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Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, MD, MPH
Commissioner

JOHANNE E. MORNE, MS
Executive Deputy Commissioner

May 20, 2025

CERTIFIED MAIL/RETURN RECEIPT

[REDACTED]
c/o Essex Center
81 Park Street
Elizabethtown, New York 12932

Tara Vilardo, Administrator
Essex Center
81 Park Street
Elizabethtown, New York 12932

[REDACTED]
Amy Gehrig
NYS LTC Ombudsman Coordinator
North Country Center for Independence
80 Sharron Avenue
Plattsburgh, New York 12901

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

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

[REDACTED]

Appellant,

from a determination by

Essex Center,

Respondent,

to discharge him from a residential
health care facility.

COPY

#DA25-6572

Hearing Before: Jeanne T. Arnold
Administrative Law Judge
By videoconference

Hearing Date: May 20, 2025

Parties: Essex Center
81 Park Street
Elizabethtown, New York 12932
By: Tara Vilardo, Administrator

[REDACTED]
c/o Essex Center

By: [REDACTED], [REDACTED] and Representative

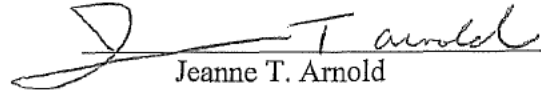
Also Appearing: Amy Gehrig, Ombudsman

By notice dated [REDACTED], 2025, the Essex Center (Facility), a residential health care facility subject to Article 28 of the New York Public Health Law (PHL), determined to discharge [REDACTED] (Appellant) from its nursing home. The Appellant appealed the discharge determination to

the New York State Department of Health pursuant to 10 NYCRR 415.3(i). A hearing was held and recorded by WebEx videoconference on May 20, 2025. (0h4m.)

At the hearing, the Facility agreed to withdraw its notice of discharge dated [REDACTED], 2025. The Appellant, therefore, agreed to withdraw his appeal. There is no issue to be decided. Any further determination by the Facility to discharge the Appellant would require a new notice setting forth permissible grounds for discharge and an appropriate discharge plan in accordance with the requirements of PHL § 2803-z, 10 NYCRR 415.3(i) and 42 CFR 483.15(c).

Dated: May 20, 2025
Rochester, New York


Jeanne T. Arnold
Administrative Law Judge

TO:
Tara Vilardo, Administrator
Essex Center
81 Park Street
Elizabethtown, New York 12932
TVilardo@EssexRehab.net

[REDACTED]

Amy Gehring
New York State Long-Term Care Ombudsman Coordinator
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