



**Office of Children  
and Family Services**

# Family-Type Homes for Adults

# Operator's Manual

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# INTRODUCTION

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To the Family-Type Home Operator:

Family-type homes are an important way to provide care for disabled or dependent adults who can no longer live alone in the community. A family-type home provides a family with a way to share its home and abilities with a disabled or dependent adult.

This manual is for your use in understanding your rights and responsibilities as a family-type home operator. The manual is based on the regulations, but is not a substitute for them. The actual regulations, 18 NYCRR 489, are available from your local department of social services.

This manual explains each subject contained in the regulations by stating the Office of Children and Family Services policy and listing the procedures that you, the local department of social services and the Office of Children and Family Services must follow. If you have any questions about topics discussed in this manual, you should contact your local department of social services for assistance.

We appreciate your interest in helping others and hope this manual will be useful as you continue your valuable service.

Bureau of Adult Services  
Division of Development and  
Preventive Services

# GLOSSARY

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The following are definitions of terms used throughout the manual.

## **Admission Agreement:**

A written agreement, signed by the operator and the resident which describes the services to be provided, residents' rights and responsibilities, all financial arrangements, including the personal needs allowance, refunds, security deposits and discharge or transfer procedures. All residents in family-type homes are required to sign an admission agreement. All operators are required to provide a copy of the admission agreement to the resident on or prior to the date of admission. A model form is available from the local department of social services.

## **Certified Capacity:**

The specific number of residents the Office of Children and Family Services has determined may be cared for in the family-type home. This number is listed on the operating certificate and may be for one, two, three or four residents.

## **Family-Type Home:**

A family-type home for adults is an adult care facility certified by the Office of Children and Family Services. It provides long-term residential care, room, board, personal care and/or supervision to four or fewer adult persons unrelated to the operator.

## **Family-Type Home Resident**

Those persons unrelated to the operator, who are receiving long-term residential care, room and board, personal care and/or supervision in a family-type home.

## **Hearing:**

An opportunity for an impartial review. The family-type home operator and local department of social services have the opportunity to request an impartial review of a decision by the Office of Children and Family Services that a violation of regulation or other wrongdoing has occurred. This procedure provides the family-type home operator with an opportunity to present information to a hearing officer who has not been involved in any way with the action taken by the OCFS. Hearings must be held before the Office of Children and Family Services. Such hearings may impose a fine or revoke an operating certificate, and are available following the denial of an application for an operating certificate.

## **Local Department of Social Services:**

The unit of county government or the City of New York that has responsibility for inspecting and supervising family-type homes, under the direction of the Office of Children and Family Services.

# GLOSSARY

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## **Operator:**

The person who has been certified by the OCFS to operate a family-type home. The person must live in the family-type home.

## **Operating Certificate:**

A certificate issued by the Office of Children and Family Services that authorizes the family-type home operator to provide care and supervision for a specific number of residents for a stated period of time.

## **Personal Care:**

Those services necessary to help the resident with personal hygiene, grooming, dressing and eating so that he/she can participate in the basic activities of daily living, maintain good health and participate in social or family activities.

## **Personal Needs Allowance:**

The minimum amount of money that residents receiving SSI benefits must receive for their personal use. This allowance, including the minimum amount, is set by law.

## **Office of Children and Family Services:**

The division of State government which administers a system of supervision, inspection and enforcement for Family Type Homes to achieve compliance with regulations and the maintenance of standards of care. The abbreviation OCFS is used throughout this manual to refer to the Office of Children and Family Services.

## **Supervision:**

Those services that include monitoring the resident's needs, providing general guidance and assistance as needed, and protect them from harm to themselves or their property.

## **Unrelated person:**

Unrelated to the operator means that the relationship between the operator and the resident is not that of spouse, parent, parent-in-law, child or step-child.

## **Waiver:**

A waiver is an exception to a regulation approved by the State or local department of social services.

# SUBJECT: CERTIFICATION PROCESS

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**TOPIC:** Application Process  
**REGULATIONS:** 18NYCRR 489.4 (a-c)

## **POLICY:**

Application to operate a family-type home for adults must be made on an OCFS form and filed with the commissioner of the local department of social services in which the proposed home is located. To ensure that the home meets established criteria, certain supporting information must also be submitted. The OCFS has established time frames for the review of the application by the local department and OCFS. The OCFS decides whether a certificate will be issued. If an application is denied, a hearing is available upon request.

New applications must also be filed if there is a proposed change in the location of the home, a proposed increase in certified capacity, or to add or delete an operator who is approved by the OCFS.

## **RESPONSIBILITY:**

Family-Type Home Operator/ Applicant

## **PROCEDURE:**

1. The following documents shall be submitted to the local department of social services in addition to the application (DSS-2865), which must be signed and dated:
  - (i) names and addresses of former employers within the last five years and of two persons not related to the applicant(s) who are acquainted with the applicant(s) desire and ability to operate a family-type home.
  - (ii) a statement from a physician, signed and dated within 90 days after the date of submittal, indicating that each applicant is physically and mentally capable of providing adequate care to dependent adults. Department form Medical Evaluation (Operator) (DSS-3239) or an approved local equivalent may be used to fulfill this requirement.
  - (iii) a statement of each applicant's education, experience and community activities.
  - (iv) a statement of income of the applicant(s).
  - (v) a fire inspection report, signed and dated within 90 days after the date of submittal, from the local fire department, building department, code enforcement officer or other approved local authority.

## **Local Department of Social Services**

1. Completes a "Survey Report" Form, DSS-2687 of the applicant's dwelling within 45 days of the dwelling of the application.
2. Forwards completed application and supporting documents to the Office of Children and Family Services with a recommendation for approval or disapproval within 45 days of receiving a completed application.
3. May recommend denial of any application when the required documents are not submitted within 45 days of application.

## **Office of Children and Family Services**

1. Makes a determination regarding application within 90 days after receipt of a complete application and recommendation by the social services district.
2. Issues an operating certificate if application has been approved.
3. If application is denied, notifies the applicant and the local department of social services and informs the applicant that a hearing is available upon a written request to the Special Hearings Bureau of the OCFS.

# RECERTIFICATION PROCESS

**TOPIC:** Recertification Process  
**REGULATIONS:** 18NYCRR 489.4(f)

**POLICY:**

Certificates to operate a family-type home may be issued for as long as four years OCFS will notify the operator and the local department of social services 90 days before the certificate expires. A renewal application and supporting documentation must be filed with the local department of social services.

**RESPONSIBILITY**

**PROCEDURE**

**Family-Type Home Operator**

1. Submits completed "Application for Approval Family-Type Home for Adults" form DSS-2865, for renewal within 60 days after receiving notification that the certificate is about to expire.
2. Attaches copies of the following reports:
  - a. statement from physician [a "Medical Evaluation (Operator)" form DSS-3239].
  - b. statement of income.
  - c. fire inspection report.
  - d. lab report on water supply if not municipal.
  - e. a physician's statement for each substitute caretaker providing 20 or more hours of care a week.
  - f. certification of child support obligations.
  - g. proof of coverage or exemption from worker's compensation and disability benefits. May recommend denial of any application when the required documents are not submitted within 45 days of application.

