



# Department of Health

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Governor

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

KRISTIN M. PROUD  
Acting Executive Deputy Commissioner

May 18, 2022

DAL: DAL #22-31  
Subject: Affidavit (DOH-5773)

Dear Adult Care Facility (ACF) Administrator:

The purpose of this Dear Administrator Letter (DAL) is to inform Adult Care Facility (ACF) stakeholders that the Department of Health (“Department”) has adopted the Affidavit (DOH-5773, hereinafter referred to as “the Affidavit”), available at [https://health.ny.gov/facilities/adult\\_care/forms.htm](https://health.ny.gov/facilities/adult_care/forms.htm), to streamline the collection of information related to a proposed Operator’s experience. Please review this DAL in its entirety to determine the applicability of the Affidavit.

A proposed Operator must demonstrate that they meet the experience requirements at Social Services Law §461-b and Title 18 of New York Codes, Rules and Regulations §485.6, governing experience. If, as submitted, the proposed Operator fails to clearly demonstrate compliance with the applicable law and regulation within the ACF Common Application, the Department will request clarification via the Affidavit regarding both the listed current and proposed Controlling Persons.

The Affidavit is intended only to provide clarifying information regarding a proposed Operator’s experience upon request by the Department. Accordingly, please understand that the Affidavit is not required with all applications, neither may the Affidavit be submitted in lieu of any required documentation listed in the [ACF Common Application Schedule 2 – Personal Qualifying Information](#). Instead, when deemed necessary by the Department to support its review of the proposed Operator’s experience, an ad hoc request will be made by the Department.

If you have any questions, please contact the Bureau of Licensure and Certification via email to [acfcon@health.ny.gov](mailto:acfcon@health.ny.gov).

Sincerely,

Heidi L. Hayes, Acting Director  
Division of Adult Care Facility  
and Assisted Living Surveillance

cc: M. Ngwashi  
J. Donovan  
K. Pergolino