



Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, M.D., M.P.H.
Commissioner

JOHANNE E. MORNE, M.S.
Executive Deputy Commissioner

July 29, 2024

Re: Nursing Home Supplemental Funding

Dear Nursing Home Operator and Administrator,

The New York State Enacted Budget for the Fiscal Year 2022- 2023 designated \$187 million in supplemental funding for services and expenses for nursing homes to increase resident facing staffing services by registered nurses, licensed practical nurses and certified nursing assistants sufficient to attain the highest practicable physical, mental and psychological well-being of each resident. The State Plan Amendment (22-0007) has been approved by the Centers for Medicare and Medicaid Services (CMS) for the release of these funds.

Eligibility to receive funding is based on meeting, to the satisfaction of the Department, the minimum direct resident care spending requirements set forth in Public Health Law (PHL) § 2828. Nursing homes must spend a minimum of 70% of revenue on direct resident care and a minimum of 40% of revenue on resident-facing staffing, and nursing home total operating revenues must not exceed total operating and non-operating expenses by more than five percent of total operating and non-operating expenses. Compliance with these requirements is measured using the specified financial information in the residential health care facility's 2020 cost report submitted to the Department of Health.

Under PHL § 2828 certain revenues are to be excluded when determining compliance. Some of these revenues are not uniformly discernable in 2020 cost reports. Additionally, the Department may exclude certain revenues and expenses on a case-by-case basis.

To ensure that all eligible nursing homes receive the designated supplemental funding, we ask that you complete a survey to allow the Department of Health to develop and apply the methodology for releasing funds. **All nursing homes must complete this survey.**

The *Nursing Home 2020 Extraordinary Revenues and/or Expenses Survey* form can be accessed at <https://apps.health.ny.gov/pubpal/builder/survey/nursing-home-2020-extraordinary> (faxed or printed copies will not be accepted). The information in your 2020 cost reports submitted to the Department shall be the basis for what you provide through this survey, as applicable for your nursing home.

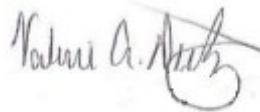
- Facilities that filed a RHCF-4 for 2020: Based on your certified 2020 RHCF-4 report.
- Facilities that filed a RHCF-2 for 2020: Based on your 2020 audited ICR report and 2020 certified RHCF-2 report.
- Facilities that filed a RHCF-1 for 2020: Based on the information required in the standard RHCF-4 full report period.

Regulations governing Medical Facilities are found under Title 10 of the New York Codes, Rules and Regulations and include standards for reporting by residential health care facilities subject to Article 28 of the Public Health Law, including hospital-based residential health care facilities. Specifically, 10 NYCRR §86-2.6 requires financial and statistical reports be certified by the operator of the facility. The facility's Administrator may enter data for this survey; however, the Operator of the nursing home, or an executive officer with the authority to certify on behalf of the facility and Operator, must review the data, complete the certification statement, and submit the completed survey.

Please note that the *Nursing Home 2020 Extraordinary Revenues and/or Expenses Survey* must be completed and submitted to the Department no later than August 20, 2024 for the information being collected to be considered for your facility's eligibility to receive the State Fiscal Year 2022-2023 funds under Public Health Law §2828 and 10 NYCRR § 415.13(g).

Questions pertaining to this correspondence and the survey requirements should be directed to NHSafeStaffing@health.ny.gov. Thank you for your anticipated cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Valerie A. Deetz".

Valerie Deetz, Deputy Director
Office of Aging & Long-Term Care

cc: A. Villani
E. Johnson
K. Marks