



KATHY HOCHUL  
Governor

## Department of Health

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Commissioner

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Acting Executive Deputy Commissioner

June 23, 2022

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:

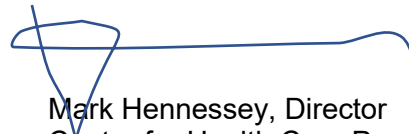
- Posting the maximum rates to be charged for residency and services on a publicly accessible website,
- **Updating the posting on an annual basis no later than April first of each year,**
- Detailing rates for each non-governmental payer source,
- Publicly listing all owners on a website maintained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

A handwritten signature in blue ink, appearing to read 'Mark Hennessey', is written over a horizontal line.

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

Attachment

cc: J. Treacy  
A. Herbst  
V. Deetz  
S. McGarvey  
S. Glock  
M. Vogel



## Instructions for Entering Data in the PHL 2803x 3.1 FAMILCON and PHL 2803x 3.6 CONTRACTINFO in the Health Commerce System (HCS)


***Please read through all the directions before starting the survey.***

### **Overview:**

The Nursing Home PHL 2803x 3.1 FAMILCON and PHL2803x 3.6 CONTRACTINFO surveys collect from an Operator of the Nursing Home the PHL 2803 required disclosures for common and familial relationships and the notification to the Department of the Nursing Home entering into a new letter of intent or contractual agreement for the sale of property or services provided to the Nursing Home. 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 be aware of the session time limit for data entry. We recommend that you save the form periodically while entering data to avoid losing data should the system time out. **\*\* Also please save the form after entering data in a Section. The fields that do not apply to the facility will be shaded. The facility is required to complete only the fields that are notshaded.**

### **Steps for Data Entry:**

1. Log onto the HCS website at the URL below or click on the following link:  
<https://commerce.health.state.ny.us>.
2. Enter User ID and Password. Click "Sign In."
3. On the HCS Home Page → click "My Applications" → click "HCBC" (if available) and then continue to Step 6. If not available, continue to step 4.
4. Locate "My Content" on the upper right side of the main menu and click on its down arrow. Select "All Applications" from the drop-down list.
5. In the HCS Applications window, browse "H" and scroll down to "Home and Community Based Care (HERDS)." To skip Steps 4 and 5 for future use, click on the green  (plus) sign to add to "My Applications," or only click on "Home and Community Based Care" to open without adding.
6. In the top menu of the Health Electronic Response Data System (HERDS) screen, click "Data Entry." A "Please Select Activity" box will appear. Select the applicable "PHL 2803x 3.1 FAMILCON or PHL2803x 3.6 CONTRACTINFO".
7. If you are associated with more than one facility you will have to select the proper facility name from the "Organization" drop-down box. Then the "Form" box will appear.
8. In the "Please Select Form" drop-down box, select "PHL 2803x 3.1 FAMILCON or PHL2803x 3.6 CONTRACTINFO" to be completed.



### Instructions for Entering Data in the PHL 2803x 3.1 FAMILCON and PHL 2803x 3.6 CONTRACTINFO in the Health Commerce System (HCS)

9. If you need a blank form, select the "Blank Form PDF" which is in the upper right of each form.
10. Complete data entry, periodically clicking "Save All." Please click "Save All" after completing Section 1 of the form. This will open all the fields that are relevant to the facility. Click "Save All" again when the data entry is complete. A yellow checkmark will appear next to each completed and saved entry. If a required data field is left blank, an error message will appear (and a red exclamation mark). The "Form Saved" message will appear if all data is correct.
11. Click "Review and Submit." Check the "Data Status" column next to each field to determine the status: Saved (green), Submitted (red) or Required field is blank (red exclamation mark).
12. Click the "Modify" button to return to the data entry screen. Repeat steps 10 and 11 as needed.
13. The review data step may be completed by an individual in the role of Operator, as specified in the Communications Directory. Only the Operator role can submit the surveys to the Department.
14. Click "Submit Data to DOH." All "saved" data should now state "Submitted" in red print.
15. The following confirmation message appears above the report:  
"Data have been submitted to DOH successfully."
16. A confirmation of a status change with date, time, and the user will appear.

#### **Completing the process:**

If you are not able to access the system or survey, ask your HPN Coordinator to check and modify your role assignments in the Communications Directory. Only the "Operator role" is allowed to submit the completed survey.