



GREATER NEW YORK HEALTH CARE FACILITIES ASSOCIATION

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Memo 21-35

**To: Administrator, Corporate Compliance Officer, DNS, Medical Director,
and QA Committee**

From: Mary Gracey-White RN, Director of Regulatory Compliance

Date: October 21, 2021

Re: New Nursing Home Disclosure Requirements

As was presented on our October 7th Webinar, earlier this year NYS enacted amendments to existing Public Health Law imposing broad notice and contract disclosure requirements on nursing homes. The requirements are effective as of today, October 21, 2021.

Nursing homes are to disclose:

- 1) Nursing Homes are to notify the NYS DOH Commissioner of any common *or* familial ownership of any corporation, other entity or individual providing services to the operator or the facility. [The rule also requires that DOH must be notified within 90 days prior to entering into any new common or familial ownership of any corporation, or other entity or individual providing services to the operator or the facility.]
 - I. Disclosure of common *or* familial ownership must also be given to the resident and resident representatives, and staff and staff representatives, and the state office of the Long-Term Care Ombudsman (LTCO)
 - II. For residents, the statute requires that such disclosure must be included in the residency agreement for prospective residents and as an addendum for existing residents.
 - o The disclosures described above must be made by 10/21/2021.
- 2) Notify the NYS DOH (recommend Commissioner's office) and state office LTCO, at least 90 days prior to executing a letter of intent or contractual agreement related to:
 - I. the sale, mortgaging, encumbrance, or other disposition of the real property of the facility; **AND**
 - II. the consulting, operations, staffing agency or other entity to be involved in the operations of the facility.Note – this disclosure only applies if, and when, you are entering into a new letter of intent or contractual agreement.
- 3) Notify all residents and their representatives, staff and their representative, and the LTCO within 5 days of executing a binding letter of intent or contractual agreement related to:
 - I. the sale, mortgaging, encumbrance, or other disposition of the real property of the facility; **AND**
 - II. the consulting, operations, staffing agency or other entity to be involved in the operations of the facility.

Note – this disclosure only applies if, and when, you are entering into a new letter of intent or contractual agreement.

Nursing homes are to post:

- 1) Post on a publicly accessible website maximum rates to be charged for residency and services and detail rates for each non-governmental payer source.
 - This disclosure must be made by 10/21/2021.
- 2) Post on the facility's website a list of all owners.
 - This disclosure must be made by 10/21/2021.
- 3) Post on the facility's website the name and business address of any landlord of the facility's premises.
 - This disclosure must be made by 10/21/2021.
- 4) Publicly provide (statute doesn't specify how, posting on the facility's website should be sufficient) a summary of all contracts for the provision of goods and services for which the facility pays with any portion of Medicaid or Medicare funds or other agreements entered by the facility within 30-days of execution.
 - This disclosure must be made by 10/21/2021.

Nursing home are to provide:

- 1) Nursing homes are to provide to residents and their families, as part of an intake application, a separate document, that includes information on how a potential resident and family can look up complaints, citations, inspections, enforcement actions, and penalties taken against the facility, including web addresses for NYS nursing home profile and Medicare nursing home compare websites. This notice must be in at least 12-point font.
 - The statute mandating this disclosure became effective October 1, 2021.
 - Attached you will find a sample form disclosure that the offices of Garfunkel Wild PC.

For ease, the address for State Office of LTCO and for Commissioner DOH is as follows:

Claudette Royal
New York State Ombudsman
Office of the Aging
2 Empire State Plaza, 5th Floor
Albany, NY 12223

Howard A. Zucker, MD, JD.
Commissioner of Health
NYS Department of Health
Empire State Plaza
Albany, NY 12237

GNYHCFA has requested an extension for these requirements to the Commissioner. We will continue to update member facilities as additional information becomes available. Do not hesitate to contact the Association with any questions.