**Office of Children and Family Services**

1. Notifies the operator and the local department of social services 90 days before the expiration of the certificate.
2. Makes a determination regarding the renewal application.
3. Issues new certificate or, if the renewal application is denied, notifies local district and operator of opportunity for hearing.

# SUBJECT: CLOSING A FAMILY-TYPE HOME

**TOPIC:** Closing of a Family-Type Home  
**REGULATIONS:** 18NYCRR 489.4(h) and 485.5

## POLICY:

Family-Type Homes can close voluntarily or can have their certificates suspended or revoked by OCFS. If operators wish to close a home, they must notify the local department of social services in writing at least 120 days before the expected closing date.

## RESPONSIBILITY

## PROCEDURE: Voluntary Closure

### Family-Type Home Operator

1. Sends written notice to the local department of social services at least 120 days before the expected closing date describing plans for closing the home. .
2. Must wait for local department of social services approval before beginning to close.
3. The plan must describe how and when:
  - a. residents and their families will be notified.
  - b. their needs and preferences will be discussed with them.
  - c. residents will be assisted in visiting and moving to other appropriate settings.
  - d. the home will be maintained in compliance with regulations until all residents are moved Notifies the operator and the local department of social services 90 days before the expiration of the certificate.

### ~~Local Department of Social Services~~

1. Reviews closing plan and notifies operator of approval or any changes to be made.
2. Assists operator in assessing residents and finding appropriate placement for them.
3. Obtains the operating certificate from the operator and forwards it to the Office of Children and Family Services.

# OPERATOR CRITERIA

**TOPIC:** Operator Criteria

**REGULATIONS:** 18NYCRR 489.3,489.13(d)(f)(g)

## **POLICY:**

To ensure that persons who operate a family-type home are qualified to provide care and supervision to dependent adults, OCFS has established standards for family-type home operators. Operators must live in the home, be at least 21 years of age, of good character, able to speak, read and write English and be physically and mentally capable of operating the home. The operator must have sufficient income, not solely derived from the residents, to meet household and personal expenses of the operator. Operators must comply with OCFS regulations and with applicable laws and regulations of other state and local agencies. If an operator must be away from the home to work, or for short periods of time, the local department must approve the substitute provider of care.

## **RESPONSIBILITY**

## **PROCEDURE**

### **Family-Type Home Operator**

1. Operates and maintains the home according to the Office of Children and Family Services regulations as well as any other state and local laws and regulations that apply.
2. Completes an approved first aid training course within one year of certification
3. Attends orientation and training sessions as may be required by the local department of social services.
4. Must not be employed outside the home unless the local department of social services has - approved a substitute to provide the required care and services for residents.
5. Arranges in advance for approval of substitute caretakers.
6. Notifies the local department of social services whenever a resident is admitted or discharged, any changes in household circumstances or composition including family members and other residents commencing or terminating residency in the home.
7. Cannot increase capacity or change operators or location without applying for a new certificate, and receiving approval from the local department and Office of Children and Family Services.

# WAIVER PROCESS

**TOPIC:** Waiver Process  
**REGULATIONS:** 18NYCRR 489.3(d)

## POLICY:

Family-type home operators must comply with all the requirements of Part 489 of OCFS regulations. However, in some cases alternate ways to comply may be considered. Upon request by the operator or applicant, the Office of Children and Family Services, or in some cases local departments of social services, may waive any of the requirements of part 489 that are not required by law.

## RESPONSIBILITY

## PROCEDURE

### Family-Type Home Operator

1. Requests a waiver in writing to the local department of social services indicating the specific regulation to be waived. This request must include:
  - a. the reason(s) why complying with the regulation would cause substantial hardship.
  - b. a description of how the intent of the regulation will be met.
  - c. a description of how the health and safety of the residents will be protected.

### Local Department of Social Services

1. Reviews the waiver, making sure all the information is included.
2. For certain waivers, the local department will make a decision and notify the operator. The local department may require the operator to adopt additional safeguards as a condition of approving a waiver.
3. For all other waivers, the local department sends the request to the Office of Children and Family Services, with a recommendation and reason(s) for approval or denial and any suggested conditions.
4. Notifies operator in writing of the Office of Children and Family Services decisions on the waiver.

### Office of Children and Family Services

1. Decides whether the waiver request will be approved or denied and notifies the local department of social services. OCFS may require the operator to adopt additional safeguards as a condition of approving a waiver.

1.

# SUBJECT: ADMITTING AND DISCHARGING RESIDENTS

**TOPIC:** General Admissions Standards  
**REGULATIONS:** 18NYCRR 489.7 and 489.6

## POLICY:

Family-type home operators may admit and care for individuals who are 18 years of age and older and who need services that the operator is permitted by regulation to provide. If an individual needs nursing home care or in patient care in a psychiatric facility, drug or alcohol facility or facility for the developmentally disabled, they may not be admitted or remain in a family-type home. To ensure that individuals receive the proper care in a setting that is most appropriate for them, the OCFS has set up standards concerning who may be admitted and maintained in a family-type home. These standards relate to a resident's physical health, mental health and behavior.

## RESPONSIBILITY

## PROCEDURE

### Family-Type Home Operator

1. Admits and cares for no more than the number of residents approved on the operating certificate. the reason(s) why complying with the regulation would cause substantial hardship.
2. Cannot admit an individual who:
  - a. is under the age of 18.
  - b. needs continual medical or nursing care or supervision.
  - c. has a serious and persistent mental disability that requires treatment in a mental health facility.
  - d. requires health or mental health services that are not available or cannot be provided safely and effectively by local providers.
  - e. causes or is likely to cause danger to self or others.
  - f. repeatedly behaves in such a way as to interfere with the orderly operation of the home.
  - g. has a medical condition that is unstable and requires continuous skilled observation of symptoms and reactions and accurate recording of the skilled observations, for the purpose of reporting to the resident's physician.
  - h. refuses to take prescribed treatment thereby in the judgment of a physician causing life-threatening danger to the individual or others.

- i. must stay in bed.
  - j. is usually unable to move from a bed, chair, toilet or wheelchair without help.
  - k. usually requires help to walk.
  - l. usually requires help to climb or descend stairs, unless the resident's room and bath facilities are on a floor with a ground level exit.
  - m. cannot control urine or bowels (managed incontinence through medical equipment is has a permitted).
  - n. communicable disease or health condition that endangers others.
  - o. depends on medical equipment that is hazardous, restricts the individual to his room, interferes with others, or needs more than occasional help with use from medical personnel.
  - p. does not provide operator with required medical evaluation.
  - q. abuses alcohol or uses illegal drugs.
  - r. cannot communicate with operator in a common language.
3. Requires persons who want to become residents to provide the "Medical Evaluations" form DS5-3122, showing that:
- a. the resident does not require placement in a hospital, health or psychiatric care facility.
  - b. a physician has examined the resident awithin the last 30 days.
  - c. the resident can self-administer medications and there is a plan of care with recommendations for diet, exercise, recreation, frequency of medical examinations and assistance needed in the activities of daily living.
  - d. the resident is able to use and maintain any required, medical equipment with only occasional help from medical personnel.

