



Department of Health

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Executive Deputy Commissioner

September 29, 2021

DAL: DAL#21-22
Subject: Resident Safety Plan Reminder

Dear Adult Care Facility Operators and Administrators:

As outlined in regulation at Title 18 of New York Code, Rules and Regulations, ("18 NYCRR") Section 485.5(f), "No operator shall change or modify a facility, or the services originally approved and stipulated by the operating certificate, without the prior written approval of the [Department of Health]..." Adult home regulation at §487.11(b) requires plans and specification for construction, renovation, or addition be submitted to the Department of Health ("Department") and only upon receipt of written approval from the Department shall any portion of the plans be implemented.

For consistency, ease of transmission, as well as for record retention and accountability purposes both for providers and the Department, the Department is requesting that all Resident Safety Plan submissions to perform construction, repair or renovation of, or addition to any adult care facility be uploaded via the New York State Electronic Certificate of Need (NYSECON) application of the Health Commerce System. The template Resident Safety Plan (DOH-5265) is available online at <https://health.ny.gov/forms/doh-5265.pdf>, and must accompany each NYSECON-submitted project for construction, repair, renovation, or addition. If a facility advances construction, repair, renovation, or addition absent an approved Resident Safety Plan and/or NYSECON-based project, the Department will proceed with enforcement which may include suspension and/or revocation, financial penalty, and other remedies as deemed necessary under Social Services Law.

Please know that the required NYSECON project Adult Care Facility Common Application schedules are identified online at <https://health.ny.gov/forms/doh-5093.pdf>. The Division of Adult Care Facility and Assisted Living Surveillance Bureau of Licensure and Certification team stands ready to provide guidance and support throughout the NYSECON project approval process.

If you have any questions, please write to acfcon@health.ny.gov. Thank you for your cooperation.

Sincerely,

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

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