

Attachment 1

Guidance for Transitional Adult Home Compliance Plans

As provided in 18 NYCRR § 487.13(b) and (c), a Transitional Adult Home is an adult home with a certified bed capacity of 80 beds or more and a resident mental health census equal to or exceeding 25% of the resident population. Each Transitional Adult Home must submit a Compliance Plan outlining steps that will be taken to reduce its mental health census to less than 25% of the resident population over a reasonable period of time, through the lawful discharge of residents with appropriate community services to alternative community settings.

As provided in 18 NYCRR § 487.13(e), (f) and (g), Compliance Plans must be submitted by May 16, 2013, and shall be reviewed by the Department, in consultation with the Office of Mental Health, within 90 days. The Department shall either approve a Compliance Plan or require its modification, to be submitted within 30 days of the Department's notification. If the operator of a Transitional Adult Home does not submit a Compliance Plan, or submits a Compliance Plan that is not acceptable to the Department after modification, the Department will impose a Compliance Plan on the operator. Upon approval of the Compliance Plan by the Department, or, if no Compliance Plan is submitted or approved, upon the imposition of a Compliance Plan on the operator by the Department, the operator shall implement the Compliance Plan. The failure to submit, modify or implement a Compliance Plan subjects operators to the penalties set forth in Part 486.7.

The Department recognizes that certain information which could assist Transitional Adult Homes in providing details as part of their Compliance Plans may not yet be available. For example, the Department will shortly issue information about opportunities for conversion to an Assisted Living Program. In such cases, Transitional Adult Homes should provide in their Compliance Plan the broad parameters of how they expect to achieve the required reduction in their mental health census. The Department will work with such Transitional Adult Homes to ensure that Compliance Plans are modified appropriately as additional information becomes available.

The Department shall not penalize a Transitional Adult Home in connection with the submission of a Compliance Plan, as long as the Transitional Adult Home, in the discretion of the Department, demonstrates good faith efforts to submit or modify a Compliance Plan. In such case, the Department shall allow additional modification of the Compliance Plan. The Department shall work with Transitional Adult Homes that demonstrate such good faith to assist them in submitting and/or modifying their Compliance Plans.

No penalties shall be imposed under Parts 486 and 487 of the regulations for failure to implement an approved Compliance Plan if the Department, in consultation with the Office of Mental Health, determines that any delay in implementation is attributable to factors outside of the Transitional Adult Home's control and the Transitional Adult Home has demonstrated, in the discretion of the Department, good faith efforts to implement the approved Compliance Plan.

Compliance Plans must include the following:

- 1. Demographics**
 - a. Facility name
 - b. Facility address
 - c. Facility administrator's name and telephone number
 - d. Facility identification number

- 2. Census Data**
 - a. Certified bed capacity
 - b. Total number of approved ALP beds
 - c. Census on March 31, 2013
 - d. Total number of residents on March 31, 2013 meeting the definition for serious mental illness (SMI) as referenced in Dear Administrator Letter #13-01

- 3. Project Lead Information**
 - a. Contact information for project lead (name, e-mail address, telephone number)
 - b. Project lead qualifications

- 4. Compliance Plan Components**
 - a. The Compliance Plan must set forth the process by which the Transitional Adult Home shall accomplish the lawful discharge of residents with appropriate community services to alternative community settings. This process should include, but is not be limited to, collaboration with Supported Housing Contractors that will conduct in-reach in the Transitional Adult Homes, the Health Homes and Managed Long Term Care Plans that will conduct assessments of residents, and the Department's Community Transition Coordinators. This process should include a commitment to provide space for residents to meet with these individuals and entities in privacy.

 - b. The Compliance Plan may set forth the intent of the Transitional Adult Home to pursue alternative licensure options, including conversion to an Assisted Living Program. The Department expects in the near future to issue information about Assisted Living Program opportunities for Transitional Adult Homes, and recognizes that Transitional Adult Homes may need to review such information.

 - c. The Compliance Plan must set forth the date on which the Transitional Adult Home is anticipated to reach a mental health census that is less than 25% of the resident population.

- d. The Compliance Plan must set forth a plan to provide residents with opportunities to solidify skill sets necessary for independent community living (cooking, cleaning, hygiene practices, medication management, accessing community resources, management of personal finances, etc.), which must include measurable benchmarks.
- e. The Compliance Plan must describe the operator's plan to ensure access to and quality of mental health services for residents with serious mental illness while they reside in the Transitional Adult Home.
- f. The Compliance Plan must describe how the operator will encourage community involvement and integration and foster a homelike atmosphere for residents in the Transitional Adult Home.

Transitional Adult Homes with questions about Compliance Plan requirements should contact the Department via e-mail at transitionalah@health.state.ny.us. Compliance Plans should be submitted by May 16, 2013 to the e-mail address listed above.