4. Obtains new medical evaluation whenever a significant change in a resident's condition warrants it, or at least every 12 months.
5. Interviews each applicant carefully to see if their needs can be met in the home. Must be able to meet the physical and personal care needs including diets for cultural or medical reasons, and be able to meet the social needs of the residents by helping them to keep family and community ties. If applicant uses medical equipment, the operator must discuss the applicant's ability to handle the equipment and decide whether the equipment will interfere with participation in routine activities.
6. Explains and discusses the conditions which the applicant would have to meet to live in the home including:
  - a. an admission agreement.
  - b. resident rights.
  - c. house rules
  - d. how the personal allowance will be handled if the applicant is on Supplemental Security Income.
7. Gives the applicant a copy of the admission agreement and resident rights during or prior to the interview.
8. Develops a plan to meet the resident's need for medication, nutrition, exercise, recreation, assistance with activities of daily living and follow-up care by medical and mental health professionals.
9. Obtain, if the applicant is being discharged from a hospital, skilled nursing or health related facility, psychiatric center, developmental center or alcohol or drug treatment center, a statement from that institution. This statement is not a substitute for the "Medical Evaluation" form DSS-3122, or for the resident's interview. This Statement must include:
  - a. details of significant medical conditions.
  - b. prescribed plan of health or mental health care to be provided by licensed health or mental health providers.
  - c. social information needed to assist with care in the home.

**RESPONSIBILITY****PROCEDURE**

10. Gives each applicant an opportunity to review the most recent inspection report on the home.
11. Signs, and has resident sign an admission agreement. A representative may not sign for the resident unless they have the legal authority to do so.
12. Completes a "Personal Data Sheet" form DSS-2949, for each resident upon admission. This form includes important information about the resident, persons to be contacted in an emergency, and next of kin.
13. Maintains a record of all persons admitted and discharged from the home. This record may be kept on the "Chronological Admission and Discharge Register" form DSS-3026, or other approved form.
14. Assists residents in transfers to health care facilities or other residential settings if necessary.

**~~Local Department of Social Services~~**

Local departments of social services staff shall provide orientation to family-type care and assist the operator of a family-type home to develop procedures and mechanisms to:

1. Assist the operator in obtaining medical or mental health information concerning an applicant.
2. Assist the operator in linking the resident with community resources to meet individual needs such as community mental health clinics and day care centers.
3. Assist the operator in obtaining professional evaluations needed to transfer a resident to a more appropriate level of care if necessary.
4. Assist the operator in fulfilling record keeping requirements.
5. Provides for eligible residents, counseling to assist them in adjusting to living in a family-type home.

# SUBJECT: DISCHARGE OR TRANSFER

**TOPIC:** Discharge or Transfer  
**REGULATIONS:** 18NYCRR 489.8, and 489.6

## POLICY:

Every resident shall have the right to leave a family-type home. An operator may end an admission agreement under the terms of that agreement but must give at least 30 days written notice to the resident. The 30-day notice is not required if a physical condition or behavior requires transfer for medical or nursing care.

## RESPONSIBILITY

## PROCEDURE

### Family-Type Home Operator

1. May involuntarily discharge residents only in accordance with the terms of the admission agreement, or if their needs can no longer be met in the family-type home.
2. Provides if the resident is being involuntarily discharged or transferred, at least 30 days written notice to the local department of social services, the resident, the resident's representative or next of kin if known.
3. Includes in the written notice the following:
  - a. date of notice.
  - b. date of discharge.
  - c. reason(s) for discharge.
  - d. telephone number of local department of social services.
  - e. a statement that the local department may be used as a resource in locating another placement.
4. Arranges, if a resident's health deteriorates to the point where they cannot be retained in the home, transfer to the appropriate medical or psychiatric facility.
5. Arranges for professional evaluation of resident, if behavior indicates and transfer the resident to a facility, providing the proper level of care.

### ~~Local Department of Social Services~~

1. Document efforts made by the operator to arrange an appropriate transfer.

# SUBJECT: PROVIDING SERVICES TO RESIDENTS

**TOPIC:** Resident Rights  
**REGULATIONS:** 18NYCRR 489.9(a)

## POLICY:

State law and OCFS regulations give residents certain rights and responsibilities. Operators must inform residents and substitute caretakers of these rights and post a copy of them.

## RESPONSIBILITY

## PROCEDURE

### Family-Type Home Operator

1. Complies with the following:
  - a. a resident's civil rights shall not be infringed.
  - b. a resident's religious liberties shall not be infringed.
  - c. a resident has the right to have private, written or oral communication with anyone.
  - d. a resident has the right to present grievances for themselves or other residents, to the operator, OCFS or other officials or any other parties without fear of reprisal.
  - e. a resident has the right to join with other Residents or individuals to work for improvements in residents care.
  - f. a resident has the right to manage their financial affairs.
  - g. a resident has the right to privacy in their own room and in caring for their personal needs.
  - h. a resident has the right to confidential treatment of personal, social, financial and health records.
  - i. a resident has the right to receive courteous, fair and respectful care and treatment at all times and shall not be physically, mentally or emotionally abused or neglected in any manner.
  - j. a resident shall not be restrained or locked in a room at any time.
  - k. a resident has the right to receive and to send mail or any other correspondence unopened and without interception or interference.

**RESPONSIBILITY****PROCEDURE**

- i. a resident shall be permitted to leave and return to the home at reasonable hours.
- m. a resident shall not be obliged to perform work.
- n. a resident is neither permitted or obligated to provide any operator or agent of the operator any gratuity in any form for services provided or arranged for in accordance with law or regulation.
- o. a resident must have the right to have his/her version of the events leading to an accident or incident in which such resident is involved included on all accident or incident reports.

# SUBJECT: PROVIDING SERVICES TO RESIDENTS

**TOPIC:** Food Service  
**REGULATIONS:** 18NYCRR 489.11

## POLICY:

Residents in family-type homes must receive three meals a day and a nutritious evening snack. To ensure that quality food service is provided and individual needs are met, the OCFS has established standards for planning, preparation and service of meals.

## RESPONSIBILITY

## PROCEDURE

### Family-Type Home Operator

1. Uses available information on each residents diet, food allergies and individual food preferences to prepare meals and snacks.
  2. Provides 3 meals daily that are balanced, adequate in amount, nutritious, and meet the needs of residents.
  3. Provides a variety of nutritious meals.
  4. Provides one hot meal, other than breakfast, every day.
  5. Ensures there are not more than 15 hours between the evening meal and breakfast the next morning.
  6. Provides or arranges for meals for residents who are out of the house for programs during meal times.
  7. Must always have a 3-day supply of food on hand.
  8. Stores, prepares and serves food safely to keep its nutritional value and protect it from bacteria.
  9. Must have enough dishes, glasses and utensils for everyone who will be eating in the home.
  10. Includes residents in family's mealtimes.
  11. May use home canned food if the United States Department of Agriculture procedures were followed during preparation.
  12. Provides special medical or cultural diets for those residents who require it. Operator may choose not to admit or retain residents who need special diets.
  13. Provides a nutritious evening snack.
1. At least semi-annually assesses food services by discussing the current week's planned menu with the operator and residents

Local Department of Social Services

# SUBJECT: PROVIDING SERVICES TO RESIDENTS

**TOPIC:** Medication Management  
**REGULATIONS:** 18NYCRR 489.10(d)

## POLICY:

While some residents may be able to take their medicines correctly without help from operators, others will need assistance. To ensure that the health and safety of the residents is protected, the OCFS has established procedures for operators to follow when they assist residents with medication

