

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

KATHY HOCHUL
Governor

JAMES V. McDONALD, M.D., M.P.H.
Commissioner

MEGAN E. BALDWIN
Acting Executive Deputy Commissioner

June 22, 2023

CERTIFIED MAIL/RETURN RECEIPT

Yonatan Lautman, Administrator
Delmar Center
125 Rockefeller Road
Delmar, New York 12054

[REDACTED]
Delmar Center
125 Rockefeller Road
Delmar, New York 12054

Gloria Murray
Long Term Care Ombudsman Program
Catholic Charities Senior & Caregiver Support Services
1462 Erie Boulevard, 2nd floor
Schenectady, New York 12305

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



Appellant,

from a determination by

Delmar Center,

Respondent,

to discharge him from a residential
health care facility.

COPY

Decision

DA23-6041

Hearing before:

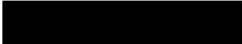
John Harris Terepka
Administrative Law Judge

Held at:

New York State Department of Health.
by videoconference
June 12 and 22, 2023

Parties:

Delmar Center
125 Rockefeller Road
Delmar, New York 12054
ylautman@delmarcenter.net
By: Yonatan Lautman, Administrator

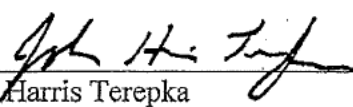

Delmar Center
By: Gloria Murray
Long Term Care Ombudsman Program
Catholic Charities Senior & Caregiver Support
Services
1462 Erie Boulevard, 2nd floor
Schenectady, New York 12305
gmurray@cathcharschdy.org

Delmar Center (the Respondent), a residential health care facility subject to Article 28 of the Public Health Law, determined to discharge [REDACTED] (the Appellant) from care and treatment in its nursing home. Pursuant to 10 NYCRR 415.3(i), the Appellant appealed the discharge determination to the New York State Department of Health.

A hearing was scheduled and held on June 12 and 22, 2023. The Respondent was represented by Yoni Lautman, Administrator. The Appellant appeared and was represented by Gloria Murray, State Long Term Care Ombudsperson. The notice of hearing and [REDACTED] 2023 discharge notice are in evidence as ALJ Exhibit I. A digital recording of the hearing was made. (June 12: 2h48m. June 22: 0h6m.)

At the hearing on June 22, the Respondent agreed to amend its [REDACTED] 2023 notice of discharge to extend the discharge date from [REDACTED] to [REDACTED] 2023. The Appellant agreed to withdraw his request for a hearing. It is understood by both parties that if some other resolution of this matter is not agreed to by the parties, the Respondent is entitled to proceed on [REDACTED] with the discharge plan set forth in the amended [REDACTED] 2023 discharge notice.

Dated: Rochester, New York
June 22, 2023



John Harris Terepka
Administrative Law Judge
Bureau of Adjudication