslaw.com

[REDACTED]  
c/o The Grand Rehabilitation and Nursing at Guilderland  
By: LaVonda S. Collins, Esq.  
The Legal Project  
24 Aviation Road, Suite 101  
Albany, New York 12205  
lcollins@legalproject.org

By Transfer/Discharge Notice dated [REDACTED], 2024, The Grand Rehabilitation and Nursing at Guilderland (Facility), a residential health care facility subject to Article 28 of the New York Public Health Law, determined to discharge [REDACTED] (Appellant). The Appellant appealed the discharge determination to the New York State Department of Health pursuant to 10 NYCRR 415.3(i).

A hearing was scheduled for April 11, 2024, when the parties appeared and agreed to an adjournment for counsel. Counsel for both parties appeared on April 22, 2024, discussed numerous issues and together agreed to work on the issues. Together counsel requested further postponements of the hearing to May 15, May 29 and July 2, 2024. On July 2, 2024, the parties reached a settlement and a record of same was made. (0h5m.)

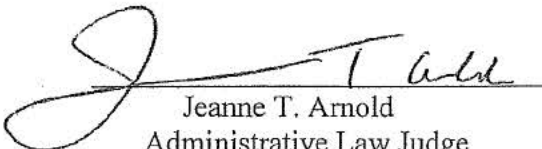
The Facility agreed to withdraw its notice dated [REDACTED], 2024 to discharge the Appellant to a hotel. The Facility and the Appellant are working together to locate an Assisted Living Facility for the Appellant as her own home in the community currently is not a viable option. The Appellant agreed that because the Facility withdrew its notice dated [REDACTED], 2024, she no longer requires a hearing. There is no issue to be decided.

Therefore, in accordance with the parties' agreement, it is hereby

ORDERED that the Facility may not discharge the Appellant pursuant to its Transfer/Discharge Notice dated [REDACTED], 2024; and it is further

ORDERED that should the Facility determine to implement its previously contemplated action, it must issue a new notice.

Dated: July 5, 2024  
Rochester, New York

  
Jeanne T. Arnold  
Administrative Law Judge