



## Department of Health

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Executive Deputy Commissioner

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DAL: 18-15

Guidance for Adult Care Facilities to Comply with  
the Home and Community Based Settings (HCBS)  
Final Rule

Dear Adult Care Facility Operator:

Effective March 17, 2014, the federal Department of Health and Human Services (HHS) promulgated the Home and Community Based Settings (HCBS) Final Rule. The HCBS Final Rule requires the New York State Department of Health to ensure that those adult care facilities having one or more residents who receive Medicaid-funded HCBS, whether within or outside the facility, meet the established standards expressed in the HCBS Final Rule by **March 17, 2022**. Information regarding the HCBS Final Rule, and the New York State HCBS Statewide Transition Plan, is located online at:

[http://www.health.ny.gov/health\\_care/medicaid/redesign/home\\_community\\_based\\_settings.htm](http://www.health.ny.gov/health_care/medicaid/redesign/home_community_based_settings.htm).

In 2016, the Department conducted an educational webinar concerning the impact of the HCBS Rule on Assisted Living Programs (ALPs), and later that same year, licensed ALP providers completed a self-assessment to measure their existing compliance with the HCBS Final Rule. The Department will now replicate these activities for adult homes, enriched housing programs, and assisted living residences, and specifically those that house one or more residents in receipt of Medicaid-funded HCBS, to help such facilities assure compliance with the HCBS Final Rule. Proactively, the Department has developed the enclosed preliminary guidance to aid such facilities in the development of HCBS compliant policies and practices.

If you have any questions on this guidance, please contact Heidi Hayes, of my staff, at [acfHCBS@health.ny.gov](mailto:acfHCBS@health.ny.gov). We appreciate your attention to and cooperation with these requirements.

Sincerely,

Valerie A. Deetz, Director  
Division of Adult Care Facility  
and Assisted Living Surveillance

Enclosure

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