

Dear Potential Applicant: Assisted Living Program Initiative

May 2, 2012

RE: Assisted Living Program Initiative

Dear Potential Applicant:

Pursuant to Chapter 56 of the Laws of 2012 and earlier State laws, the Commissioner of Health is authorized to establish up to 6,000 new Assisted Living Program (ALP) beds within a five-year period (April 2009-March 2014). It is important that New York State have an adequate supply of ALP beds to ensure that those with less intensive health care needs have a range of alternatives to institutional placement if they would prefer to receive long term care in home and community based settings. Authorization and development of these new beds, along with several changes in law and regulation that will modernize the ALP program to make it more responsive to the needs of both consumers and providers, will help ensure that New York State's Assisted Living Program continues to serve an essential role in the continuum of long term care.

The Department of Health will issue a new Opportunity for Development (OFD). This OFD is based on authorization for up to an additional 4,718 ALP beds by March 31, 2014. **NOTE:** There is no longer a requirement that these beds be associated with decertification of residential health care facility beds.

OFD information will be reviewed based on selection criteria contained in regulation at 18 NYCRR 485.6(n). Selection criteria include but may not be limited to:

- Financial feasibility of the project;
- Completeness and accuracy of the information provided in the OFD;
- Timeliness of project implementation; and
- The ability of applicant to meet legal requirements, including site control.

The OFD form and the materials are available at the Department of Health web site at:

http://www.health.ny.gov/health_care/medicaid/redesign/index.htm

Interested parties are encouraged to review these materials as well as the law, rules and regulations that govern the ALP before they submit their OFD form. The regulations are available on the Department's web site at the following web site link: <http://www.health.ny.gov/regulations/>

The relevant regulatory sections include:

- Title 18 Part 485 - General Provisions
- Title 18 Part 486 - Inspection and Enforcement
- Title 18 Part 487 - Standards for Adult Homes
- Title 18 Part 488 - Standards for Enriched Housing
- Title 18 Part 494 - Assisted Living Program
- Title 10 Part 86-7 – Assisted Living Program (Reimbursement Standards)
- Title 10 Part 765 and 766 – Home Care Licensure Standards
- Title 10 Part 713-2 - Standards of Construction for New Nursing Homes
- Public Health Law – http://www.health.state.ny.us/regulations/public_health_law/
- Social Services Law Article 7 §461-l

The Department will accept written questions received on the Department web site by May 18, 2012. All questions should be submitted via email, with the subject line **ALP OFD**, to ALPapplication@health.state.ny.us . In the event that any updates and/or clarification of information are warranted with regard to this process, they will be posted on the Health Commerce System (HCS) and the Department website.

Priority will be given to applicants that:

- commit to the admission and retention of individuals eligible for or in receipt of Supplemental Security Income, safety net assistance, or Medical Assistance;
- will increase the supply of existing adult home or enriched housing beds; and
- demonstrate the ability to commence service provision most quickly.

If the OFD is selected to proceed, the Department will send an email notification to the applicant identifying the Certificate of Need (CON) application actions required.

If you should have any questions regarding the OFD process or questions on filing a CON or CON application, please send an e-mail to the Department at: ALPapplication@health.state.ny.us .

Sincerely,

Mark Kissinger
Director
Division of Long Term Care