## RESPONSIBILITY

## PROCEDURE

### Family-Type Home Operator

1. Consults the resident's physician to determine if the resident needs help taking medication.
2. Permits the resident to keep and take medications (with physician's written approval).
3. Stays informed about all medications the resident is taking.
4. Ensures that the resident who is taking medication without assistance is able to:
  - a. correctly read the label on the medication container.
  - b. correctly interpret the label.
  - c. correctly ingest, inject or apply the medication.
  - d. follow instructions as to the route, time, dosage, and frequency.
  - e. open the container.
  - f. measure or prepare medications, including mixing, shaking, and filling syringes.
  - g. safely store the medication.
5. Checks periodically to ensure the resident still is able to take the medication correctly.
6. Helps a resident with any of the activities needed to take the medication correctly. However operators may not give an injection to a resident unless they have a license to do so, i.e. they are a licensed practical nurse, registered nurse, physician's assistant or physician. If so, the only injections they may give are those that a patient or his family are customarily trained to give, for example insulin shots.
7. Maintains a system for ensuring that residents who need assistance with medications are taking the prescribed dose at the correct time.
8. Notifies the doctor who prescribed the medication and the resident's primary doctor if a resident refuses medication or is no longer capable of self-medication.

9. Never changes the dose or schedule of a medication without the written direction of a doctor. In case of emergency, direction by telephone is acceptable if written direction from the doctor follows within seven days.
10. Notifies the primary doctor if another doctor prescribes or changes medication. Makes note of the call in the resident's record.
11. Keeps medications in a secure storage area at all times. A resident may keep their own medication, if capable, but it should be safe from anyone else taking it. Some medications may have to be kept on the resident at all times for emergencies.
12. Follows carefully these general rules about medication:
  - a. never empty medication from one container to the amount with him while out of the home.
  - b. never change or re-mark the label on a medication the pharmacist.
  - c. do not use a large bottle of a prescribed medication own container and written directions.
  - d. store drugs used for external use separately from drugs taken by mouth or injected.
  - e. store drugs that must be refrigerated in a separate container.
  - f. properly dispose of drugs no longer being used.
13. Must maintain for each resident a "Resident Medication Record" form DSS-3634 recording all medications being taken. The record must contain:
  - a. the resident's name.
  - b. a list of each medication with dose, frequency, time and route.
  - c. the doctor who prescribed the medicines date of each prescription change.
  - e. any directions about use from the doctor, including any warnings about side effects or conditions that might develop from the medication.
  - f. the type of supervision or assistance needed by the resident.
14. Must maintain a record of any assistance given on "Medication Log" form DSS-3635.

**RESPONSIBILITY****PROCEDURE**

**Local Department of Social Services**

1. Inspects the medication record and log during the annual inspection.
2. Assists operator in setting up procedures and mechanisms for obtaining professional evaluations regarding medications if necessary.

# SUBJECT: PROVIDING SERVICES TO RESIDENTS

**TOPIC: MONEY MANAGEMENT  
REGULATIONS: 18NYCRR 489.9(B)**

## **POLICY:**

Residents shall have the right to handle their own money and to manage their own financial affairs. For residents who receive Supplemental Security Income (SSI) state law and regulations give residents the right to keep a specific part of their income for their personal needs. This "personal allowance" is for the resident to use as they wish. Operators may not accept any of this money for the services required by regulation. Operators must also offer these residents the opportunity to place this personal allowance in a home-maintained account. Residents who pay privately for family-type care also may be offered this service. The operator also may hold property or valuables for the residents. To ensure the safekeeping and accountability of money and valuables given to the operator, the OCFS requires that certain records and receipts be used .

## **RESPONSIBILITY**

## **PROCEDURE**

### **Family-Type Home Operator**

1. Provides for residents receiving a monthly personal allowance (SSI). The minimum amount of the allowance is set by Social Services law
  - a. the resident decides how the allowance is to be used, and cannot waive his/her right to this allowance.
  - b. the resident can use the allowance for clothing, personal items, services, entertainment or transportation which the operator is not otherwise required to provide.
  - c. an operator who intentionally comingles, misuses or withholds a residents' funds or who demands or receives a benefit or contracts for any or all of the personal allowance in satisfaction of the facility rate for supplies and services shall be guilty of a Class A misdemeanor.
  - d. an operator who intentionally withholds or misapplies funds for other than the intended use will not only be liable for the funds but also for punitive damages equal to twice the amount of funds withheld or misapplied.
2. Offer residents an opportunity to place their money in a "resident fund" account, maintained by the operator.

3. Cannot require a resident to keep money in a personal fund account. However, when a resident who receives SSI accepts an offer to place personal funds in a home maintained account the following rules apply:
  - a. the record-keeping system must be approved by the local department of social services.
  - b. the money must be safe and the operator must have a way of keeping track of it.
  - c. the funds are being held for the resident and cannot be used for any other purpose.
  - d. resident's funds cannot be mixed with the operator's own money. They cannot be used as operating funds for the home.
  - e. residents can withdraw any or all of their money from the fund.
  - f. there can be no fee for handling the fund.
  - g. the "Individual Resident Fund Account Record" form DSS-3633, must be used to Record all resident fund transactions. An alternate system may be used only, with the approval of the local department of social services.
  - h. withdrawals and deposits must be documented with paid bills, vouchers and receipts.
  - i. all resident fund accounts must be balanced by the home at least once every three months.
  - j. if a new operator should be approved by OCFS, all funds and records must be transferred to the new operator and a written statement of all resident personal fund accounts must be provided. This statement must say that the balance being transferred is accurate, and must be signed by the residents.
  - k. residents must have reasonable access to their accounts and may check the account record, upon request.

**RESPONSIBILITY****PROCEDURE**

4. May offer to hold for safekeeping property or items of value for a resident. An inventory record must be kept.
  - a. the resident must give written permission to hold the items and must be given a receipt for the items.
  - b. the resident's property must be kept separate from the operator's property or assets.
  - c. "An Inventory of Resident Property" form DSS-3027, must be used.

Local Department of Social Services

1. Approves the record-keeping system used for the home-maintained account for the resident's personal funds.
2. Reviews records for the resident's personal funds during annual inspections.
3. Investigates any suspected misuse or withholding of personal allowance funds and may help recover funds on behalf of any individual whose fund have been withheld or misused.
4. Takes action to recover misused funds including referral for prosecution.
5. Notifies OCFS of their actions.

Office of Children and Family Services

1. Takes enforcement actions if appropriate, based on reports from the local department of social services.
2. May refer cases for prosecution to the State Office of Special Prosecutor and/or local District Attorney.

