



Department of Health

KATHY HOCHUL
Governor

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

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

June 10, 2022

DAL: DAL #22-28
Subject: Model Residency Agreement and
Addenda

Dear Adult Care Facility Administrators and Operators:

Adult care facilities (ACFs) with baseline licensure as an Adult Home or Enriched Housing Program must follow the Model Admission Agreements and/or the Assisted Living Program Addendum, available online at https://health.ny.gov/facilities/adult_care/application/. ACFs currently licensed or seeking licensure as an Assisted Living Residence (ALR) and/or currently certified or seeking certification as an Enhanced ALR (EALR) and/or Special Needs ALR (SNALR) must, pursuant to Title 10 of New York Codes, Rules, and Regulations (“10 NYCRR”) Section 1001.8(f), execute with each resident a written Residency Agreement (RA) written in plain language and no less than twelve-point font, that meets the standards detailed in 10 NYCRR §1001.8(f)(2-5). Per 10 NYCRR §1001.8(f)(6), enclosed for immediate use are the Model Residency Agreements for ALRs with Adult Home and Enriched Housing Program base licenses, as applicable.

ALRs that have a substitute RA previously stamped approved by the Department of Health (“Department”) need not resubmit to deploy the Model. If the ALR desires to modify its Department-approved RA, the ALR must submit a red-lined version of the stamped RA to acfra@health.ny.gov.

If the ACF has licensure as an ALR and/or certification as an EALR and/or SNALR but does not have an approved RA on file, the ALR should submit to acfra@health.ny.gov its proposed RA and applicable addenda using the appropriate enclosed Model depending on the ALR’s current base license. Upon approval of the proposed RA by the Department, the provider will be afforded ninety (90) days to acquire all applicable party signatures on the newly executed RA. If an extension is needed, such must be requested by the ALR through the applicable regional office of the Department by detailing the applicable resident’s name/s and justification for the extension. The Department will communicate its determination on the request and if such request is granted, work with the ALR until the ALR achieves compliance and as such, strongly encourages the ALR to maintain documentation of any Department-approved extension and measures taken to obtain required signatures. However, if the ALR fails to communicate with the regional office when an extension is needed or fails to maintain supportive evidence of its attempts to obtain required signatures, the ALR may be cited.

Applicants seeking new licensure as an ALR and/or certification as an EALR and/or SNALR must utilize the approved Model effective immediately. Applicants who have already commenced communication with the Department using a substitute RA may either continue to work on the substitute without need to deploy the Model or rescind the previous draft in favor of the Model. Where a RA is expected and the applicant must use the Model, the assigned licensure

Project Manager will upload a Request for Information to the associated NYSECON-based project identifying the link to the appropriate Model.

It is anticipated that use of this Model will help streamline the licensure and certification application process and ensure that ALR residents and their representative/s and prospective ALR residents and their representatives are provided a user-friendly RA that outlines mutual expectations throughout their residency in the ALR setting.

If you have any questions, please write to acfra@health.ny.gov.

Sincerely,



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

Enclosure

cc: J. Karmel, Esq., DLA
M. Schweitzer, Esq., DLA
J. Treacy
M. Hennessey
V. Deetz
T. Hesse
J. Pinto
J. Van Dyke
K. Pergolino
J. Donovan