

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

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Acting Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

December 22, 2021

CERTIFIED MAIL/RETURN RECEIPT

██████████ ██████████
c/o New Paltz Center for Rehab & Nursing
1 Jansen Road
New Paltz, New York 12561

Yoni Lautman, Administrator
New Paltz Center for Rehab & Nursing
1 Jansen Road
New Paltz, New York 12561

RE: In the Matter of ██████████ ██████████ 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,

Dawn MacKillop-Soller
Acting Chief Administrative Law Judge
Bureau of Adjudication

DXM: cmg
Enclosure

**STATE OF NEW YORK
DEPARTMENT OF HEALTH**

COPY

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

██████████

Appellant,

DECISION

from a determination by

New Paltz Center for Rehabilitation and Nursing,

Respondent,

to transfer Appellant from a residential health care facility.

Before: Rayanne L. Babich
Administrative Law Judge

Date: December 20, 2021

Held at: Webex videoconference

Parties: ██████████ Appellant
c/o New Paltz Center for Rehabilitation and Nursing
1 Jansen Road
New Paltz, New York 12561

Yoni Lautman, Administrator
New Paltz Center for Rehabilitation and Nursing
1 Jansen Road
New Paltz, New York 12561

New Paltz Center for Rehabilitation and Nursing (Facility), a residential health care facility subject to Article 28 of the Public Health Law, through Notice of Discharge dated ██████████ 2021 [ALJ Ex I], determined to transfer ██████████ (Appellant) to ██████████ ██████████, another residential health care facility. The Appellant filed an appeal of the transfer to the New York State Department of Health pursuant to 10 NYCRR 415.3(i). The Facility

has the burden of proving the discharge or transfer is necessary and the discharge plan is appropriate. 10 NYCRR 415.3(i)(2)(iii)(b).

DISCUSSION

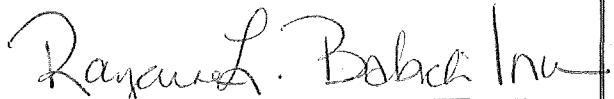
The hearing previously scheduled for December 2 and adjourned at the request of the Facility was held on December 20, 2021 by videoconference before Rayanne Babich, Administrative Law Judge. The Facility and the Appellant were provided with written notice of the hearing date via email correspondence and regular U.S. mail. [ALJ Ex II and III.] The hearing was recorded (R. 10:07).

The Appellant appeared and represented himself at the hearing. The Facility failed to appear at the hearing and failed to request an adjournment or present any evidence to refute the Appellant's discharge appeal. On the Facility's default, the Appellant's discharge appeal is granted. NY State APA § 301(5) (2014).

ORDER

The Facility is not authorized to transfer or discharge the Appellant.

Dated: December 22, 2021
Albany, New York



Rayanne L. Babich
Administrative Law Judge

TO:

■■■■■ Appellant
c/o New Paltz Center for Rehabilitation and Nursing
1 Jansen Road
New Paltz, New York 12561

Yoni Lautman, Administrator
New Paltz Center for Rehabilitation and Nursing
1 Jansen Road
New Paltz, New York 12561