# SUBJECT: PROVIDING SERVICES TO RESIDENTS

**TOPIC:** Food Service  
**REGULATIONS:** 18NYCRR 489.10(c)

## POLICY:

Each resident shall be provided personal care to maintain good personal hygiene and grooming, to carry out the activities of daily living, to maintain good health, and to participate in the activities of the home

## RESPONSIBILITY

## PROCEDURE

### Family-Type Home Operator

1. Assists the resident in meeting personal care needs by, providing supervision and assistance with:
  - a. grooming, care of hair, shaving and ordinary care of nails, teeth and mouth.
  - b. dressing.
  - c. bathing
  - d. toileting.
  - e. walking and ordinary movement from bed to chair or wheelchair.
  - f. eating or using the dining area.
  - g. taking and recording weights.
  - h. assisting with the self-administration of medications. by discussing the current week's planned menu with the operator and residents

~~Local Department of Social Services~~

- ~~1. Assists the resident in meeting personal care needs by, providing supervision and assistance with:
  - a. grooming, care of hair, shaving and ordinary care of nails, teeth and mouth.
  - b. dressing.
  - c. bathing
  - d. toileting.
  - e. walking and ordinary movement from bed to chair or wheelchair.
  - f. eating or using the dining area.
  - g. taking and recording weights.
  - h. assisting with the self-administration of medications.~~
2. Assists residents in participating in the activities of the home and in the community.

**RESPONSIBILITY****PROCEDURE**

3. Must not restrict residents to their rooms or use any physical or chemical restraints.
4. May keep residents who have a short-term illness, such as the flu, in their room and bring meals on a tray. If the need for this extends beyond 5 days the resident's doctor and the local department of social services must be notified.
5. May not use commodes for residents except for short-term illness or for night use as a safety measure as directed in writing by a doctor.

Assesses whether residents are receiving necessary and adequate personal care.

# SUBJECT: SUPERVISION

**TOPIC:** Supervision  
**REGULATIONS:** 18NYCRR 489.10(b)

## POLICY:

Operators must know the general whereabouts of each resident. The operator or a responsible substitute caretaker, must be in the home whenever a resident is present. The operator must protect residents from harm to themselves or their property. To ensure that residents are protected, OCFS has developed procedures for operators to handle emergencies and deal with changes in a resident's behavior or physical health.

## RESPONSIBILITY

## PROCEDURE

### Family-Type Home Operator

1. Monitors changes in resident's behavior or health that may show need for assessment services.
2. Observes resident and assists with activities of daily living, such as mealtime, grooming and personal hygiene, home and community activities, money management and other service needs.
3. Sets up an emergency call system within the home so that residents can contact the operator from their rooms. This could involve using hand bells or an intercom system.
4. Develops a procedure for fire and emergency evacuation and trains residents and all other occupants of the home to evacuate home.
5. Practices evacuation drills at least twice a year, at different times of the day and night for residents, all occupants of the home, and substitute caretakers.
6. Keeps records of date and time of drills and length of time needed to evacuate the home.
7. Develops an emergency plan with assistance from the local department to protect a resident during a fire or other emergencies. The plan includes:
  - a. arrangements for temporary services.
  - b. relocation of resident.
  - c. procedures to coordinate with local emergency planning organizations, such as the Red Cross and community resources.
  - d. posting of emergency telephone numbers, such as fire department, police, doctors or hospital, by the telephone.
  - e. Procedures for evacuation of the home.

8. Starts a search when a resident is missing from the home. If missing for more than 8 hours, the next of kin or representative, the local department of social services and the police must be notified.
9. Monitors the resident's activities, the home and the property to protect resident from harm.
10. If a resident has not eaten meals for two consecutive days, the operator must immediately notify the resident's physician and:
  - a. follow the instructions from the physician.
  - b. record the call and instructions in the resident's record.
  - c. notify the local department of social services by the next business day.
11. When the resident has an illness or injury requiring immediate medical attention which cannot be provided on an out-patient basis or constitutes a danger to resident or others, the operator MUST:
  - a. immediately get care for resident.
  - b. make arrangement for transfer of resident to a proper facility.
  - c. notify resident's next of kin or representative.
  - d. notify local department of social services by the next business day.
12. If resident becomes dangerous to self or others, notifies local department of social services and with their help:
  - a. notifies resident's next of kin or representative.
  - b. arranges for a professional evaluation of resident's condition.
  - c. arranges for any needed transfer to a facility providing the proper level of care.
13. Immediately notifies next of kin or representative and local authorities when a resident dies and notifies the local department of social services by the next business day.
14. Completes and maintains with help from the local department an "Incident Report" form DSS-3123, or an approved form when a resident:

RESPONSIBILITY	PROCEDURE
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- a. has been missing for more than eight hours.
  - b. assaults or is assaulted. c. injures or is injured.
  - d. attempts or commits suicide.
  - e. there is a complaint or evidence that a resident has been abused.
  - f. dies of other than natural causes.
  - g. is evacuated or an emergency plan is started.
1. Helps operator in developing a fire and emergency evacuation procedure and plan.
  2. Helps operator with arrangements for transfer to a more appropriate level of care for those residents who require it.

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Local Department of Social Services

1. Helps operator in developing a fire and emergency evacuation procedure and plan.
2. Helps operator with arrangements for transfer to a more appropriate level of care for those residents who require it.

# SUBJECT: SOCIAL SUPPORT

**TOPIC:** Social Support  
**REGULATIONS:** 18NYCRR 489.10(e)

## POLICY:

Residents in family-type homes should be encouraged to maintain ties with family and friends, and participate in activities in the home and the community. The local department of social services will assist operators in locating programs and services in the community. Additional state money is available on a limited basis to reimburse operators for their approved expenses related to resident's transportation to and participation in cultural, recreational or social activities.

## RESPONSIBILITY

## PROCEDURE

### Family-Type Home Operator

1. Encourages and assists the resident to participate in specific activities, such as:
  - a. budgeting and managing funds.
  - b. establishing and maintaining ties with family, friends and other occupants of the home.
  - c. participating in the daily routine of the home.
  - d. adjusting to the home.
  - e. arranging transportation to community events.
2. Provides opportunity for resident to participate in individual or family activities, inside or outside the home, including hobbies, social clubs, or organizations.
3. Arranges for the resident to use community services of interest to the resident, including senior centers or churches.
4. Notices changes in residents' condition, behavior or interests and helps residents arrange for services.
5. Helps service providers work with residents.
6. Ensures that a resident may meet in private with service providers.
7. Does not inhibit the resident's access to needed or desired services.

### Local Department of Social Services

1. Assists operator in finding community services, social activities and other services that may be needed by residents.

RESPONSIBILITY	PROCEDURE
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**Local Department of Social Services *cont.***

2. Assists in deciding which residents need social activities or other services.
3. Works with operator and community services providers to assure services are available to residents.
4. Provides or arranges for individual counseling for those residents who need it.

# SUBJECT: SPECIAL NEEDS FUND

**TOPIC:** Special Needs Fund  
**REGULATIONS:** 18NYCRR 489.15

## POLICY:

The OCFS has established procedures for local departments of social services to reimburse, with state funds, certain expenses family-type home operators incur to meet the special needs of residents who receive SSI benefits. Operators may be reimbursed for the following special needs items:

- up to \$290 a year per resident for clothing, transportation, recreation and cultural activities
- up to \$500 a year per home for substitute care during scheduled and emergency absences of the operator; and
- up to \$75 a year per home for health and safety equipment.

