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Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, MD, MPH
Commissioner

JOHANNE E. MORNE, MS
Executive Deputy Commissioner

July 17, 2025

CERTIFIED MAIL/RETURN RECEIPT

[REDACTED]
c/o Grand Manor Nursing Home
700 White Plains Road
Bronx, New York 10473

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

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: 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

**Grand Manor Nursing and
Rehabilitation Center**

Respondent,

to discharge him from a residential
health care facility.

COPY

ORDER

#DA25-6604

Hearing before: Shelby L. Foster
Administrative Law Judge

Held via: Webex Videoconference

Hearing Date: July 16, 2025

Parties: Grand Manor Nursing and Rehabilitation Center
700 White Plains Road
Bronx, New York 10473

By: Roy Breitenbach, Esq.
Office of Harris Beach Murtha
333 Earle Ovington Blvd., Suite 901
Uniondale, New York 11553

[REDACTED]
c/o Grand Manor Nursing and Rehabilitation Center
700 White Plains Road
Bronx, New York 10473

By: pro se

JURISDICTION

By notice dated [REDACTED] 2025, Grand Manor Nursing and Rehabilitation Center (Respondent), a residential health care facility subject to Article 28 of the New York Public Health Law (PHL), determined to discharge [REDACTED] (Appellant) from care and treatment in its facility. The Appellant appealed the determination to the New York State Department of Health (Department) pursuant to 10 New York Codes, Rules, and Regulations (NYCRR) § 415.3(i).

HEARING RECORD

ALJ Exhibits:	1 – Notice of Hearing and Notice of Discharge or Transfer
Respondent's Witnesses:	Zergabachew Asfaw, MD, Medical Director Kshawn Tatum, Social Worker
Respondent's Exhibits:	1 – Discharge Papers 2 – Progress Notes
Appellant's Witnesses:	[REDACTED] Appellant
Appellant's Exhibits:	None

A digital recording of the hearing was made. (47:44 in duration.)

DISCUSSION

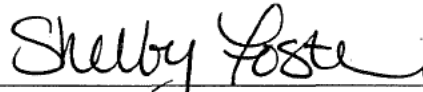
At the hearing, the Respondent agreed to withdraw its Notice of Discharge dated [REDACTED] 2025. There is no issue to be decided. Any further determination by the Respondent to discharge the Appellant will require a new notice setting forth permissible grounds for discharge and an appropriate discharge plan in accordance with the requirements of 10 NYCRR 415.3(i) and Public Health Law § 2803-z(1)(b).

ORDER

1. The Respondent is prohibited from discharging the Appellant pursuant to its Notice of Discharge dated [REDACTED] 2025.
2. In the event the Respondent determines to discharge the Appellant for any reason, it is required to issue a new discharge notice.

Dated: Menands, New York

July 16, 2025



Shelby L. Foster
Administrative Law Judge

To: Roy Breitenbach, Esq.
Office of Harris Beach Murtha
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RBreitenbach@harrisbeachmurtha.com

[REDACTED]
c/o Grand Manor Nursing Home
700 White Plains Road
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[REDACTED]