



Department of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

June 2, 2022

DAL: #22-25
Subject: Assisted Living Residence
Regulation Changes

Dear Adult Care Facility Administrators and Operators:

This Dear Administrator Letter (DAL) is being issued pursuant to the New York State Administrative Procedures Act to provide small business, local governments, and organizations in rural areas with information regarding proposed regulatory changes.

The Department of Health (“Department”) intends to amend Title 10 of the New York Codes, Rules, and Regulations Part 1001 to reflect current policy and statutory requirements. The Department intends to propose changes to 1001.7 to implement amendments to Public Health Law Section 2805-o that require adult care facilities (including assisted living residences) to ask prospective and current residents whether they identify as a veteran or spouse of a veteran, and to link those consenting who identify as such with available services by transmitting specific information to the New York State Division of Veterans’ Services as explained in DAL #22-15. Modifications to Sections 1001.4, 1001.8, and 1001.11 will align regulation with a settlement reached in 2010 litigation as communicated in DAL #10-10. Lastly, the repeal and replacement of Section 1001.13 is reflective of updated structural and environmental standards and building code requirements and provides clarity to both assisted living residence operators and design professionals. A courtesy slide deck providing an overview of the proposed changes is enclosed with this DAL.

A sixty-day public comment period will be provided upon State Register publication of these proposed regulatory amendments. The full version of the proposed regulation will also be made available online at <https://regs.health.ny.gov/regulations/proposed-rule-making>. The public comment period will open and public comments will be accepted by the Department beginning on the date of State Register publication. To be considered, public comments regarding the proposed regulation must be submitted as directed in the State Register publication.

If you have any questions regarding the contents of this DAL, please write to acfinfo@health.ny.gov.

Sincerely,

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

Enclosure

cc: J. Treacy
M. Hennessey
V. Deetz