RESPONSIBILITY	PROCEDURE
<b>Family-Type Home Operator</b>	<ol style="list-style-type: none"><li>1. Keeps a record of money spent on behalf of residents who receive SSI benefits in order to receive reimbursement</li><li>2. Maintains a separate log for each eligible resident, using. "Special Needs Fund Individual Resident Log" form DSS-3705. The following instructions apply:<ol style="list-style-type: none"><li>a. When money is spent for a resident's clothing, transportation, recreation or cultural activity, enter the amount, date and purpose.</li><li>b. have the resident sign the log for each expense.</li><li>c. each month transfer the total amount spent onto a voucher provided by the local department of social services.</li></ol></li><li>3. Keeps a record of the amount of money spent for substitute caretakers when the operator must leave home for emergencies, personal business, vacation or to attend orientation or training sessions. Operators must receive prior approval if they will be away from the home for more than two consecutive days if they wish to be reimbursed.</li><li>4. Keeps a record of money spent for health and safety equipment.</li><li>5. Submits a monthly voucher listing the total amount spent in each special needs category to the local department of social services. Follow the local department's procedures for attaching receipts or other information.</li></ol>

RESPONSIBILITY	PROCEDURE
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**Local Department of Social Services**

1. Sets up a process for family-type home operators to submit vouchers for money they have spent on the special needs of their eligible residents, substitute care and health or safety equipment.
2. Provides information to operators on the special needs fund and the voucher-ing process.
3. Approves or rejects vouchers, as appropriate. May establish additional guidelines for the reasonable use of the money.
4. With state funds, reimburses operators for approved expenses.
5. Submits an annual summary report to the Office of Children and Family Services on the total amount expended on special needs for family-type home residents and operators.

**Office of Children and Family Services**

1. Supervises local department operation of the Special Needs Fund, including establishing policy and procedures.

# SUBJECT: HOUSEKEEPING/LAUNDRY

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**TOPIC:** Housekeeping/Laundry  
**REGULATIONS:** 18NYCRR 489.12(h)(i)

**POLICY:**

As part of the room and board service provided to residents, operators must provide general housekeeping and laundry service.

RESPONSIBILITY	PROCEDURE
<b>Family-Type Home Operator</b>	<ol style="list-style-type: none"><li>1. Keeps home clean, comfortable, and free of vermin, rodents, trash and odors.</li><li>2. Cleans rooms, common dining and leisure areas used by residents as needed and at least weekly.</li><li>3. Makes and straightens beds daily.</li><li>4. Changes bed linens, towels and wash clothes at least weekly.</li><li>5. Launders and irons residents' clothes.</li><li>6. Provides space and equipment and supervises residents who wish to do their own laundry and ironing.</li></ol>
<b>Local Department of Social Services</b>	<ol style="list-style-type: none"><li>1. Inspects for cleanliness and whether client's clothing is properly laundered.</li></ol>

# SUBJECT: PERSONNEL

**TOPIC:** Personnel  
**REGULATIONS:** 18NYCRR 489.13

## **POLICY:**

The operator of a family-type home assumes responsibility for residents as if they were dependent family members. Care and services must be provided 24 hours a day, 7 days a week. The operator or other family members are the primary care givers. From time to time during emergencies or other circumstances when the operator must be away from home, substitute caretakers may be approved. Substitute caretakers must be at least 18 year old, of good character, mentally and physically capable of operating the home, to include the handling of emergencies, and be knowledgeable of the operation of the home including evacuation procedures. Substitutes also should have access to records related to a residents care. Residents may not be used as substitute caretakers. Residents may perform other tasks on a voluntary basis, if they desire. They can be employed in the home only under certain conditions.

## **RESPONSIBILITY**

## **PROCEDURE**

### **Family-Type Home Operator**

1. Is responsible for and must ensure that all substitute caretakers know and follow the laws and regulations of Adult Care Facilities Standards for Family-Type Homes.
2. Must teach substitutes:
  - a. the home's rules and regulations.
  - b. resident's rights.
  - c. procedures to follow in caring for the residents.
  - d. emergency procedures.
  - e. the characteristics and needs of the residents.
3. May use substitute caretakers only if they meet these general standards:
  - a. no caretaker who is actively dependent on alcohol, narcotics or other drugs or has a communicable disease may work in family-type homes.
  - b. substitutes under 18 years of age can only operate under supervision of an adult and cannot be given direct responsibility for the supervision and personal care of residents.
4. If a substitute cares for residents on a regular basis for 20 or more hours per week, then they must:
  - a. be at least 21 years of age, of good character and be able to speak, read and write English.

**RESPONSIBILITY****PROCEDURE****Family-Type Home Operator**

b. submit a "Medical Evaluation" form DSS-3239, to the local department of social services, every two years, stating they are physically and mentally able to care for residents.

5. May employ residents in the home only when:
  - a. there is no coercion or threat.
  - b. compensation is fair for work performed.
  - c. the job is within the requirements of the labor law.
  - d. plan has approval of the local social services department.
6. May use residents as volunteers only when there is no coercion or threat.

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**Local Department Social Services**

1. Reviews the "Medical Evaluation form DSS-3239, to determine if substitute caretakers are mentally and physically able to care for residents.
2. Approves the employment of residents within the home.
3. Approves the employment of the operator outside the home.

# SUBJECT: ROOM DIMENSIONS

**TOPIC:** Room Dimensions  
**REGULATIONS:** 18NYCRR 489.12(f)

## **POLICY:**

To ensure that there is sufficient space in a family-type home for residents and family members to live comfortably with each other, the OCFS has established standards for bedrooms, bath and toilet facilities, dining and leisure space. Minimum standards also have been established for furnishings and equipment

## **RESPONSIBILITY**

## **PROCEDURE**

### **Family-Type Home Operator**

1. Must comply with all the standards for bedrooms, bath and toilet facilities, dining and leisure space. They are:
  - a. resident bedrooms
    - all resident bedrooms must be above grade level with good lighting ventilation;
    - single bedrooms must have a floor area of at least 85 square feet, not including entrance way, wardrobe, and closets;
    - double bedrooms must have a floor area of at least 70 square feet, per resident, not including entrance way, wardrobe, and closets;
    - no more than two residents may share a bedroom;
    - a single or double bedroom in use in a certified home as of January 31, 1985 may continue to be used, even if it does not meet the above room dimensions.
  - b. bath and toilet facilities
    - there must be at least one toilet and sink for each six occupants of the home, and at least one tub or shower for every eight occupants of the home. Occupants include family, residents, and all other persons who reside in the household. However, any home certified on or before January 31, 1985 may continue to meet the standards of one tub or shower for every 10 occupants of the home;

**RESPONSIBILITY****PROCEDURE****Family-Type Home Operator**

- all toilet and bathing areas must be vented by means of natural or mechanical ventilation to the outside air;
- at least a toilet and sink must be located on the same floor as resident bedrooms unless waived in writing by the local department of social services.

**c. dining and leisure**

- every home shall have a dining area and an area for leisure activities;
- dining and leisure areas shall be sufficient in size for the residents and members of the household to engage in eating and recreation activities;
- dining and leisure areas shall not be used as sleeping areas.

~~Local Department of Social Services~~

- ~~1. Inspects home at time of application to ensure that the standards for bedroom, toilet facilities, dining and leisure space are met. Assures that the standards continue to be met when there are changes in the number of occupants in the house.~~

# SUBJECT: SAFETY PROCEDURES

**TOPIC:** Safety Procedures  
**REGULATIONS:** 18NYCRR 489.12(m)

## **POLICY:**

Because residents of family-type homes often have physical or behavioral disabilities, it is important that care be taken to provide a safe environment for them. Therefore, for the protection of residents and operators of family-type homes, the OCFS has established safety procedures concerning the basic activities of daily life.

