



## Department of Health

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Executive Deputy Commissioner

November 13, 2017

DAL: 17-09  
Guidance for Assisted Living  
Programs to Comply with the Home  
and Community Based Settings  
(HCBS) Final Rule

Dear Assisted Living Program Administrator/Applicant:

Effective March 17, 2014, the federal Department of Health and Human Services (HHS) promulgated the Home and Community Based Settings (HCBS) Rule. The HCBS Rule requires the New York State Department of Health (DOH) to ensure that residential Assisted Living Programs (ALPs), and the entire setting in which the ALP provides services, meet the established standards expressed in the HCBS Rule by **March 17, 2022**. Information on the federal HCBS Rule, and the New York State HCBS Transition Plan submitted to the HHS in January 2017, is located at:

[http://www.health.ny.gov/health\\_care/medicaid/redesign/home\\_community\\_based\\_settings.htm](http://www.health.ny.gov/health_care/medicaid/redesign/home_community_based_settings.htm).

The Department has conducted an educational webinar concerning the impact of the HCBS Rule on ALPs, and in 2016, licensed ALP providers completed a self-assessment to measure compliance with the HCBS Rule. It is crucial that your applicable policies and procedures are consistent with the HCBS Rule requirement. To assist you in developing compliant policies and procedures, the Department developed the enclosed preliminary guidance.

If you have any questions relating to the HCBS Rule, please email the Division of Adult Care Facility and Assisted Living Surveillance at [ACFHCBS@health.ny.gov](mailto:ACFHCBS@health.ny.gov). We appreciate your attention to and cooperation with these requirements.

Sincerely,

Valerie A. Deetz, Director  
Division of Adult Care Facility & Assisted Living  
Surveillance

Enclosure

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