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Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, MD, MPH
Commissioner

JOHANNE E. MORNE, MS
Executive Deputy Commissioner

August 13, 2025

CERTIFIED MAIL/RETURN RECEIPT

[REDACTED]
c/o Casa Promesa Skilled Nursing Facility
308 East 175th Street
Bronx, New York 10457

Kalani Butts-Peterson, NHA
Casa Promesa Skilled Nursing Facility
308 East 175th Street
Bronx, New York 10457

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

COPY

ORDER

[REDACTED]
Appellant,

from a determination by

Casa Promesa Skilled Nursing Facility

to discharge him from a residential health care facility.

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

Held at: Videoconference via WebEx

Date: August 13, 2025

Parties: [REDACTED]
Casa Promesa Skilled Nursing Facility
308 East 175th Street
Bronx, New York 10457
By: Pro Se [REDACTED]

Casa Promesa Skilled Nursing Facility
308 East 175th Street
Bronx, New York 10457
By: Kalani Butts-Peterson, NHA
kbutts@promesa.org

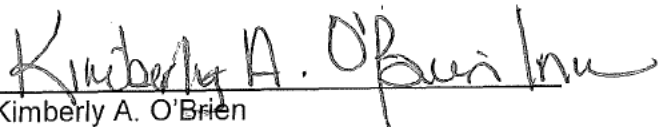
Casa Promesa Skilled Nursing Facility (facility) is a residential health care facility, also referred to in the New York State Department of Health (Department) Rules and Regulations as a nursing home, which provides regular nursing, medical, rehabilitative, and professional services to residents who do not require hospitalization. (New York Public Health Law (PHL) § 2801[2][3]; 10 New York Codes Rules, and Regulations (NYCRR) 415.2[k]).

On [REDACTED] 2025 the facility issued a discharge notice to [REDACTED] (resident) stating that the resident's needs cannot be met after reasonable attempts at accommodation by the facility. The proposed discharge was to [REDACTED] [REDACTED] New York.

A notice of hearing was issued scheduling the hearing for August 13, 2025, at 10:00 am, via WebEx. Under the hearing procedures at 10 NYCRR 415.3(i)(2)(iii), the facility bears the burden to prove a discharge is necessary and appropriate.

At the hearing the facility withdrew the discharge notice because the proposed discharge location is no longer available.

DATED: Menands, New York
August 13, 2025


Kimberly A. O'Brien
Administrative Law Judge