## **RESPONSIBILITY**

## **PROCEDURE**

### **Family-Type Home Operator**

1. Must comply with the following safety procedures:
  - a. residents' bedrooms cannot be used as walkways to bath areas or other bedrooms.
  - b. chain locks, clasps, bars, padlocks or other devices that prevent access to exits or common walkways cannot be used.
  - c. residents may keep their bedrooms locked. These rooms must be able to be unlocked from the outside and the operator or substitute caretaker must have keys.
  - d. cleaning materials, bleaches, insecticides or other dangerous supplies and materials must be stored in a safe place.
  - e. a system such as signal bells or intercom must be available so residents can communicate with the operator from their rooms.
  - f. grab bars for toilets, bathtubs, and showers must be available unless waived in writing by the local department of social services.
  - g. tubs and showers must have non-skid surfaces.
  - h. all interior and exterior stairways must have handrails.
  - i. water temperatures for bathing, showering and hand washing must not be more than 110 F (43 C).
  - j. heating pipes and radiators in areas where residents are permitted must be shielded.

RESPONSIBILITY	PROCEDURE
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**Family-Type Home Operator *cont.***

- k. halls in bedroom areas must be lighted.
- l. Night-lights must be used in hallways, stairways and bathrooms.
- m. Hallways or corridors may not be used for storage.
- n. throw or scatter rugs must be tacked down or have non-slip backing.
- o. floors must have non-slip finishes.
- p. emergency light that does not rely on commercial electric power must be available to the operator or substitute caretaker (i.e., battery-operated flashlight).

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**Local Department of Social Services**

- 1. Inspects home at least every year to make sure the home meets safety standards.
- 2. Reviews waivers for use of grab bars in toilet and sink areas.

# SUBJECT: HOME MAINTENANCE

**TOPIC:** Home Maintenance  
**REGULATIONS:** 18NYCRR 489.12(j)(k)(l)

## **POLICY:**

To ensure that family-type homes are maintained in a good state of repair the OCFS has established standards for home maintenance, heating/cooling and electrical equipment.

## **RESPONSIBILITY**

## **PROCEDURE**

### **Family-Type Home Operator**

1. Must comply with all the standards for home maintenance, heating/cooling and electrical equipment/system. They are:
  - a. maintenance
    - all equipment and appliances must be clean and in good working order;
    - walls, ceilings, and floors must be free of cracks, peeling surfaces, missing tiles and holes or raised portions;
    - electrical, plumbing, air conditioning, and heating systems must be in good working order;
    - the premises must be free of vermin and rodents and their breeding areas; entrances, exits, steps, and outside walkways must be free of ice, snow and other hazards;
    - an appropriate number of covered trash containers must be available.
  - b. heating/cooling
    - the home must have a permanent heating system that maintains required temperatures;
    - when the outside temperature is 65F (18C) or less, the temperature inside resident bedrooms and common areas must be at least 68 F (20C);
    - when the outside temperature is 85F (30C) or more the operator must:
      - take measures to maintain a comfortable environment;
      - monitor resident exposure and reactions to heat;

RESPONSIBILITY	PROCEDURE
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**Family-Type Home Operator**

- arrange for health care, if needed; and
- arrange for the temporary relocation of residents, if needed.

c. electrical system

- electrical wiring and equipment must be kept from becoming a fire hazard;
- electrical wiring and equipment must be firmly attached to a surface;
- fuses and circuit breakers must be in safe operating condition, must not be locked or fastened in the "on position and be easily reached;
- electrical wiring and equipment must be grounded;
  - flexible cord must not be run through holes in walls, ceilings, or floors; through doorways, windows or similar openings; attached to building surfaces; or concealed behind or under walls, ceiling, floors or floor coverings.

~~Local Department of Social Services~~

- ~~1. Reviews home maintenance, heating/cooling systems and electrical system during the annual inspection of the home and complete a "Survey Report" form DSS-2867~~

# SUBJECT: SMOKE AND FIRE PROTECTION

**TOPIC:** Smoke and Fire Protection

**REGULATIONS:** 18NYCRR 489.12(n), 489.10(b) (2-5)

**POLICY:**

To assist operators in their responsibility to supervise residents and protect them from harm, the OCFS has established standards for smoke and fire protection in family-type homes.

**RESPONSIBILITY**

**PROCEDURE**

**Family-Type Home Operator**

1. Installs acceptable testing laboratory-listed smoke detectors.
  - a. at the top of all stairways and in bedroom areas more than 20 feet away from top of stairs for multi-level homes.
  - b. in halls leading to bedrooms in single-level homes.
  - c. where the fire department recommends.
2. Installs and keeps charged ABC rated fire extinguishers that meet National Fire Protection Association standards in the kitchen.
3. Keeps all exits clear at all times
4. Prohibits the following fire hazards:
  - a. smoking in bed.
  - b. non-metal containers for wood or coal ashes.
  - c. unsafe collection and storage of flammable materials in any part of the building.
  - d. overloaded electrical circuits. i.e. hot plates in residents' rooms.
  - f. self-contained fuel-burning heaters or stoves except solid-fuel-burning stoves approved by the local department of social services.
5. Installs and maintains fire escapes according to local codes.
6. Requests approval to use a solid-fuel-burning stove from the local department of social services. This written request must prove that:
  - a. the stove and chimney are approved by the local building department or fire department.

# SUBJECT: SMOKE AND FIRE PROTECTION

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**TOPIC:** Smoke and Fire Protection

**REGULATIONS:** 18NYCRR 489.12(n), 489.10(b) (2-5)

**POLICY:**

To assist operators in their responsibility to supervise residents and protect them from harm, the OCFS has established standards for smoke and fire protection in family-type homes.

RESPONSIBILITY	PROCEDURE
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**Family-Type Home Operator**

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  - a. at the top of all stairways and in bedroom areas more than 20 feet away from top of stairs for multi-level homes.
  - b. in halls leading to bedrooms in single-level homes.
  - c. where the fire department recommends.
2. Installs and keeps charged ABC rated fire extinguishers that meet National Fire Protection Association standards in the kitchen.
3. Keeps all exits clear at all times
4. Prohibits the following fire hazards:
  - a. smoking in bed.
  - b. non-metal containers for wood or coal ashes.
  - c. unsafe collection and storage of flammable materials in any part of the building.
  - d. overloaded electrical circuits. i.e. hot plates in residents' rooms.
  - f. self-contained fuel-burning heaters or stoves except solid-fuel-burning stoves approved by the local department of social services.
5. Installs and maintains fire escapes according to local codes.
6. Requests approval to use a solid-fuel-burning stove from the local department of social services. This written request must prove that:
  - a. the stove and chimney are approved by the local building department or fire department.

RESPONSIBILITY	PROCEDURE
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**Family-Type Home Operator *cont.***

- b. an inspection of stove and fuel is done twice a year by the local department of social services or someone they approve to do the inspection.
- c. the stovepipes and chimney are cleaned as needed or at least twice a year.
- d. the operator has attended an education program on solid-fuel-burning stoves, if available.

