



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

October 24, 2019

Re: DAL # 19-28
Transitional Adult Home Emergency
Regulations

Dear Adult Care Facility Administrator:

On October 4, 2019, the Department of Health (“Department”) promulgated emergency regulations, which amend 18 NYCRR §§487.4, 487.5, and 487.10. These amendments prohibit Transitional Adult Home (“TAH”) operators from admitting a prospective resident without first requesting that the Department conduct a screening to see if the individual may be a person with serious mental illness and, depending on the screening results, obtaining a mental health evaluation. This process will provide greater clarity to TAH operators and help avoid impermissible admissions, thereby strengthening compliance with existing regulations. An overview of the substantive regulatory changes follows.

Pre-Admission Screening

Pursuant to new subsection 18 NYCRR §487.4(e), prior to any admission to a TAH, the operator must contact the Department to obtain a pre-admission screening by submitting the following prospective resident information via the Community Transition Upload tool on the Health Commerce System: full name, date of birth, guardianship information (if applicable), and Medicaid identification number. If the prospective resident is not enrolled in Medicaid, the operator must indicate whether the pre-admission interview and/or medical evaluation suggest a need for a mental health evaluation.

Information provided by the operator will be run against Health and Recovery Plan (HARP) eligibility criteria, and the screening results will be communicated to the operator within three (3) business days of receipt of a complete request.

If the Department’s pre-admission screening does not indicate that the prospective resident may be a person with serious mental illness, the Department will advise the operator that he or she may admit the resident within thirty (30) days of receipt of the results, providing that all other admission criteria are met. If the operator does not admit the individual in the 30-day timeframe but still wishes to admit the prospective resident, the operator must recommence the process.

If the Department’s pre-admission screening indicates the prospective resident may be a person with serious mental illness, the operator must conduct or obtain a mental health evaluation within thirty (30) days prior to admission. The operator may admit the prospective resident only if:

- The prospective resident does not have serious mental illness, as confirmed via the mental health evaluation; or
- The prospective resident has serious mental illness but is a former resident of a TAH and the operator successfully obtains a waiver from the Department pursuant to the Department's existing waiver authority.

Reporting

18 NYCRR §487.10(e)(4) has been amended to require submission of a monthly admissions report (i.e., roster) for all adult homes having a certified capacity of eighty (80) or more and a resident population of at least twenty (20) percent having a diagnosis of serious mental illness. Such monthly admissions reports are sent via the Community Transition Upload tool on the Health Commerce System. Please reference the enclosed for instructions.

Webinar

The Department will host a webinar on **October 23, 2019 at 4:00 p.m.** to review these updated regulations with interested parties. To participate please logon to the following site: <https://meetny.webex.com/meet/hls03>.

Questions

If you have any questions, please write to transitionalah@health.ny.gov. Thank you for your cooperation.

Sincerely,

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

Enclosure

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