



**Department
of Health**

DOH update on the CCRC Program

CCRC Council meeting September 14, 2016

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Director

Nursing Home Licensure and Certification &

Continuing Care Retirement Community Programs (CCRCs)

September 14, 2016

General CCRC Program Information

Public Health Law Article 46 & 46-A

Defines a Continuing Care Retirement Community as:

A facility or facilities established under Article 46 or 46-A to provide a comprehensive, cohesive living arrangement for the elderly, oriented to the enhancement of the quality of life, pursuant to the terms of a contract. Such facility, at a minimum, shall provide access to geriatric services, including, but not limited to, nursing facility services, services provided by an adult care facility, home health services, a meal plan, social services and independent living units.

CCCR Model in New York State

- Enter into a CCRC through a residency agreement which includes an entrance fee and monthly fee.
- May only enter a community as a resident by signing a contract and moving into an independent living unit. Exception is Care at Home contracts.
- Contract defines services to be received by the resident and how they will be paid for.
- The contract is a commitment between the resident and the community and binds the two together for long-term care.

Types of CCRC contracts

Life Care Contracts (Type A)

Life care contracts include unlimited enriched housing/assisted living and skilled nursing facility services, along with independent housing services and amenities. The resident's monthly fee does not change due to a change in the level of covered health care required by the resident.

Types of CCRC contracts

Modified Contracts (Type B)

Modified contracts include independent housing and residential services, but include only a limited number of skilled nursing facility/assisted living days. The health care covered in a modified contract may vary, but the contract must include at least 60 days of skilled nursing facility coverage, exclusive of Medicare days. The resident's monthly fee cannot change due to a change in the level of covered health care included under the contract. Residents pay per-diem rates or use insurance to cover the cost of health care not covered under the contract.

Types of CCRC contracts

Fee-For-Service (Type C)

Fee-for-service contracts include independent housing, residential amenities such as scheduled transportation and social activities, and access to a continuum of long-term care services. The long-term care services, enriched housing/assisted living and skilled nursing facility care, are available on a fee-for-service or per diem basis. There is no prepaid health care in this contract type therefore it is not considered an insurance product.

Types of CCRC contracts

Care at Home (Type D)

Care at Home contracts allow a contract holder to stay in their current residence while having the ability to receive CCRC community and health care services. The long-term care services, enriched housing/assisted living and skilled nursing facility care, are available to the contract holder based on the type of contract.

Two Types of CCRCs under PHL

Article 46 CCRC

Types of contracts:

- A. Life Care
- B. Modified
- C. Fee-For-Service
- D. Care at Home

Must offer an A or B contract

Regulated by DOH/DFS

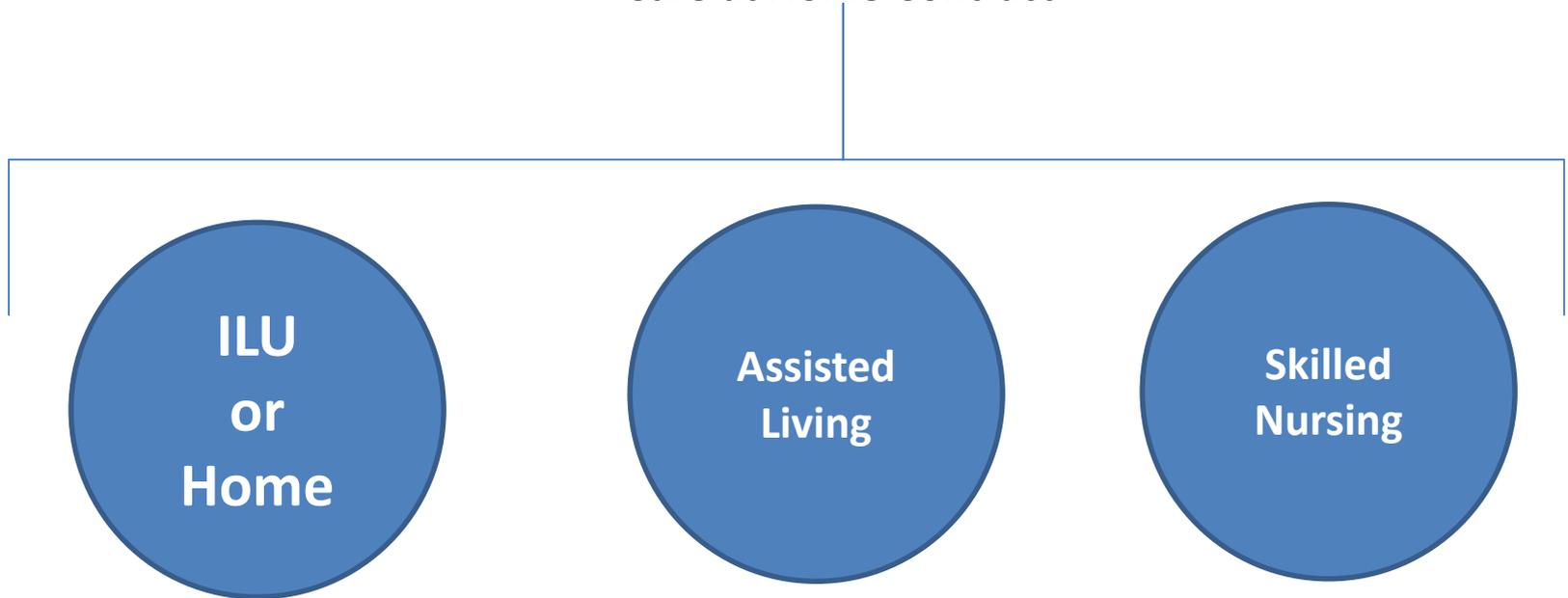
Article 46-A CCRC

Types of contracts:

- C. Fee-For-Service

Regulated by DOH only

Continuing Care Retirement Contract
Care at Home Contract



Current Information on the CCRC Program

Active CCRC Programs

1. **Amsterdam at Harborside**
2. **Canterbury Woods**
3. **Fox Run at Orchard Park**
4. **Glen Arden, Inc.**
5. **Good Shepherd Village**
6. **Jefferson's Ferry**
7. **Kendal at Ithaca**
8. **Kendal on Hudson**
9. **Peconic Landing**
10. **The Summit at Brighton**
11. **Westchester Meadows**
12. **Woodland Pond at New Paltz**

CCRC Fact:

The 12 CCRCs are spread across the State from the Buffalo region to the North Fork of Long Island.

