



# Department of Health

KATHY HOCHUL  
Governor

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

KRISTIN M. PROUD  
Acting Executive Deputy Commissioner

May 9, 2022

DAL NH 22-11  
SUBJECT: Residents' Rights

Dear Administrator:

The purpose of this Dear Administrator Letter (DAL) is two-fold; 1. to inform you of new requirements in the Public Health Law (PHL) specific to the rights of nursing home residents and the requirement to provide residents with a detailed, written discharge/transfer notice.

PHL section 2803-c-1 was amended to add a new subdivision 6, which required the following:

- The New York State Department of Health (Department) to translate the nursing home residents' bill of rights into the ten most common non-English languages spoken in New York State, as determined by the most recent census. Each facility is required to post and make available such translation to residents. The Department has updated, translated and posted "Your Rights as a Nursing Home Resident in New York State" pamphlet and flyer in English as well in the 10 most common non-English languages spoken in New York. The pamphlet and flyer are found here: [Your Rights as a Nursing Home Resident in New York State \(ny.gov\)](#)
- Nursing homes to post in a conspicuous place or places where notices to residents are customarily posted, and shall provide each member of the facility's staff, and each patient and their appointed personal representative at or prior to the time of admission to the facility, or at the time of the representative's appointments, the following information:
  - (a) Contact information for the state and relevant regional office of the long-term care ombudsman program as provided for in section two of hundred eighteen of the elder law; and
  - (b) Contact information for the department's nursing home complaint hotline.

Nursing homes must provide updated contact information for the state and relevant regional offices of the long-term care ombudsman program to all residents and their appointed personal representatives twice a year. Found here: [NYS LTC Ombudsman](#)

New York Codes, Rules and Regulations (NYCRR) Title 10 section 415.3, "Residents' Rights," requires Nursing Homes to provide residents with a detailed, written discharge/transfer notice, which must include specific information regarding a resident's rights in this process, such as how to appeal a discharge/transfer

determination; a statement that the resident has the right to be represented by legal counsel, a relative, themselves, a friend or a spokesperson in such appeal, per 10 NYCRR § 415.3(i)(1)(v)(e)(6); and the contact information of the State Long term Care Ombudsman, per 10 NYCRR § 415.3(i)(1)(v)(f).

The Department has created a Discharge Notice Template that a facility may choose to use. It is available in English as well as 10 most common non- English languages. It is the responsibility of the facility to ensure all documents remain current with state and federal regulation. The Discharge template may be found here: [Nursing Homes in New York State \(ny.gov\)](#) under Publications and Documentation

The “NH Legal Services Agencies and Community Resources Providing Resident Advocacy Services Guide” which provides a detailed list, by New York State County, of contact information for the NYS Nursing Home Complaint Program, the New York State long term care Ombudsmen program as well as free legal and advocacy services should be distributed to any resident who receives a notice of involuntary transfer or discharge per DAL 20-15. This document must now be provided with the Resident Rights Pamphlet before and upon admission and at any time a resident or a resident designee requests the information. The Department has posted on the NYSDOH website Legal Services Agencies and Community Resources Providing Resident Advocacy Services Guide. [community resource guide.pdf \(ny.gov\)](#)

The Division of Nursing Home & ICF/IID Surveillance and the Office of the State Long Term Care Ombudsman appreciate your efforts to ensure residents’ rights are promoted and protected at your facility.

Questions or comments on the new requirements may be sent to [nhinfo@health.ny.gov](mailto:nhinfo@health.ny.gov).

Sincerely,

Sheila McGarvey  
Director, Division of Nursing Homes  
and ICF/IID Surveillance  
Center for Health Care Provider Services  
and Oversight