



Department of Health

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Executive Deputy Commissioner

January 21, 2021

DAL: DAL #20-31
Adult Care Facility Inspection Review Process

Dear Adult Care Facility Operators and Administrators:

As detailed in Dear Administrator Letters #15-04, dated August 21, 2015; #17-04, dated January 26, 2017; and #19-05, dated February 6, 2019 the Department of Health (“Department”) has established an Inspection Review Process (IRP) to provide adult care facilities (ACFs) an opportunity to review cited deficiencies. This correspondence serves to remind ACFs of certain IRP parameters.

In accordance with DAL #17-04, ACFs who desire an IRP must request the IRP by contacting the Division of Adult Care Facility and Assisted Living Surveillance Central Office within ten (10) business days of the receipt of an Inspection Report. Please understand that, in addition to postal mail or fax, as identified in DAL #17-04, the Department accepts IRP requests via email to ACF.IRP@health.ny.gov. Upon receipt of a complete IRP request, Central Office will notify the requestor of the IRP date and time, which will be scheduled for a mutually agreeable date within thirty (30) calendar days of receipt. Below are some key procedural considerations:

- IRP requests received greater than ten (10) business days from the date the Inspection Report is posted on the electronic Plan of Correction system will be rejected in entirety without further consideration.
- Endangerment violations cited at 18 NYCRR §486.5(a)(4) may only be subject to an IRP if the endangering situation has been corrected or no longer exists. In instances of an endangerment, the IRP request must be submitted within the required ten (10) business days and will be conditionally accepted, but an IRP will not be scheduled until the Department determines the endangering situation has been abated, which may be beyond the usual 30-day scheduling period.
- If requesting an IRP, the ACF does not have to post the Inspection Report until the Department issues its final determination. However, if an IRP is not requested, a copy of the Inspection Report along with a copy of the ACF’s most recent Full Inspection Report (but not the associated Resident or Employee Rosters) must be posted conspicuously in the ACF in a place accessible to all residents and the general public. In addition, the ACF must have a copy of this Inspection Report available for review by prospective residents and those individuals applying for admission. Please note that ACFs are required to conspicuously post endangerment and violations but are not required to post findings.

- IRP attendees are limited to Department staff, the ACF operator, administrator, and any necessary witnesses of the cited situation, in addition to the ACF's designated legal representative. If the Department becomes aware of an IRP participant that does not fall under one of the previously referenced categories, the IRP will end and the ACF accordingly forfeits its right to additional review of the Inspection Report in question. Instead, a determination will be made by the Department based solely on the information provided.

If you have any questions, please contact Ms. Elizabeth Beverly, of my staff, via email to ACF.IRP@health.ny.gov.

Sincerely,

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

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