

SADC Site-Specific HCBS Settings Final Rule Compliance Notifications

Good Afternoon,

The New York State (NYS) Department of Health (DOH) would like to provide some additional information on the Social Adult Day Care (SADC) Site-Specific Home and Community-Based Services (HCBS) Settings Final Rule Compliance Notifications that were sent out on September 9, 2022.

Depending on the status of your MLTC Plan's contracted SADC sites. Your plan may have received any, or all, of the following four letters on September 9th. See the attached example of each letter for reference.

- **Letter 1: SADC Sites Must Be Compliant with HCBS Settings Final Rule and Overcome Institutional or Institutional-Like Characteristics**
 - Based on answers provided on the self-assessments and supporting documentation received (from your plan or other MLTC plans), the SADC sites indicated that they have institutional or institutional-like characteristics, which are not compliant with the HCBS Settings Final Rule and remediation efforts should be taking place.
- **Letter 2: SADC Sites Must Be Compliant with HCBS Settings Final Rule and Remediation Efforts Should be Taking Place**
 - Based on answers provided on the self-assessments and supporting documentation received, the SADC sites indicated that they are not fully compliant with the HCBS Settings Final Rule and remediation efforts should be taking place.
- **Letter 3: SADC Sites Found **Non-Compliant Due to Non-Response****
 - To date, DOH has not received an acceptable self-assessment and/or supporting documentation for the SADC site (from your plan or other MLTC plans). Therefore, DOH has determined that the SADC site is not in compliance due to the lack of participation in applicable quality assurance efforts.
- **Letter 4: SADC Sites Considered **No Longer Active****
 - No acceptable SADC Self-Assessment survey and supporting documents have been received from your plan or any plan contracted with the SADC site and at least one MLTC Plan contracted with the SADC site has informed DOH that the site is no longer active.

Additional Information

These are one-time notifications that were sent based on the information in the self-assessments received and are not official findings notifications based on DOH's review effort. The first two notifications were sent to alert the MLTC Plans of contracted SADC sites that had reported, through at least one MLTC Plan, of possible institutional characteristics or non-

compliance. The last two notices were to notify MLTC Plans of SADC Sites deemed non-compliant due to non-response or that are considered by DOH as no longer active, and therefore should be removed from your plan's network.

DOH is in the process of conducting validation reviews of all SADC sites. During this review, DOH is reviewing all self-assessments and supporting documentation received from any MLTC Plan contracted with the SADC site. DOH is also beginning to conduct the virtual on-site reviews of the SADC sites. This information will be reviewed holistically so that DOH obtains an accurate picture of the SADC site's compliance with the HCBS Settings Final Rule. Once DOH finishes review of the SADC site, we will be sending an official and detailed findings letters to all MLTC Plans contracted with the SADC site, which will detail specifically any identified areas of non-compliance and actions needing to be taken by the MLTC Plan and/or SADC Site.

What MLTC Plans Should Do Next/Action Steps

Letters 1 & 2: For the first two notifications, your MLTC Plan should be working with the SADC site in question to ensure they are compliant with all HCBS Settings Standards, remediate any non-compliance, and/or ensure they have overcome institutional characteristics of their setting (ex. On the grounds of or adjacent to a publicly or privately operated facility that provides inpatient treatment).

DOH recommends that your plan review the originally submitted self-assessment survey to identify non-compliance areas. If non-compliance is not evident on the self-assessment your plan submitted, or if your plan did not submit an acceptable self-assessment survey to DOH, it is recommended that your plan evaluate the SADC site utilizing the [MLTC SADC HCBS Self-Assessment Survey](#) or the new [Suggested SADC Site Evaluation Tool](#), to identify and remediate possible areas of deficiency, ensuring full compliance. Your plan should be fully confident that all contracted SADC sites are fully compliance with the HCBS Settings Final Rule and all State and Federal standards.

Letters 3 & 4: Please ensure all SADC Sites that were deemed non-compliant due to no response or that are considered inactive by DOH are removed from your plan's network, assistance is provided to transfer members to a compliant or remediating SADC site of their choosing, and that your next quarterly PNDS report reflects this change in your network.

NOTE: No information or documentation is required to be submitted to DOH in response to these notifications, other than ensuring your plan's quarterly PNDS submission is accurate and appropriately removes any SADC sites no longer contracted with your plan.

New York State (NYS) Department of Health (DOH)
Managed Long Term Care (MLTC) Social Adult Day Care (SADC) QA Team

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