NEW YORK STATE | Department of Health

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Commissioner

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Executive Deputy Commissioner

October 27, 2026

DAL: DACF 26-22
Subject: Telehealth in Adult Care Facilities

Dear Adult Care Facility Administrator:

This guidance supersedes Dear Administrator Letter (DAL) DACF 26-03 [June 15, 2026, "Updated Telehealth Guidance for Adult Care Facilities and Adult Day Health Care Programs"]. This guidance pertains only to Adult Care Facilities (including Assisted Living Programs). *Note: DAL DNH 26-10: Updated Telehealth Guidance for Adult Care Facilities and Adult Day Health Care Programs, continues to serve as guidance for telehealth use for Adult Day Health Care Programs. DHCBS 24-03: Updated Telehealth in Home Health Care and Hospice continues to serve as guidance for telehealth use in Licensed Home Care Services Agencies, Certified Home Health Agencies, and hospice agencies, including Article 36 Licensed Home Care Services Agencies associated with Adult Care Facilities, Assisted Living Programs, and Assisted Living Residences.*

The purpose of this guidance is to clarify the circumstances under which Adult Care Facilities may use telehealth as defined in Article 29-G of Public Health Law, provided that such use is consistent with all applicable Federal and State requirements. It is the responsibility of the Adult Care Facility to be knowledgeable of, and compliant with applicable Federal and State requirements, as well as Medicare and Medicaid regulatory flexibilities and timelines.

Telehealth use is not permitted as a substitute to in-person care including home health, nursing, personal care, supervision and monitoring, case management, meals, recreation, community integration, rehabilitation, socialization, and all other covered services and/or supports. In accordance with State and federal guidelines, telehealth may be used in the following circumstances:

- Assessments and follow-up clinical appointments and mental health evaluations that do not require hands-on or in-person evaluation or treatment as determined by the medical, clinical or mental health provider;
- Under extenuating circumstances in which the individual is physically unable to be present in person, if determined appropriate by the provider and/or practitioner; and,
- Education and/or ongoing management of chronic health conditions beyond those resources provided by the facility or program, if the medical professional determines that telehealth is an appropriate platform.

After using telehealth, if in-person follow-up appointments are requested by the resident (or their representative) or medical or mental health provider, the Adult Care Facility must accommodate these requests, including facilitating transportation to the appointment, as needed, in accordance with regulatory requirements in Title 18 of New York Codes, Rules, and Regulations Section 487.7(g)(5)(v). The Department of Health ("Department") expects that Adult Care Facilities will develop and implement policies and procedures to comply with the

requirements of Article 29-G of Public Health Law and all other applicable Federal and State requirements. These policies, procedures and records will be subject to the Department's review during surveillance activities.

If you have any questions, please write to acfinfo@health.ny.gov.

Sincerely,

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

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