



Department of Health

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Executive Deputy Commissioner

December 18, 2020

DAL: DAL #20-27
Subject: Reasonable Accommodations

Dear Adult Care Facility Operators and Administrators:

The purpose of this letter is to remind adult care facility operators and administrators of their obligation to make reasonable accommodations to the extent necessary to admit individuals who primarily use a wheelchair for mobility, consistent with the provisions of the [Americans with Disabilities Act](#). This requirement is clearly set forth in Department of Health ("Department") regulations at Title 18 of New York Codes, Rules and Regulations (NYCRR) Parts 487 and 488, and applicable to the operation of adult homes and enriched housing programs. Despite this regulatory obligation, it has been brought to the Department's attention that some adult care facilities may not be operationalizing these requirements.

In 2013, the legislature amended New York State Social Services Law section 461-l(1)(d) to allow for the admission to and retention in adult care facilities of those prospective residents who primarily use a wheelchair for mobility when certain criteria are met (i.e., the facility is equipped and staffed to meet the prospective resident's needs, the prospective resident is medically stable, and the prospective resident is able to self-preserve in the event of an emergency). Please refer to Dear Administrator Letter (DAL) #14-07 issued October 31, 2014, currently available on the Health Commerce System. Further, as you are aware, in 2018 the Department amended the regulations at 18 NYCRR §487.4(b) and §488.4(b) to codify these requirements.

The Department takes very seriously the need to safely accommodate all individuals and appreciates your efforts to provide adult care facility residents and prospective residents with a safe environment that allows them to enjoy a safe, meaningful and satisfying quality of life.

If you have any questions, please contact the appropriate regional office of the Department, or email the Division of Adult Care Facility and assisted Living Surveillance at acinfo@health.ny.gov.

Sincerely,

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

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