

DOH STATE OF NEW YORK
DEPARTMENT OF HEALTH

161 Delaware Avenue Delmar, NY 12054-1393

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Executive Deputy Commissioner

March 18, 2009

DAL: HCBS 09-07
Subject: Community or Admission Fees

Dear Administrator:

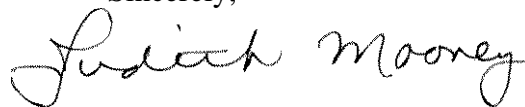
This is in reference to DAL: HCBC 06-07 which clarified the Department's position regarding one-time fees, including "community fees", "admission fees" and "entrance fees", excluding security deposits, in an adult care facility (ACF), and to make clear the operator's responsibility. After further consideration the Department is making a modification to the guidelines for a one-time fee.

Adult care facility operators are required by statute and regulation to execute a residency agreement between the operator and the resident. The residency agreement must specify all charges for services provided to the resident including any one-time fee, often referred to as a "community fee", "admission fee" or "entrance fee". The operator who charges a one-time fee must include in the residency agreement:

- The amount of the one-time fee;
- The facility's specific conditions for refunds; and
- Any additional conditions regarding the fee.

If you have any questions regarding the above, please contact the Division of Home and Community Based Services, Bureau of ACF Quality and Surveillance at (518) 408-1133 for further clarification.

Sincerely,



Judith R. Mooney
Director
Division of Home and Community Based Services