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# Department of Health

**KATHY HOCHUL**  
Governor

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

**JOHANNE E. MORNE, M.S.**  
Acting Executive Deputy Commissioner

December 5, 2023

**CERTIFIED MAIL/RETURN RECEIPT**



Margaret Bondy, DSW  
The New Jewish Home Manhattan  
120 W. 106<sup>th</sup> Street  
New York, New York 10025

**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: cmg  
Enclosure

STATE OF NEW YORK  
DEPARTMENT OF HEALTH

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COPY

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

██████████

Appellant,

DECISION

DA23-6216

from a determination by

THE NEW JEWISH HOME MANHATTAN

to discharge him from a residential health care facility.

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Before: Tina M. Champion  
Administrative Law Judge

Held at: Videoconference via WebEx

Date: December 5, 2023

Parties:

██████████  
██████████

By: Pro Se

The New Jewish Home Manhattan  
120 W. 106th Street  
New York, New York 10025

By: Margaret Bondy, Director of Social Work

**JURISDICTION**

By notice dated [REDACTED] 2023, The New Jewish Home Manhattan (Facility), a residential care facility subject to Article 28 of the New York Public Health Law (PHL), determined to discharge [REDACTED] [REDACTED] (the Appellant) from the Facility. The Appellant appealed the discharge determination to the New York State Department of Health (the Department) pursuant to 10 New York Codes, Rules, and Regulations (NYCRR) 415.3(i).

The hearing was held in accordance with the PHL; Part 415 of 10 NYCRR; Part 483 of the United States Code of Federal Regulations (CFR); the New York State Administrative Procedure Act (SAPA); and Part 51 of 10 NYCRR.

Evidence was received and witnesses were examined. A digital recording was made of the proceeding.

**HEARING RECORD**

- ALJ Exhibits: I – Letter with Notice of Hearing and Notice of Discharge or Transfer
- Facility Exhibits: 1 – Admission Record  
2 – Social Worker Summary  
3 – OT Discharge Summary  
4 – PT Discharge Summary  
5 – [REDACTED]/23 Provider Visit  
6 – [REDACTED]/23 Provider Visit  
7 – [REDACTED]/23 Provider Visit
- Appellant Exhibits: None
- Facility Witnesses: Elizabeth Franco, Social Worker  
Zofia Tryganski, Director of Rehabilitation  
Margaret Bondy, Director of Social Work
- Appellant Witness: [REDACTED] [REDACTED] Appellant

### SUMMARY

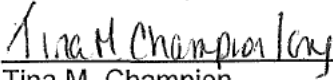
The Appellant was admitted to the Facility on [REDACTED] 2023. (Exhibit [Ex.] 1; Testimony [T.] Franco; Tryganski.) He received physical therapy, occupational therapy, and nursing services at the Facility. (Exs. 3 & 4; T; Tryganski.) The Appellant was discharged to home on [REDACTED], 2023. (T. Franco.) The Facility contends that the Appellant's [REDACTED] requested discharge to home due to dissatisfaction with the Facility. (T. Franco.) The Appellant disputes that his [REDACTED] requested the discharge. (T. [REDACTED])

At the outset of the hearing and prior to going on the record, this ALJ asked the Appellant if he wanted to return to the Facility, to which the Appellant responded affirmatively. The hearing then commenced. The Facility presented three witnesses and seven exhibits in support of its determination to discharge the Appellant. The Appellant testified and alleged that he deteriorated while at the Facility. Upon inquiry by the ALJ as to why he wants to return to the Facility, the Appellant unequivocally stated that he does not want to return. The Appellant testified that he instead wishes to "expose" the Facility and that he wants to recoup his Medicaid days used during his stay at the Facility. The only issue properly before this ALJ is the necessity and appropriateness of the Facility's discharge determination. As the Appellant has already been discharged and does not want to return, the ALJ dismissed the appeal and concluded the hearing. This Decision serves as a memorialization of the verbal dismissal.

### DECISION

1. The appeal is dismissed.
2. This decision may be appealed to a court of competent jurisdiction pursuant to Article 78 of the New York Civil Practice Law and Rules.

DATED: Menands, New York  
December 5, 2023

  
\_\_\_\_\_  
Tina M. Champion  
Administrative Law Judge

TO:



Margaret Bondy, Director of Social Work  
The New Jewish Home Manhattan  
120 W. 106th Street  
New York, New York 10025  
[MBondy@jewishhome.org](mailto:MBondy@jewishhome.org)