



Department of Health

KATHY HOCHUL
Governor

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

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

June 30, 2022

Dear MLTC Plan Administrator:

The New York State (NYS) Department of Health (DOH) is responsible for ensuring that all Managed Long-Term Care (MLTC) Plans are providing oversight and monitoring for all contracted Social Adult Day Care (SADC) sites with the MLTC plan's network. This includes Medicaid Advantage Plus (MAP) and Partial Capitation MLTC plans. While PACE plans are exempt from oversight of HCBS Settings Final Rule compliance monitoring of SADC sites, DOH will reach out to PACE plans separately on compliance status for SADC sites that are not overlap existing MAP and Partial Capitation plans' networks.

Please accept this reminder of the SADC requirements and resources available to oversee and monitor all SADC sites in the following scenarios.

Page 3 of this notification contains resources for PNDS submissions, the HCBS Settings Final Rule, MLTC SADC Policies, issued guidance, tools, presentations, and more. Additional details and requirements for all SADC sites, service area expansions, and mergers or acquisitions are below.

General Requirements (All New & Existing SADC Sites):

As a reminder, all SADC sites are required to be compliant with the Home and Community-Based Services (HCBS) Settings Final Rule and comply with 9 CRR-NY 6654.20. Your plan is required to ensure existing compliance and thereafter, annually monitor continued compliance while your plan is contracted with each SADC site. This includes an on-site visit to verify safety, environment, and HCBS Settings compliance standards.

The Provider Network Data System (PNDS) must be updated quarterly to add newly contracted SADC sites and remove any SADC sites the plan; no longer contracts with, are closed, or are not HCBS Settings Final Rule compliant. Members who are receiving services at a HCBS Settings Final Rule non-compliant SADC site must be assisted by the plan to choose and transfer to a HCBS Settings Final Rule compliant SADC site.

DOH is responsible for monitoring compliance and reporting HCBS Settings Final Rule compliance or non-compliance to the Centers for Medicare and Medicaid Services (CMS). Therefore, DOH will coordinate with your plan to ensure all contracted SADC sites are compliant or if determined non-compliant are removed from your PNDS networks. This may involve DOH either sharing compliance findings for a SADC site that was recently verified. For instance, if the site is contracted with another plan or for another line of business, or DOH will also reach out to coordinate with your plan to conduct a compliance verification.

SADC Sites within a MLTC Plan's Service Area Expansion (SAE):

MLTC plans that are pursuing a SAE must submit their proposed networks to DOH, which will include all required provider types and SADC sites for new counties in the SAE. Once approved



Department of Health

KATHY HOCHUL
Governor

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

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

by DOH and entered into PNDS, the HCBS SADC Compliance Team will review the SADC sites added as part of the SAE for HCBS Settings Final Rule compliance.

- **Recently Verified SADC Site:** If a SADC Site is already known, due to an existing contract with another MLTC plan or for another line of business, and has been recently verified by DOH for HCBS Settings Final Rule compliance, the findings will be sent to your plan.
- **New Site / Not Recently Verified:** If a SADC Site was not recently verified or is a site that has not yet contracted with another MLTC plan or for another line of business, DOH will reach out to your plan regarding compliance verification.

As a reminder, all SADC sites are required to be compliant with the HCBS Settings Final Rule and comply with 9 CRR-NY 6654.20, prior to opening and accepting members. Your plan is required to ensure compliance and then monitor continued compliance while your plan is contracted with the site. This includes an on-site visit at least annually and an initial evaluation before contracting with the site. DOH will also continue to monitor your plan's oversight of the SADC sites and their compliance with the HCBS Settings Final Rule.

Merging MLTC Plans and Acquisitions:

MLTC plans that are merging or in the case where one MLTC plan is acquiring all or a portion of another plan's network, must ensure that the HCBS SADC compliance activities are up to date for both plans' SADC sites. This includes ensuring that both plans have copies of all DOH HCBS Settings Final Rule compliance determinations and that each SADC site is HCBS Settings Final Rule compliant before members may continue to receive SADC services at the acquired plan's SADC sites. In addition, both plans are responsible for ensuring that all DOH requests related to compliance activities receive a timely response throughout the entire merger or acquisition process. Non-response to DOH compliance activities may result in the SADC sites being determined non-compliant for HCBS Settings requirements and/or the plans to be non-compliant with DOH requests.

Acquiring plans must submit PNDS merged SADC networks that will serve all members who are expected to transact through the merged plans' operations. The plan being acquired must update PNDS to reflect all SADC sites the plan is no longer contracted with.

Thank You,

New York State Department of Health (NYS DOH)

Bureau of Managed Long Term Care (BMLTC)

BMLTC Surveillance Unit

Social Adult Day Care (SADC) Compliance Team



MLTC Plan SADC Site Requirements

Contact Information and Resources

Contact Information:

HCBS Settings Compliance Questions: HCBSADCSiteAssessments@health.ny.gov

PNDS Questions: mltcpnd@health.ny.gov

MLTC General Info: MLTCInfo@health.ny.gov

Resources:

- [79 FR 2947 - Home and Community-Based Services \(HCBS\) Settings Final Rule](#)
- [9 CRR-NY 6654.20 - Social Adult Day Care Program](#)
- [PNDS Submission Portal](#)
 - [PNDS Data Dictionary](#)
- [NYS Home & Community-Based Services Final Rule Page](#)
- [CMS Home & Community-Based Services Final Regulation Page](#)
- All [MLTC Policy Documents](#) including but not limited to the following:
 - **13.03(a):** ([Community-Based Long Term Care \(CBLTC\) Services Definition](#))
 - **13.05:** ([Social Daycare Services Q&A - Eligibility for CBLTCSS POC](#))
 - **13.11:** ([Social Daycare Services Q&A](#) and [Letter to MLTC Plans from Medicaid Director Jason Helgeson](#))
 - **13.14:** ([Questions Regarding MLTC Eligibility](#))
 - **15.01(a):** ([REVISED Social Adult Day Care and MLTC: Implementation of New Social Adult Day Care Certification Process](#))
 - [Notification Letter](#)
 - SADC Certification Webinar – 5.18.2015
 - [Recording](#)
 - [Webinar Slides](#)
 - [SADC Certification FAQ](#) – 5.29.2015
 - **21.05:** ([HCBS SADC Site Compliance](#))
 - [HCBS SADC Fact Sheet \(PDF\)](#) - 12.3.2021
 - [MLTC SADC HCBS Self-Assessment Tool](#)
 - [All Plan Meeting Slide Presentation \(PDF\)](#) - 11.16.2021
 - HCBS SADC Site Self-Assessment Compliance Webinar - 12.9.2021
 - [Presentation Slides \(PDF\)](#)
 - [Recording \(YouTube\)](#) [Transcript \(PDF\)](#)