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| LOCAL COMMISSIONERS MEMORANDUM |  
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Transmittal No: 90 LCM-146

Date: September 11, 1990

Division: Commissioner's  
Office

TO: Local District Commissioners

SUBJECT: Filed Regulation 485.6(c)

ATTACHMENTS: Attachment listed below  
(Attachment available on-line)

The following changes to the Official Regulations of the State Department of Social Services have been filed for adoption with the Secretary of State.

18 NYCRR 485.6(c) relating to determining need for beds in adult homes and residences for adults.

The final rule - Filed: 9/11/90 - Effective: 10/1/90.

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Michael J. McNaughton  
Director, Local District  
Policy Communications

STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

Pursuant to the provisions of Sections of 20(3)(d), 34(3)(f), 461 and 461-b(2)(a) the Social Services Law, I Cesar A. Perales, Commissioner of Social Services, do hereby repeal Section 485.6(a)(4) and amend Sections 485.6(c)(1) through (5) and 485.6(d)(2) of the Official Regulations of the State Department of Social Services, being Chapter II of Title 18 NYCRR, effective when the Notice of Adoption is published in the New York State Register.

Dated: September 11, 1990

Signed: \_\_\_\_\_  
Commissioner

This is to certify that this is the original of an order of the State Department of Social Services made on,

repealing Section 485.6(a)(4) and amending 485.6(c)(1) through (5) and 485.6(d)(2) of the Official Regulations of the State Department of Social Services, being Title 18 NYCRR, the express terms of which were published in the New York State Register on

Dated: September 11, 1990

Signed: \_\_\_\_\_  
Commissioner

Paragraph (4) of subdivision (a) of section 485.6 is repealed and paragraph (5) of such subdivision is renumbered paragraph (4).

Paragraph (1) of subdivision (c) of section 485.6 is amended to read as follows:

(1) [The determination of] In determining whether there is a public need for adult home beds [is based upon] ,the department must consider the following:

(i) the number of certified and occupied adult home beds per 1,000 population 65 years of age or older in the area to be served, as compared to [a] the statewide average of the number of such beds per 1,000 population;

(ii) the number of persons [over] 65 years of age or older residing in the area to be served, and the number of persons in receipt of SSI [and the number of mentally disabled persons] residing in the adult homes in the area to be served, as compared to statewide averages for each;

(iii) the percent of certified adult home beds that are occupied in the area to be served, as compared to the statewide average of occupied adult home beds;

(iv) the number of persons awaiting placement into certified adult homes in the area to be served, as determined by the department;

(v) recommendations [of approval] from the [local] social services district and the local office for the aging in the area to be served and a recommendation, if available, from the regional health systems agency in the area to be served;

(vi) the availability of alternatives to adult homes, [specifically] including certified family-type homes for adults and home care services in the area to be served; and

(vii) the number of certified beds per 1000 population 65 years of age or older in the counties that are contiguous to the county in which the proposed adult home would be located, and the number of persons from contiguous counties who have moved into adult homes in the county in which the proposed adult home would be located and the number of persons who have moved from the county in which the proposed adult home would be located into adult homes in contiguous counties; and

[(vii)] (viii) such other information as the department may deem appropriate.

[This paragraph remains in effect until September 30, 1990.]

Paragraphs (2) through (4) of subdivision (c) of section 485.6 are renumbered (3) through (5) respectively and a new paragraph (2) is added to read as follows:

(2) In determining whether there is a public need for residence for adults beds, the department must consider the following:

(i) the number of certified residence for adults beds per 1000 population 18 years of age or older in the area to be served, as compared to the statewide average of the number of such beds per 1000 population;

(ii) the number of certified adult home beds occupied by persons who were discharged from psychiatric

institutions per 1000 population 18 years of age or older in the area to be served, as compared to the statewide average of the number of such beds per 1000 population;

(iii) the availability of alternatives to residences for adults, including housing certified by the Office of Mental Health in the area to be served;

(iv) the projected need for beds for mentally disabled persons in the area to be served, as estimated by the Office of Mental Health;

(v) recommendations from the social services district and the local governmental unit designated pursuant to section 41.05 of the Mental Hygiene Law in the area to be served; and

(vi) such other information as the department may deem appropriate.

Renumbered paragraph (4) of subdivision (c) of section 485.6 is amended to read as follows:

(4) Without consideration of public need, the department may approve [a request for] up to [four] nine additional beds in any certified adult home or residence for adults in any five year period [, provided the operator can demonstrate to the satisfaction of the department that the proposed additional beds will result in the more efficient and effective use of existing facility space, and will not require major structural alteration of the existing physical plant].

Paragraph (2) of subdivision (d) of section 485.6 is amended to read as follows:

(2) unless otherwise excluded by paragraph (c) [(8)] (5) of this section, documentation of an unmet public need for the proposed facility, including but not limited to:

(i) demographic data on the proposed resident population-at-risk;

(ii) numbers of persons awaiting placement in other adult [- ] care facilities;

(iii) location, capacity and occupancy of existing residential facilities and alternative services in the community;