



Department of Health

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Commissioner

JOHANNE E. MORNE, M.S.
Executive Deputy Commissioner

April 9, 2024

DAL: DACF-24-15
Subject: 30-Day Notice of Termination
Reminder

Dear Adult Care Facility Administrator:

This letter is intended to remind you that consistent with New York State Social Services Law § 461-g, a 30-Day Notice of Termination must be provided whenever a decision is made to terminate a resident's Admission or Residency Agreement, irrespective of the basis for such determination. The Department of Health ("Department") makes available the [30-Day Notice of Termination \(DOH-5237\)](#) for Adult Care Facilities to issue regulatorily-compliant Notices of Termination.

As a reminder, the general requirements for Notices of Termination include, but are not limited to the following:

- A copy of the completed 30-Day Notice of Termination must be provided to the applicable Regional Office of the Department within five (5) days of the notice being served upon the resident. For ease, Regional Office email addresses follow:

<u>Region</u>	<u>Mailbox</u>
Capital	acfdro@health.ny.gov
Central	syradulthomes@health.ny.gov
Western	acfwro@health.ny.gov
Metropolitan	acfmaro@health.ny.gov

- When the operator proceeds to terminate the admission agreement of a resident transferred without Notice of Termination, the operator must ensure that the written notice is hand-delivered to the resident at the location to which they were removed.
- Residents and/or resident representatives who receive a Notice of Termination must be provided a copy of the list of legal and advocacy services for the county in which the facility is located and all contiguous counties. A Guide of Community Resources Providing Resident Advocacy Services, updated annually, can be found at https://health.ny.gov/facilities/adult_care/resources.htm.
- The resident has the right to object to the termination of the agreement and the subsequent discharge and if the resident does object, they may remain in the facility while the operator commences a special proceeding consistent with New York State Social Services Law § 461-h, pending the court's decision.
- Transfer of a resident without Notice of Termination is not a termination of the admission agreement and does not relieve the operator from the requirement of proceeding, after

the removal of the resident, to meet the prescribed requirements for service of termination as outlined within Social Services Law § 461-g.

If you have any questions about these requirements, please email the Division of Adult Care Facility and Assisted Living Surveillance at acinfo@health.ny.gov.

Sincerely,

KellyAnn Anderson, Director
Division of Adult Care Facility
And Assisted Living Surveillance

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