

cc: Ms. Suzanne Caligiuri/Division of Quality & Surveillance by scan  
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# Department of Health

ANDREW M. CUOMO  
Governor

HOWARD A. ZUCKER, M.D., J.D.  
Commissioner

SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

January 10, 2020

**CERTIFIED MAIL/RETURN RECEIPT**



Eunice Richards, DSW  
Northern Manhattan Rehabilitation & Nursing  
116 East 125<sup>th</sup> Street  
New York, New York 10035

**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,

James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH: cmg  
Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH

COPY

In the Matter of  
█/Northern Manhattan Rehabilitation and  
Nursing

Administrative Law Judge's Decision

Appeal from a Nursing Home Resident Involuntary Discharge pursuant to  
Title 10 (Health) of the Official Codes, Rules and Regulations of the  
State of New York (NYCRR) §415.3(h)

Before: Administrative Law Judge (ALJ) James F. Horan

For Northern Manhattan Rehabilitation  
and Nursing (Facility):

Eunice Richards, Director of Social Work

For Resident █ (Appellant):

No Appearance

The ALJ rules that the Appellant has abandoned her appeal of the Facility's determination to discharge the Appellant to an Assisted Living Facility.

The Facility provided the Appellant with a Notice of Discharge on █, 2019, which proposed discharge to an Assisted Living Facility in Long Beach, N.Y, on the grounds that the Appellant no longer required care in a skilled nursing facility (Hearing Exhibit 3, Notice of Hearing). The Appellant then requested a hearing to challenge the discharge pursuant to Title 10 NYCRR § 415.3(i). The Bureau of Adjudication contacted the parties to schedule the hearing and each party indicated that they would be available for hearing on January 8, 2020 at 11:00 a.m. at the Facility. On December 21, 2019, however, the Appellant moved out of the Facility against medical advice (Hearing Exhibit 1, attached). Staff at the Facility reminded the Appellant at that time that a discharge hearing was scheduled in this matter for January 8<sup>th</sup> (Hearing Exhibit 2, attached). The Bureau of Adjudication attempted but failed to contact the Appellant to verify whether the Appellant wished to continue with the hearing. The Appellant failed to appear for the

hearing at the Facility on January 8, 2020 at 11:00 a.m. and the ALJ found that the Appellant had defaulted in appearing and abandoned the Appeal.

ORDER

NOW; after considering the request for Hearing and the documents in evidence, the ALJ issues the following Order:

1. The ALJ dismisses the Appellant's Discharge Appeal.
2. The ALJ upholds the Facility's Discharge Notice.

Dated: Menands, New York  
January 10, 2020

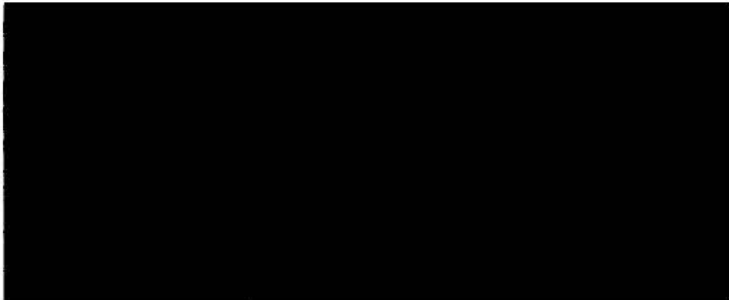


James F. Horan  
Administrative Law Judge

To:

[REDACTED]  
[REDACTED]  
[REDACTED]

Eunice Richards, Director of Social Work  
Northern Manhattan Rehabilitation and Nursing  
116 East 125<sup>th</sup> Street  
New York, NY 10035



Northern Manhattan Nursing Home, Inc.

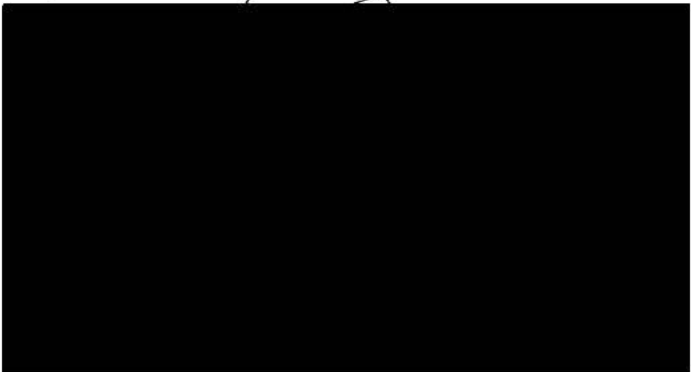
DISCHARGE AGAINST MEDICAL ADVICE

Date: [Redacted]

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This is to certify that resident [Redacted] leaving Northern Manhattan Nursing Home of her/his own free will and accord, against the advice of the physician and authorities of the facility.

I hereby declare that I fully realize the danger that may result by reason of the removal of said resident and I hereby promise and agree to hold the Northern Manhattan Nursing Home, or its physicians or executives, free from censure and blameless for any injury that may result by reason of this removal.



Date: [Redacted] 19

Date: [Redacted] 2019

Date: [Redacted] 19

