



Department of Health

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Governor

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

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

July 5, 2022

DAL: #22-17
Subject: Home and Community Based Settings
Regulatory Updates

Dear Adult Care Facility Administrator:

This Dear Administrator Letter (DAL) is being issued to solicit participation by regulated parties, including small businesses and businesses in rural areas, pursuant to the New York State Administrative Procedure Act.

To formalize policy requirements necessitated by the Home and Community Based Settings (HCBS) Final Rule, the Department of Health (“Department”) intends to amend Title 18 of the New York Codes, Rules, and Regulations in several sections to encompass HCBS concepts and requirements. Specifically, §485.14 is updated to require that operators provide access to visitors at any time; §§487.5, 488.5, and 490.5 are updated to reference residents’ right to manage financial and personal affairs, confidentiality and privacy expectations, space decoration, and community engagement; §§487.7, 488.7, and 490.7 are updated to reflect current agency naming conventions and form assignment, and to reflect expectations of the case management function under the HCBS Final Rule; §§487.11, 488.11, and 490.11 are updated to reflect the HCBS requirement for a bedroom locking mechanism.

There will be a sixty-day public comment period following publication of proposed regulatory amendments in the *State Register*. The full version of the proposed rule will also be made available online at <https://regs.health.ny.gov/regulations/proposed-rule-making>. The public comment period will open and public comments will be accepted by the Department beginning on the date of publication of the Notice of Proposed Rule Making in the *State Register*.

If you have any questions regarding the contents of this DAL, please write to acfhcbs@health.ny.gov.

Sincerely,

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

cc: J. Treacy
M. Hennessey
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