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Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, MD, MPH
Commissioner

JOHANNE E. MORNE, MS
Executive Deputy Commissioner

September 16, 2025

CERTIFIED MAIL/RETURN RECEIPT

[REDACTED]
c/o Elderwood at Hornell
1 Bethesda Drive
Hornell, New York 14843

Bethany Bolt
Elderwood at Hornell
1 Bethesda Drive
Hornell, New York 14843

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

Elderwood at Hornell

Respondent,

to discharge him from a residential
health care facility.

COPY

ORDER

#DA25-6657

Hearing before: Shelby L. Foster
Administrative Law Judge

Held via: Webex Videoconference

Hearing Date: September 16, 2025

Parties: Elderwood at Hornell
1 Bethesda Drive
Hornell, New York 14843
By: Bethany Bolt

[REDACTED]
c/o Elderwood at Hornell
1 Bethesda Drive
Hornell, New York 14843

Assisted by: [REDACTED] / Representative
Amy Mayer, Long-Term Care Ombudsman

JURISDICTION

By notice dated ██████████ 2025, Elderwood at Hornell (Respondent), a residential health care facility subject to Article 28 of the New York Public Health Law (PHL), determined to discharge ██████████ (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:	I – Notice of Hearing and Notice of Discharge or Transfer
Respondent's Witnesses:	Bethany Bolt, Administrator Grace Stewart, Long-Term Care Social Worker
Respondent's Exhibits:	1 – 7
Appellant's Witnesses:	██████████ Appellant ██████████/Representative Amy Mayer, Long-Term Care Ombudsman
Appellant's Exhibits:	A – C

A digital recording of the hearing was made. (45:56 in duration.)

DISCUSSION

At the hearing, the Respondent agreed to withdraw its Notice of Discharge dated ██████████ 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 ██████████, 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
September 16, 2025



Shelby L. Foster
Administrative Law Judge

To: Bethany Bolt
Elderwood at Hornell
1 Bethesda Drive
Hornell, New York 14843
Email: bbolt@elderwood.com

██████████
c/o Elderwood at Hornell
1 Bethesda Drive
Hornell, New York 14843
Email: ██████████