



## Department of Health

**ANDREW M. CUOMO**  
Governor

**HOWARD A. ZUCKER, M.D., J.D.**  
Commissioner

**SALLY DRESLIN, M.S., R.N.**  
Executive Deputy Commissioner

August 8, 2017

RE: DAL 17-16  
Adult Care Facility, Assisted Living  
Program Onsite Evaluation of  
HCBS Compliance

Dear Administrator:

This letter is to inform you that the New York State Department of Health, Division of Adult Care Facility and Assisted Living Surveillance (Department), and Public Consulting Group, Inc. (PCG), will be conducting a scheduled onsite evaluation of Home and Community Based residential settings, specifically select Adult Care Facilities, including those with Assisted Living Program capacity, those with pending applications for Assisted Living Program beds, and those homes that have residents who receive Home and Community Based services to Medicaid recipients. The assessments are one component of New York's statewide transition plan to meet the federal requirements outlined in 42 CFR 441.301(c)(4) and 42 CFR 441.301(c)(5). The full plan can be viewed at [https://www.health.ny.gov/health\\_care/medicaid/redesign/2016/docs/2016-06\\_amended\\_hcbs\\_statewide\\_transition\\_plan.pdf](https://www.health.ny.gov/health_care/medicaid/redesign/2016/docs/2016-06_amended_hcbs_statewide_transition_plan.pdf)

PCG and the Department will use an assessment tool to work with Adult Care Facilities to determine the current level of compliance with the HCBS requirements. The residential setting assessment tool is attached to this letter. An evaluation of the site will include, but may not be limited to: interviews with residents and staff, review of clinical policy, billing and other relevant questions. A meeting with the provider will occur. Photographs will be taken of the facility to assist the documentation of the site visit. During the site visit, please use all available resources to answer the questions. Some of the questions will also require PCG or the Department to view certain documents.

Once the onsite evaluation is complete, the Department or PCG will document the setting's existing level of compliance with the HCBS regulations. The Department or PCG will subsequently notify each setting of its determination, and whether further discussions or a remediation plan is needed.

PCG will contact you prior to the onsite visit. Site visits will commence shortly. Onsite evaluations may take approximately 2-3 hours to complete. Failure to comply with the onsite evaluation may place your site at risk for not achieving full compliance with the HCBS Final Rule.

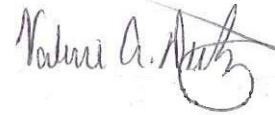
The Department is committed to working with your site to ensure full compliance with the HCBS Final Rule by March 2022.

Your prompt attention to this matter is greatly appreciated.

Sincerely,



Mark L. Kissinger  
Special Advisor to the Commissioner of Health  
Office of Primary Care and Health  
Systems Management



Valerie A. Deetz, Director  
Division of Adult Care Facilities  
& Assisted Living  
Office of Primary Care and Health  
Systems Management

Attachment

cc: B. Barrington  
P. Hasan  
N. Nickason  
J. Pinto  
J. VanDyke