



## Department of Health

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DAL NH 22-15  
Nursing Home Disclosure  
Requirements

Dear Nursing Home Operators and Administrators:

The purpose of this Dear Administrator Letter (DAL) is to remind nursing home operators and administrators of various new disclosure requirements recently enacted into law. Nursing homes are expected to develop policies and procedures to comply with both provisions of NYS Public Health Law (PHL) described in the guidance below.

Specifically, Section 2803 of the New York State Public Health Law (PHL) was amended and a new subdivision 13 added and became effective October 1, 2021, requiring all residential health care facilities to inform residents and their families regarding the availability of facility compliance information as part of an intake application. The new requirements are intended to increase awareness among both residents and families as to the availability of compliance information maintained by the Department of Health with regards to residential health care facilities.

The required disclosure must be in a **separate document**, no less than 12-point font, and include the following:

- Directions on how to look up complaints, citations, inspections, enforcement actions, and penalties taken against the facility,
- The web address for the New York State Nursing Home Profiles website maintained by the New York State Department of Health, and
- The web address for the Nursing Home Compare website maintained by the U.S. Department of Health and Human Services, if applicable.

Lastly, effective October 21, 2021, Public Health Law §2829 and 2803-x required additional nursing home disclosures. Nursing homes must promptly take the necessary steps to implement the provisions of this law including:

- Posting the maximum rates to be charged for residency and services on a publicly accessible website,
- **Updating the posting on an annual basis no later than April first of each year,**
- Detailing rates for each non-governmental payer source,
- Publicly listing all owners on a website maintained by the facility,

- Submit such list to the department information within thirty days of any change or transaction affecting ownership,
- Publicly disclose on such facility's website and regularly update the name and business address of any landlord of such facility's premises, and
- Publicly provide a summary of all contracts for provision of goods or services for which such facility pays with any portion of Medicaid or Medicare funds or other agreements entered into by the nursing home on its website within thirty days of execution of such agreement or contract.

Two data collection surveys have been created by the Department in order to facilitate provider compliance with several of these requirements. The Nursing Home PHL 2803x 3.1 FAMILCON and PHL2803x 3.6 CONTRACTINFO are required to be completed. Each Nursing Home operator is required to complete the PHL 2803--x disclosures for common and familial relationships and the notify the Department of the nursing home entering a new letter of intent or contractual agreement for the sale of property or services provided to the Nursing Home. Operators may not delegate this task. This document provides instructions for accessing and completing the surveys using the Home and Community Based Care Surveillance (HCBC) system. The system is also known as the Health Electronic Response Data System (HERDS). Please complete both the survey and certification in the system no later than 30 days from the date of this letter. Reports sent by any other means will not be accepted.

Thank you for your attention to these statutory requirements. Questions regarding this document should be forwarded to [nursinghomeinfo@health.ny.gov](mailto:nursinghomeinfo@health.ny.gov)

Sincerely,

Mark Hennessey, Director  
Center for Health Care Provider Services  
And Oversight

Attachment

cc: J. Treacy  
A. Herbst  
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