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Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, MD, MPH
Commissioner

JOHANNE E. MORNE, MS
Executive Deputy Commissioner

August 29, 2025

CERTIFIED MAIL/RETURN RECEIPT

[REDACTED]
c/o Fulton Commons Care Center
60 Merrick Avenue
East Meadow, New York 11554

Sybelle Gaubert
Fulton Commons Care Center
60 Merrick Avenue
East Meadow, New York 11554

Barbara Phair, Esq.
Abrams Fensterman, LLP
3 Dakota Drive, Suite 300
Lake Success, New York 11042

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

COPY

In the Matter of an Appeal, pursuant to
10 NYCRR 415.3, by

ORDER

██████████ Appellant,
from a determination by

Fulton Commons Care Center

to discharge her from a residential health care facility.

Before: Jean T. Carney
Administrative Law Judge (ALJ)

Held at: Videoconference via WebEx

Date: August 28, 2025

Parties: ██████████ Appellant, *Pro se*
Fulton Commons Care Center
60 Merrick Avenue
East Meadow, New York 11554

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60 Merrick Avenue
East Meadow, New York 11554

By: Barbara Phair, Esq.
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Fulton Commons Care Center (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] (Appellant or resident) stating that the resident's health had improved sufficiently so that she no longer needs the services of the facility; and that the resident has failed to pay for her stay after being given reasonable and appropriate notice. The proposed discharge was to [REDACTED] Social Services, [REDACTED], [REDACTED], New [REDACTED]

A notice of hearing was issued scheduling the hearing for August 28, 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 resident withdrew her request for a hearing. The facility is authorized to discharge the resident on [REDACTED] 2025, pursuant to the discharge notice. The resident may leave the facility before [REDACTED] 2025; but may not remain after that date.

DATED: Menands, New York
August 28, 2025


JEAN T. CARNEY
Administrative Law Judge