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Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, MD, MPH
Commissioner

JOHANNE E. MORNE, MS
Executive Deputy Commissioner

April 17, 2025

CERTIFIED MAIL/RETURN RECEIPT

Sadie Fox, DSW
Rochester Center
525 Beahan Road
Rochester, New York 14624
sfox@rochestercenter.net

[REDACTED]
c/o Rochester Center
525 Beahan Road
Rochester, New York 14624

Dianna S. Leach, JD
Regional Coordinator/Director
NYS Long Term Care Ombudsman Prog
Lifespan of Greater Rochester, Inc.
1900 S. Clinton Ave., Ste.13
Rochester, NY 14618
dleach@lifespan-roch.org

RE: In the Matter of [REDACTED] – Discharge Appeal

Dear Parties:

Enclosed please find the Stipulation & Order in the above referenced matter. This Stipulation & Order 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 Stipulation & Order 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 Stipulation & 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

[REDACTED]

Appellant,

from a determination by

Rochester Center,

Respondent,

to discharge her from a residential
health care facility.

COPY

STIPULATION & ORDER
CASE #6565

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

Hearing Date: April 16, 2025
By videoconference

Parties: Rochester Center
525 Beahan Road
Rochester, New York 14624
By: Sadie Fox, DSW
sfox@rochestercenter.net

[REDACTED]
Rochester Center
By: [REDACTED], Appellant's [REDACTED]
[REDACTED]

Dianna Leach, LTC Ombudsman Program
dleach@lifespan-roch.org

Rochester Center (Respond or Facility), a residential health care facility subject to Article 28 of the Public Health Law (PHL), determined to discharge [REDACTED] (Appellant) from care and treatment in its nursing home. Pursuant to 10 NYCRR 415.3, the Appellant appealed the discharge determination to the New York State Department of Health. By notice dated [REDACTED] 2025,¹ Respondent advised the Appellant that it had determined to discharge him on the grounds that he has failed after reasonable and appropriate notice to pay for his stay at the facility and proposed to discharge him to [REDACTED] [REDACTED] New York. ALJ Exhibit 1

[REDACTED], Appellant's [REDACTED] (Ms. [REDACTED] who was acting as Appellant's representative, and Sadie Fox, Facility Director of Social Work (DSW Fox),² were sworn and agreed to the stipulation and settlement terms herein, and a recording was made.

1. The Appellant has withdrawn his discharge appeal.
2. Respondent agrees to make a homecare agency referral for Appellant to receive services at Ms. [REDACTED] home.
3. Ms. [REDACTED] agrees to take the Appellant into her home on or before [REDACTED] [REDACTED] 2025. Respondent and Ms. [REDACTED] will work together to coordinate the discharge.

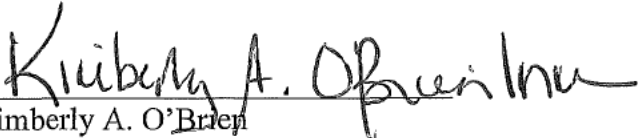
¹ The notice of hearing and the discharge notice are incorporated by reference and made part of this Stipulation & Order and marked as ALJ Exhibit 1.

² DSW Fox affirmed that she is authorized by the Respondent to agree to the stipulation and settlement terms herein.

4. In the event Appellant's discharge to Ms. [REDACTED] home cannot be effectuated on or before [REDACTED], 2025, the Respondent may discharge the Appellant to [REDACTED], New York. ALJ 1.

The above stipulation and settlement terms as agreed are SO ORDERED.

Dated: Albany, New York
April 17, 2025



Kimberly A. O'Brien
Administrative Law Judge
Bureau of Adjudication