

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 31, 2024

CERTIFIED MAIL/RETURN RECEIPT

██████████
c/o Sans Souci Rehabilitation and
Nursing Center
115 Park Avenue
Yonkers, New York 10703

Aryeh Schacter, NHA
Sans Souci Rehabilitation and
Nursing Center
115 Park Avenue
Yonkers, New York 10703

Ken Kern, Esq.
Cona Elder Law, PLLC
225 Broadhollow Road
Suite 200
Melville, New York 11747

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: 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

Sans Souci Rehabilitation & Nursing Center
Respondent,

to discharge him from a residential
health care facility.

COPY

STIPULATION
AND ORDER

DA24-6353

Hearing Before: Jeanne T. Arnold
Administrative Law Judge

Held via: WebEx Videoconference

Hearing Date: May 9, 2024
The record closed July 30, 2024

Parties: Sans Souci Rehabilitation & Nursing Center
115 Park Avenue
Yonkers, New York 10703
By: Ken Kern, Esq.
Cona Elder Law, PLLC
225 Broad Hollow Road
Suite 200
Melville, New York 11747

██████████
Sans Souci Rehabilitation & Nursing Center
Pro Se

By Transfer/Discharge Notice dated ██████████ 2024, Sans Souci Rehabilitation & Nursing Center (Facility), a residential health care facility subject to Article 28 of the New York Public Health Law, determined to discharge ██████████ (Appellant). The Appellant appealed the

discharge determination to the New York State Department of Health pursuant to 10 NYCRR 415.3(i).

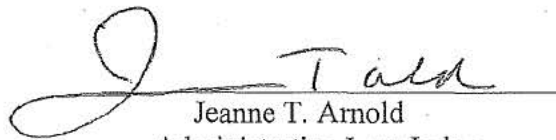
A hearing was scheduled for May 9, 2024, when the parties appeared and agreed to an adjournment to work together to obtain a New York State identification for the Appellant. The hearing was rescheduled for June 5, 2024, when the parties agreed to a further adjournment to July 30, 2024 at the Facility's request. By prehearing email exchanges, the Facility withdrew its notice dated ██████ 2024. The Appellant indicated that, because the Facility withdrew its notice, he no longer requires a hearing concerning the notice dated ██████, 2024. 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 ██████ 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 30, 2024
Rochester, New York


Jeanne T. Arnold
Administrative Law Judge