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**Local Department of Social Services**

- 1. Reviews written requests for solid-fuel-burning stoves, and if favorable, gives written approval to operator.
- 2. Inspect Stove and fuel sources at least twice a year or approves other individuals or groups to inspect stove and fuel sources.

# SUBJECT: USE OF THE HOME FOR OTHER THAN FAMILY-TYPE CARE

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## TOPIC: Use of the Home for Other than Family-Type Care

### POLICY:

Family-type homes have a primary responsibility to maintain a family atmosphere for residents and to provide care and services to residents as they would to family members. Therefore, space in a family-type home may be used only for the care of the residents and for family activities unless prior written approval is obtained from the local department of social services.

RESPONSIBILITY	PROCEDURE
<b>Family-Type Home Operator</b>	<ol style="list-style-type: none"><li>1. Operators who wish to use their home for other purposes, such as a rooming house, operation of a family business, or short-term residential care, must contact the local department of social services for approval. The request should prove that this secondary use will not interfere with the family atmosphere of the home or the ability to provide the care required by residents.</li></ol>
<b>Local Department of Social Services</b>	<ol style="list-style-type: none"><li>1. Reviews written requests. for use of the home for other than family-type care and notifies operator in writing of decision.</li></ol>

# SUBJECT: ROLE OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES

**TOPIC:** Role of the Local Department of Social Services

**REGULATIONS:** 18NYCRR 489.12(n), 489.6(b)

## **POLICY:**

Foster Care Services for Adults must be provided by the local department of social services to persons 18 years of age or older, who are physically or mentally impaired, in need of a supervised living arrangement and who meet certain income or categorical eligibility levels. Foster Care Services includes recruitment and supervision of the family-type home as well as the assessment and placement of persons into the home or other settings in the community. Local departments also must provide orientation and ongoing assistance to family-type home operators. The local department also provides initial counseling to assist in the resident's adjustment to the home, monitors the placement and provides or arranges for supportive services that may be needed for those residents who are eligible for foster care services.

## **RESPONSIBILITY**

## **PROCEDURE**

### **Local Department of Social Services**

1. Recruits new family-type home operators and assists them with the application process.
2. Orients new operators to the regulations and procedures of the family-type home program.
3. Provides ongoing support and information to currently certified operators.
4. Supervises and inspects family-type homes for adults.
5. Cooperates in enforcement actions.
6. Evaluates individuals eligible for foster care services who may need residential placement and determines the most appropriate placement for them.
7. Arranges for or places eligible individuals directly into residential placements if appropriate or necessary.
8. Provides or arranges for direct services such as counseling to those eligible residents who need it.
9. Monitors resident's adjustment to placement to ensure that each resident:
  - a. receives proper care.
  - b. has opportunities to enjoy normal family and community life.
  - c. gets help with personal problems.
  - d. receives other supportive services available in the community.
10. Periodically reviews whether the resident continues to need placement and is in an appropriate setting.

# SUBJECT: INSPECTION OF FAMILY-TYPE HOMES

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**TOPIC:** Inspection of Family-Type Homes

**POLICY:**

To ensure that residents' rights are protected and to assist operators in providing quality care, the OCFS has established standards for the periodic inspection of family-type homes. In general, the local department of social services is responsible for conducting these yearly inspections. The inspection process includes visits to the home, interviews with residents, review of records and gathering of other information as needed.

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**RESPONSIBILITY**

**PROCEDURE**

**Family-Type Home Operator**

1. Cooperates with local district staff during inspection visits.
2. Corrects any problems listed on the "Report of Inspection" prepared by the local department of social services in the manner and time frame specified and within one week of completion notifies the local district in writing of completion.
3. Posts the most recent "Report of Inspection" and related follow-up reports so residents may read it.

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**Local Department of Social Services**

1. Inspects the home every year (or more frequently if necessary).
2. The annual visit is unannounced.
3. Sends a "Report of Inspection" to the operator, identifying areas of non-compliance.
4. Includes in the report, recommendations, any existing problems and a timetable for compliance.
5. Notifies the Office of Children and Family Services of any homes that do not comply within the required time.

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**Office of Children and Family Services**

1. Supervises local district inspection process

# SUBJECT: ENFORCEMENT OF REGULATIONS

**TOPIC:** Enforcement of Regulations

**REGULATIONS:** 18NYCRR 489.5

## **POLICY:**

The local department of social services must assist the OCFS in enforcing the regulations developed for family-type homes. This includes advising the OCFS of any continuing violations, recommending enforcement actions, and participating in any hearings concerning fines, revocations or denial of applications

## **RESPONSIBILITY**

## **PROCEDURE**

### **Family-Type Home Operator**

1. If the OCFS is proposing to revoke an operating certificate or impose a fine, the operator will receive a notice describing the reason for the action by the OCFS and - providing at least 30 days notice of a hearing to review the matter.
2. The operator may bring an attorney to the hearing and present evidence or arguments concerning specific charges.
3. The operating certificate remains in effect during the hearing and until a decision is issued unless otherwise limited or suspended.
4. The operator will receive a written copy of the decision, which may be reviewed for application to the state court system.

### **Local Department of Social Services**

1. If a family-type home is out of compliance with regulations and has not corrected the problems within the required time, refers information to the Office of Children and Family Services for enforcement.
2. Receives notice from the Office of Children and Family Services that a hearing is scheduled to revoke, limit or suspend the license, or to impose a fine.
3. Testifies at hearing and cooperates in gathering information.
4. Assists in assessing and relocating residents if the certificate is revoked.

**RESPONSIBILITY****PROCEDURE****Office of Children and Family Services**

1. Notifies operator and local department that a certificate is being revoked, limited or suspended or that a fine is being imposed. This notice will include:
  - a. the time and place of the hearing.
  - b. the proposed action that will be taken.
  - c. the specific statutes, rules and regulations that are not being followed.
2. Conducts hearing and notifies local department and operator of the outcome.
3. May temporarily limit or suspend a certificate without a hearing for up to 30 days, if it determines that an individual's health, safety or welfare is in imminent danger.
4. Assists in assessing and relocating residents if the certificate is revoked.

# APPENDIX

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Attached are copies of the following forms used in the family-type homes for adults program. These forms can be obtained from the local department of social services.

FORM	TITLE
<b>LDSS-2865</b>	Application for Approval Family-type Home for Adults
<b>LDSS-3239</b>	Medical Evaluation (Operator)
<b>LDSS-3122</b>	Medical Evaluation (Resident)
<b>DSS-2949</b>	Personal Data Sheet-
<b>LDSS-3026</b>	Chronological Admission and Discharge Register
<b>LDSS-3123</b>	Incident Report
<b>LDSS-3720</b>	Report of Inspection
<b>LDSS-3633</b>	Individual Resident Fund Account Record
<b>DSS-3027</b>	Inventory of Resident's Property
<b>LDSS-3634</b>	Resident Medication Record
<b>LDSS-3635</b>	Medication Log
<b>LDSS-2867</b>	Survey Report
<b>LDSS-3705</b>	Special Needs Fund Individual Resident Log
<b>LDSS-4505</b>	Certification of Child Support Obligations
<b>DSS-1342</b>	Residents Rights and Protections Admission Agreement-