



Department of Health

KATHY HOCHUL
Governor

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

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

March 8, 2022

DAL: DAL #22-15
Veteran Status

Dear Adult Care Facility Administrator:

Recently signed amendments to Public Health Law section 2805-o and Social Services Law Title 2 of Article 7 require adult care facilities (ACFs) to inquire about the veteran status of current and newly admitted residents and their spouses, and, if such resident or their spouse identifies as a veteran, then the ACF must transmit veteran status information to the New York State Division of Veterans' Services.

Understanding that compliance with this law requires collection of new information, the Department of Health ("Department") will seek regulatory amendments to reflect this new requirement and as such, encourages all ACFs to proactively develop policies and procedures regarding the collection, retention, and transmission of veteran status information. Further, to assist ACFs in meeting these requirements and while the Department is actively developing an intake form intended for documentation of all pre-admission discussions and decisions to assist the ACF in meeting its regulatory obligations, the following guidance is provided.

Step #1: Collection of Veterans Information

The ACF is required to ask each existing resident and newly admitted resident:

"Have you or your spouse ever served in the United States military?"

In cases where the existing resident or newly admitted resident responds in the positive, indicating yes, they or their spouse has served in the United States military, the ACF must document such in the resident's case management record and proceed to Step #2.

Step #2: Provide Contact Information for the New York State Division of Veterans' Services

In writing, each individual identifying themselves as a veteran or veteran's spouse must receive the following information available online at <https://veterans.ny.gov/content/contact-division-veterans-services>:

- The name, address, and telephone number of the New York State Division of Veterans' Services;
- The nearest Division of Veterans' Services office;
- The nearest county or city Veterans' Service agency; and
- The nearest accredited veterans' service officer.

The ACF must then proceed to Step #3.

Step #3: Referrals to Division of Veterans' Services

When a resident or prospective resident and/or their spouse identifies as a veteran, the following information must be documented and transmitted via email to datasharing@veterans.ny.gov:

- Resident's or Prospective Resident's Name;
- Mailing Address;
- Email Address (if available); and
- Telephone number.

To support compliance with the law, documentation of having successfully transmitted the information above should be filed within the applicable resident's case management record to be made available upon request by the Department. In the event that a prospective resident was not admitted, the ACF must maintain documentation that required referral information was transmitted to the Division of Veterans' Services.

Compliance

Any individual who violates this provision is subject to a \$50.00 per violation penalty. Documentation of submission of required information must be maintained by the ACF to demonstrate compliance with these requirements. Such documentation must be maintained in each resident's case management record or, in the case of negative admission determinations in the facility's records, and be made readily available to Department representatives upon request.

To support compliance with this law, the Department strongly encourages ACFs to review existing policies and procedures to support recordkeeping and to document admission-related discussions and decisions both for residents and prospective residents.

Questions

Questions regarding this guidance may be referred to the Division of Adult Care Facility and Assisted Living Surveillance via email to acinfo@health.ny.gov.

Sincerely,

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

cc: A. Herbst
J. Treacy
M. Hennessey
V. Deetz
T. Hesse
J. Pinto
D. Pulver
J. Van Dyke
K. Pergolino