



## Department of Health

ANDREW M. CUOMO  
Governor

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

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

May 30, 2018

RE: DAL: 18-16  
Amended 18 NYCRR Regulations

Dear Adult Care Facility Administrator:

The purpose of this letter is to inform providers that on May 25, 2018, the New York State Department of Health (Department) filed regulations that prevent a provider's exclusion of an applicant on the sole basis that such individual is a person who primarily uses a wheelchair for mobility. These regulations are effective immediately.

As such, and pursuant to the authority vested in the Commissioner of Health by sections 461-l (5), 20, 34, 131-o, 460, 460-a through 460-g, 461, 461-a through 461-h of Social Services Law, sections 487.4, 488.4, 489.7, 490.4 and 494.4 and of Title 18 (Social Services) of the Official Compilation of Codes, Rules and Regulations of the State of New York, are immediately amended. The amended regulations include a new provision, applicable to all adult care facilities, that reads as follows:

***...An operator shall not exclude an individual on the sole basis that such individual is a person who primarily uses a wheelchair for mobility, and shall make reasonable accommodations to the extent necessary to admit such individuals, consistent with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq. and with the provisions of this section ...***

The regulations also remove provisions prohibiting adult care facility operators from accepting any person who is "*chronically chairfast and unable to transfer or chronically requires the physical assistance of another person to transfer.*"

Please be reminded that the Department expects all ACF operators and administrators to have policies and procedures in place and communicated to staff for the appropriate pre-admission screening and processing of admission referrals. Admissions should be handled in accordance with existing local, state and federal laws, regulations and guidelines, and decisions made based on the provider's ability to meet the individual needs of each prospective resident, including but not limited to, the reasonable accommodation of the individual's needs. Policies and procedures for pre-admission screening and processing of admissions must be made available upon demand for inspection by the Department.

Reports of non-compliance with state regulations governing the operation of NYS adult care facilities are taken seriously and will trigger an investigation. Violations will result in an enforcement action consistent with the provisions set forth in Social Services Law.

Thank you in advance for your cooperation. All questions regarding this correspondence please contact the Division of ACF & Assisted Living Surveillance at [acinfo@health.ny.gov](mailto:acinfo@health.ny.gov) .

Sincerely,

Valerie A. Deetz, Director  
Division of ACF & Assisted Living  
Surveillance

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