



**Department
of Health**

KATHY HOCHUL
Governor

JAMES V. McDONALD, MD, MPH
Commissioner

JOHANNE E. MORNE, MS
Executive Deputy Commissioner

January 6, 2025

CERTIFIED MAIL/RETURN RECEIPT

Roy Breitenbach, Esq.
Harris Beach Murtha
333 Earle Ovington Boulevard, Suite 901
Uniondale, New York 11553

Zack A. Struver, Esq.
Mental Hygiene Legal Service
1500 Waters Place, Room A1-115
Bronx, New York 10461

Anna Hock, Esq.
Barker Patterson Nichols LLP
300 Garden City Plaza, Suite 100
Garden City, New York 11530

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

[REDACTED]

Appellant,

from a determination by

**Grand Manor Nursing &
Rehabilitation Center,**

Respondent,

to discharge him from a residential
health care facility.

COPY

ORDER

#DA24-6502

Hearing before: Jeanne T. Arnold
Administrative Law Judge
January 6, 2025
By videoconference

Parties: Grand Manor Nursing & Rehabilitation Center
700 White Plains Road
Bronx, New York 10473
By: Roy Breitenbach, Esq.
Harris Beach Murtha
333 Earle Ovington Boulevard, Suite 901
Uniondale, New York 11553

[REDACTED]
By: Zack A. Struver, Esq.
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1500 Waters Place, Room A1-115
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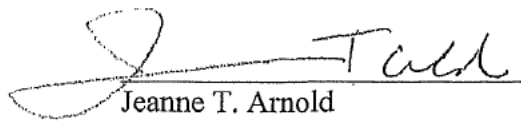
Also appearing: Jacobi Medical Center
1400 Pelham Parkway South
Bronx, New York 10461
By: Anna Hock, Esq.
Barker Patterson Nichols, LLP
300 Garden City Plaza, Suite 100
Garden City, New York 11530

By notice dated ██████████, 2024, Grand Manor Nursing & Rehabilitation Center (Facility), a residential health care facility (RHCF) subject to Article 28 of the Public Health Law (PHL), determined to discharge ██████████ (Appellant), a resident, from the Facility to ██████████ ██████████, New York or to ██████████ ██████████ New York on ██████████ ██████████ 2025. Exhibit II. On or around ██████████ 2024, an incident occurred at the Facility and the Appellant was sent to ██████████ Emergency Room (██████████ an acute care hospital, for observation and/or treatment. After the Appellant was cleared by ██████████ to return to the Facility, the Facility refused to readmit him. The Appellant appealed the discharge to the New York State Department of Health pursuant to 10 NYCRR 415.3(i). A hearing was scheduled. Exhibit I. At the hearing, the parties reached an agreement recorded by Webex videoconference. (0h9m.)

██████████ has determined that the Appellant no longer requires hospitalization and is ready to return to the Facility. The Facility agreed to readmit the Appellant immediately and to withdraw its notice dated ██████████, 2024 (Exhibit II). The Appellant agreed both that this resolved the issue, and a hearing was no longer required. The parties indicated that they would work together towards an appropriate discharge plan.

In accordance with its agreement made on the record at the hearing, Grand Manor Nursing & Rehabilitation Center is directed, pursuant to 10 NYCRR 415.3(i)(2)(i)(d), to readmit the Appellant. The notice dated ██████████, 2024 is withdrawn and dismissed.

Dated: Rochester, New York
January 6, 2025


Jeanne T. Arnold
Administrative Law Judge
Bureau of Adjudication

cc: DOH.sm.DCAppeals@health.ny.gov by scan
SAPA File
BOA by scan