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| LOCAL COMMISSIONERS MEMORANDUM |
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DSS-4037EL (Rev. 9/89)

Transmittal No: 95 LCM-33

Date: April 3, 1995

Division: Office of Housing
and Adult Services

TO: Local District Commissioners

SUBJECT: Adult Care Facilities: Prohibition of Referrals to Certain
Facilities

ATTACHMENTS: List of Adult Care Facilities in Enforcement
(Available On-Line)

In 1994, three legislative proposals were enacted into law which pertain to Adult Care Facilities (ACFs). This legislation, Chapters 733, 734 and 735 of the Laws of 1994, amends various sections of the Social Services Law, Mental Hygiene Law and Public Health Law that pertain to the operation of ACFs and other providers of service to the residents of these facilities. Basically, these laws are intended to improve the quality of care in ACFs, strengthen related enforcement procedures and provide additional protections to the residents of these facilities.

An amendment to Section 460-d of the Social Services Law prohibits local social services districts from making referrals for admissions to ACFs that have received official written notice of any of the following:

- o a proposed revocation, denial or suspension of the operator's operating certificate;
- o the limitation of the operating certificate with respect to new admissions;
- o the issuance of a Department order or commissioner's order or the seeking of equitable relief;
- o the proposed assessment of civil penalties for certain violations of the Social Services Law.

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In order to enable local social services districts to comply with this law, attached is a list of affected facilities to which districts must not make referrals for admissions. This list will be updated whenever an ACF is added or deleted. To assure that this law is effectively implemented, please distribute this list, and all subsequent lists, to your agency's Protective Services for Adults (PSA) staff, Family Type Home Coordinators, Legal staff and all other staff who are involved in arranging for the placement of dependent adults in ACFs.

If you have any questions about this law or your responsibilities with regard to the law, please call Dan Howells at (518) 432-2993. Thank you for your cooperation on this matter.

Peter R. Brest
Associate Commissioner
Office of Housing and Adult Services

NEW YORK STATE DEPARTMENT OF SOCIAL SERVICES
OFFICE OF HOUSING AND ADULT SERVICES

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