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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 3, 2024

CERTIFIED MAIL/RETURN RECEIPT

██████████
c/o Douglas Berman, Esq.
Self Help Community Services, Inc.
Community Guardianship Program
520 8th Avenue, 5th Floor
New York, New York 10018

Kettlyn Pierre, RN, DNS
Haven Manor Health Care Center
1441 Gateway Boulevard
Far Rockaway, New York 10691

Barbara Phair, Esq.
Abrams Fensterman, LLP
3 Dakota Drive, Suite 300
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Michael Bass, Esq.
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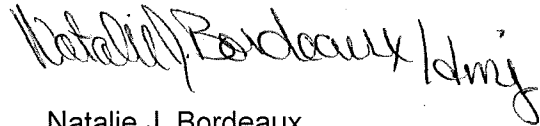
RE: In the Matter of ██████████ – Discharge Appeal

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,

A handwritten signature in black ink that reads "Natalie J. Bordeaux / cmg". The signature is written in a cursive style.

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

COPY

DECISION

DA24-6371

██████████
Appellant,

from a determination by

HAVEN MANOR HEALTH CARE CENTER

to discharge him from a residential health care facility.

Before: Kendra Vergason
Administrative Law Judge

Held at: WebEx video conference

Date: May 15 and June 26, 2024

Parties: ██████████ Appellant

By: Douglas Berman, Esq.
Self Help Community Services, Inc.
Community Guardianship Program
520 8th Avenue, 5th Floor
New York, New York 10018

Haven Manor Health Care Center
1441 Gateway Boulevard
Far Rockaway, New York 10691

By: Michael Bass, Esq. and Barbara Phair, Esq.
Abrams Fensterman, LLP
54 State Street, Suite 803
Albany, New York 12207

DISCUSSION

On ██████████ 2024, Haven Manor Health Care Center (Respondent), a residential health care facility (RHCF) subject to Article 28 of the Public Health Law, transferred ██████████ (Appellant) to ██████████. By Notice of Discharge dated ██████████, 2024, the Respondent determined to discharge the Appellant from care and treatment in its nursing home with a discharge location identified as ██████████. The Appellant's legal guardian, Self Help Community Services Inc., appealed the discharge determination to the New York State Department of Health pursuant to 10 NYCRR 415.3(i). The Respondent has the burden of proving the discharge or transfer is necessary and the discharge plan is appropriate. 18 NYCRR 415.3(i)(2)(iii)(b).

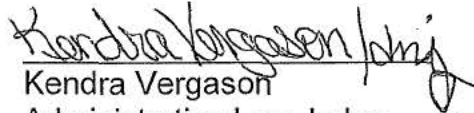
The Respondent, the Appellant, the Appellant's legal guardian and ██████████ were duly served with a written notice of hearing. The hearing was scheduled for May 15, 2024, at which the parties and their respective representatives appeared. Prior to the start of the hearing, the parties jointly requested, and were granted, an adjournment of the proceedings to June 13, 2024. An additional adjournment was granted, again on the joint and mutual request of all interested parties, to June 26, 2024.

The Respondent and Ms. ██████████, Director of Social Work Department at ██████████, appeared for the hearing on June 26; the videoconference remained open for thirty minutes. Neither the Appellant, nor the Appellant's legal guardian appeared. Counsel for the Respondent, Michael Bass,

Esq., and Ms. ██████████ provided written confirmation that, by consent and agreement of the Appellant and his legal guardian, the Appellant voluntarily discharged from the hospital to ██████████ on ██████████ 2024.

The Appellant has abandoned his request for an appeal. NY SAPA § 301(5). There is no issue to be decided and the appeal is dismissed.

DATED: Rochester, New York
July 2, 2024


Kendra Vergason
Administrative Law Judge

TO: ██████████
c/o Douglas Berman, Esq.
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Community Guardianship Program
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