



Department of Health

KATHY HOCHUL
Governor

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

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

July 7, 2022

DAL: #22-33
Subject: Contracts in Adult Care Facilities -
Forthcoming 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.

Proposed amendments to Title 18 of New York Codes, Rules and Regulations Part 485 incorporate contract requirements that currently apply to assisted living residences, bridging any potential gap in the continuum. The amendment will require operators to submit to the New York State Department of Health ("Department") any management agreement in which they enter with another entity to perform regulatorily required operational services within the licensed setting, ensuring that the Department has awareness of the individual/s serving residents of adult care facilities and bringing consistency to the adult care facility regulatory framework.

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 acfcon@health.ny.gov.

Sincerely,

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

cc: J. Treacy
M. Hennessey
V. Deetz