



Department of Health

ANDREW M. CUOMO
Governor

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

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

October 11, 2019

DAL: NH-1916
SUBJECT: Residents' Rights

Dear Administrator:

On August 8, 2019, the Public Health and Health Planning Council adopted changes to 10 NYCRR 415.2 (Definitions) and 415.3 (Residents' Rights). These regulatory amendments add a new subdivision to Section 415.3, which adds new requirements to enhance a nursing home's responsibility to provide information to residents and/or their designated representatives.

Effective October 9, 2019, upon the rule's publication in the State Register, nursing homes will be required to ensure that all residents and/or their designated representatives are provided information on home and community-based services and community transition programs that may be available to support them in returning to the community.

Nursing homes will be required to notify all residents upon admission of their right to live in the most integrated and least restrictive setting and are expected to make a referral to the Local Contact Agency at any time the resident and/or designated representative requests to speak to someone about returning to the community. Additionally, the nursing home must post in a public area of the facility the contact number for the Local Contact Agency. To identify what Local Contact Agency is responsible for your county, please refer to the attached listing of the State's Local Contact Agencies.

Nursing homes must ensure that discharge planning staff are available and able to discuss options for discharge planning with residents and/or their designated representatives, with consideration for the resident's medical, physical, and psychosocial needs.

Nursing homes are reminded of the obligation to uphold the *Olmstead* decision by ensuring that all residents who express a desire to return to the community are provided the opportunity and assistance to allow the resident to live in the most integrated and least restrictive setting possible. For additional information see Dear Administrator Letter 18-05, dated September 4, 2018.

Questions or comments on the new requirements may be sent to nhinfo@health.ny.gov.

Sincerely,

Daniel B. Sheppard
Deputy Commissioner
Office of Primary Care and Health Systems
Management

cc: Mark Kissinger
Mark Hennessey
Sheila McGarvey