CCRC Fact:

- All 12 CCRCs are not-for-profit
- The two new potential CCRCs are not-for-profit entities
- The proposed purchaser of Westchester Meadows is not-for-profit

CCRC Fact:

NYS CCRCs contain approximately 2,300 Independent Living Units supported by licensed Adult Care Facilities and Skilled Nursing Facilities.

CCRC Fact:

- Each CCRC provides employment opportunities to local economies.
- CCRCs infuse money into local economies through spending.
- CCRCs are mostly funded through private dollars. Some Medicare money with little if any Medicaid for healthcare.

Recent Activity in the CCRC Program

Reconfiguration Projects Approved

Three CCRC reconfiguration projects have been approved and have recently been completed:

- Peconic Landing (Suffolk County)
- Kendal on Hudson (Westchester County)
- Kendal at Ithaca (Tompkins County)

One additional reconfiguration project is under construction:

- Canterbury Woods (Erie County)

New CCRCs on the Horizon

1. Riverspring in the Bronx – Priority reservation agreement application submitted but on hold.
2. Foutaingate Gardens in Suffolk County – approved to take priority reservation agreements. Has been successful in marketing priority reservation agreements and has submitted an application for a certificate of authority to enter into contracts with prospective residents.

Surrendered Conditional COA

In 2015 The Club at Briarcliff Manor surrendered their conditional Article 46-A certificate of authority to take 10% deposits for a 169 Independent Living Unit CCRC in Westchester county. All deposits were refunded.

CCRC Bankruptcy Case

In 2015 Westchester Meadows CCRC in Westchester County filed for Chapter 11 Bankruptcy. The Bankruptcy Court recently approved the CCRC to be purchased by Bethel Methodist Home who will continue operations as a CCRC.

Care at Home

Chapter 549 of the Laws of 2014 authorized Article 46 CCRCs to apply to the Department of Health to offer care at home contracts. This type of contract will allow seniors to take advantage of CCRC Communities without leaving their home until such time as their care needs require resources in a CCRC's Assisted Living or Skilled Nursing Facility. This contract option is not currently available to Article 46-A CCRCs.

Applications to add Care at Home contracts is subject to Council Approval

Care at Home

Currently there has been no expressed interest in the new Care at Home contract option.

CCRC Council input will be needed in developing the application process for Care at Home contracts and guidance on how the new contract model will operate in the State.

Debt refinancing

Numerous applications have been reviewed and approved to refinance or restructure the debt of CCRCs. Approval of refinancing applications has allowed CCRC to take advantage of lower interest rates to improve the community's financial position.

CCRC Council

CCRC Council Status

- 9 of 11 Council seats currently filled
- Public Health Law § 4602(2) states:
The council shall meet as often as may be deemed necessary to fulfill its responsibilities

Powers and Duties of the Council: PHL 4602(2)

- to approve or reject applications to obtain a certificate of authority for the establishment and operation of a continuing care retirement community.
- to require the reporting of such facts and information as the council may deem necessary to enforce the provisions of this Article.

Powers and Duties of the Council: PHL 4602(2)

- to coordinate the oversight of operating communities to assure consistent state supervision without duplication of inspection or regulatory review.
- to make recommendations to the governor and the legislature as may be necessary to encourage or further regulate the development of continuing care retirement communities.

Powers and Duties of the Council: PHL 4602(2)

- to establish and charge equitable and reasonable annual charges for operators, not to exceed fifty dollars per approved living unit, to subsidize, in part, expenditures incurred in oversight of continuing care retirement communities.
- to review reports from the participating agencies regarding the operations and financial management of approved communities.

Powers and Duties of the Council: PHL 4602(2)

- to adopt rules and regulations and amendments thereto to effectuate the provisions of this Article.
- to revoke, suspend, limit, or annul a certificate of authority under conditions set forth in section forty-six hundred fifteen of this Article, including when such action is taken at the specific request of any participating council agency.
- to develop guidelines for applications for certificates of authority.

Powers and Duties of the Council: PHL 4602(2)

- to make a final determination regarding an application for authorization to enter into priority reservation agreements where the commissioner has proposed to reject such application.
- to review and approve or reject applications by continuing care retirement community operators to use entrance fees to assist the operator in financing the construction or purchase of a proposed continuing care retirement community.

Powers and Duties of the Council: PHL 4602(2)

- to review and approve or reject any proposed financing by industrial development agencies of continuing care retirement communities.

Resources

CCRC Web Page

Please visit the CCRC page of the DOH Web Site

http://www.health.ny.gov/facilities/long_term_care/retirement_communities/continuing_care/

Emailing Questions

Questions on the CCRC Program can be sent to our mail account at CCRC@health.ny.gov

Listserv

Sign up for our listserv to receive emails on the CCRC Program and CCRC Council materials.

Send an email to listserv@listserv.health.state.ny.us

In the body of the email enter:

subscribe CCRC_INFO-L <your first name> <your last name>

Remove signature lines from your email



Questions?