

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

August 8, 2024

CERTIFIED MAIL/RETURN RECEIPT

Bridget Seeley, Acting Administrator
Ellis Residential and Rehabilitation Center
600 McClellan Street
Schenectady, New York 12304

Justin Pfeiffer, Esq.
677 Broadway 10th Fl
Albany, New York 12207

Michael Bucci, Esq.
78 Willow Avenue
Larchmont, New York 10538

RE: In the Matter of [REDACTED] – 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

COPY

STIPULATION & ORDER

██████████

Appellant,

from a determination by

ELLIS RESIDENTIAL AND REHABILITATION CENTER

to discharge her from a residential health care facility.

Before: Kimberly A. O'Brien
Administrative Law Judge (ALJ)

Held at: Videoconference via Webex

Dates: August 5, 2024

Parties: Bridget Seeley, Acting Administrator
Ellis Residential and Rehabilitation Center
600 McClellan Street
Schenectady, New York 12304
seeleyb@ellismedicine.org

By: Justin Pfeiffer, Esq.
677 Broadway 10th Fl
Albany, New York 12207
pfeiffer@nixonpeabody.com

██████████ Appellant
Ellis Residential and Rehabilitation Center

By: Michael Bucci, Esq.*
78 Willow Avenue
Larchmont, New York 10538
*Appellant's ██████████ Power of Attorney (POA)
██████████


Ellis Residential and Rehabilitation Center (Facility), a residential care facility subject to Article 28 of the New York Public Health Law (PHL), determined to discharge [REDACTED] (Appellant) from the Facility. 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 noticed and scheduled for August 5, 2024 by videoconference. The only issues to be decided at hearing are whether the discharge is necessary and the proposed discharge location is available and appropriate to meet the Appellant's needs. The Department approved a closure plan, and the Facility is scheduled to close in August 2024. The Appellant is the only one still residing at the Facility. [REDACTED] is available and appropriate to meet the Resident's needs, as it provides the same level of care.

The Appellant's POA withdrew the appeal. The Facility and the Appellant's family agree to work to secure an available alternative placement on or before [REDACTED], 2024. An audio-recording of this agreement was made and it is contained on a Compact Disc in the hearing record.

ORDER

NOW; after considering the parties agreement, the ALJ issues the following Order: On or before August 30, 2024, the Facility may discharge the Appellant to an agreed available alternative placement. If no agreed alternative placement becomes available, the Facility may discharge the Appellant on [REDACTED] 2024, to [REDACTED]

DATED: Albany, New York
August 7, 2024



Kimberly A. O'Brien
Administrative Law Judge