



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 1, 2017

DAL: DAL 17-14

Subject: Adult Care Facility/Assisted Living
30-Day Notice of Termination

Dear Administrator:

This letter is to inform you that the Division of Adult Care Facility/Assisted Living Surveillance has developed a 30-Day Notice of Termination that is required to be used whenever a decision is made to terminate a resident's Admission/Residency Agreement. The 30-Day Notice of Termination is in accordance with Adult Care Facility Regulations found in 18 NYCRR Parts 487.5(f) and 488.5(e) and is a Department mandated form. Its use is effective immediately.

Please be reminded that pursuant to 18 NYCRR Parts 487.5(f)(5) and 488.5(e)(7), a list of legal and advocacy services must be provided to the resident and/or resident representative as an attachment to this form. The Operator or Administrator is required to sign the form on the space provided, confirming that they provided this information to the resident and/or resident representative.

Pursuant to 18 NYCRR Parts 487.5(f)(4)(iii-iv) and 488.5(e)(6)(iii-iv), the resident has the right to object to the termination of the agreement and the subsequent discharge and that, if the resident does object, he/she may remain in the facility while the operator commences a court proceeding, and unless the court finds in favor of the operator.

If you have questions regarding the information contained in the checklist, please contact the Division of ACF/Assisted Living Surveillance at (518) 408-1133 for further clarification.

Sincerely,

Valerie A. Deetz, Director
Division of Adult Care Facilities and Assisted Living
Surveillance

Attachment

cc: Tim Perry-Coon
Bobbie Barrington
Patricia Hasan
Norine Nickason
John Pinto
John VanDyke