



Department of Health

KATHY HOCHUL
Governor

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

MEGAN E. BALDWIN
Acting Executive Deputy Commissioner

May 18, 2023

DAL# NH-23-05
Subject: Changes to Admission and Retention
 Regulations in Adult Care Facilities and
 Discharge Planning of Adult Care Facility
 Residents

Dear Nursing Home Administrator:

The purpose of this Dear Administrator Letter (DAL) is to inform Nursing Home providers of changes to the Admission and Retention requirements of Adult Care Facilities (ACFs), which include, but are not limited to, adult homes, enriched housing programs, and assisted living programs. These requirements, in the form of updated regulations, are available at: https://regs.health.ny.gov/sites/default/files/pdf/recently_adopted_regulations/Updated%20Retention%20Standards%20for%20Adult%20Care%20Facilities.pdf.

The amended regulations prohibit ACFs from denying admission or retention of residents because of their wheelchair use or mobility impairment, and require ACFs to provide reasonable accommodations to residents as required by law. The amendments also remove provisions about the ability of residents to walk and climb or descend stairs. The amendments make no other changes to ACF regulations.

Please keep these changes in mind when coordinating the discharge of residents from your facility and ensure that discharge planning staff are aware of them when working to place patients upon discharge from your facility. For reference, please refer to DAL-NH-19-16 and DAL-NH-18-05.

Questions regarding adult care facility regulations and policies may be submitted via email to acfinfo@health.ny.gov.

Sincerely,

Ashley Cokgoren, Acting Director
Division of Nursing Home and ICF/IID Surveillance