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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.

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.

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



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

CENTRAL OFFICE:

Daniel T. Howells, Acting Director  
Bureau of Inspection and Enforcement  
Office of Housing and Adult Services  
New York State Department of Social Services  
40 North Pearl Street  
Albany, NY 12243  
Phone: (518) 432-2993  
Fax: (518) 432-2410

REGIONAL OFFICES:

Mr. Martin McMahon  
Eastern Regional Office  
488 Broadway - Third Floor  
Albany, New York 12207  
Phone: (518) 432-2873  
Fax: (518) 432-2874

Mr. Jay Dorney  
Western Regional Office  
259 Monroe Avenue  
Rochester, NY 14607  
Phone: (716) 238-8185  
Toll Free: 1-800-462-6443  
Extension 238-8185  
Fax: (716) 238-8169

Mr. Carleton Reo  
Long Island Regional Office  
1 Old Country Road  
Drawer #61 - Suite 480  
Carle Place, NY 11514  
Phone: (516) 294-2877  
Toll Free: 1-800-635-7920  
Fax: (516) 294-2955

Ms. Mary E. Hart  
Metropolitan Regional Office  
80 Maiden Lane - 6th Floor  
New York, NY 10038  
Phone: (212) 383-1745  
Toll Free: 1-800-554-5391  
Extension 383-1745  
Fax: (212) 383-1888