



NEW YORK
STATE OF
OPPORTUNITY.

**Department
of Health**

Social Adult Day Care (SADC) Home and Community Based Services (HCBS)

Frequently Asked Questions (FAQ)

March 14, 2025

Archived: June 18, 2025

ARCHIVED

Revision History		
Change No.	Change Description	Change Date
1.0	Initial Version	8/11/2022
2.0	Updates made to remove FAQs related to Self-Assessment Surveys and add additional guidance on community integration and person centered service planning.	2/22/2024
3.0	Additional guidance and information on SADC compliance with HCBS Settings Final Rule based on additional questions received from stakeholders.	3/4/2025

Acronyms	
Acronym / Abbreviation	Definition
CACFP	Child and Adult Care Food Program
CMS	Centers for Medicare and Medicaid Services
FIDA-IDD	Fully Integrated Duals Advantage for Individuals with Intellectual and Developmental Disabilities
HCBS	Home and Community Based Services
MLTC	Managed Long Term Care
NYS	New York State
PCSP	Person Centered Service Plan
SADC	Social Adult Day Care
The Department	The New York State Department of Health

Table of Contents

Section 1: HCBS Compliance Reviews

[Q1.1:](#) Does the Department send a letter to the sites that are deemed fully compliant?

[Q1.2:](#) What is the timeframe that the Department allows a SADC to develop their remediation plan with their contracted MLTC?

[Q1.3:](#) Are all HCBS compliance reviews conducted virtually?

[Q1.4:](#) Will HCBS compliance reviews be conducted annually?

[Q1.5:](#) If sites were already compliant, why are they being reviewed again?

[Q1.6:](#) How are the SADCs being chosen for a review?

[Q1.7:](#) For plans that contract with new SADC providers that are already compliant, can the Department issue SADCs a letter evidencing compliance that they can share with plans?

[Q1.8:](#) Can you confirm if a SADC site must employ both male and female staff and if so, point us to the specific language in the CMS HCBS Final Rule that explicitly states this?

[Q1.9:](#) What if a member requests to receive services from a male staff member but the SADC program does not employ a male staff member?

[Q1.10:](#) What is the Department's expectation regarding staffing to ensure compliance with both Equal Employment Opportunity Commission (EEOC) and HCBS ruling?

[Q1.11:](#) Are Fully Integrated Duals Advantage for individuals with Intellectual and Developmental Disabilities (FIDA-IDD) plans and Program of All-Inclusive Care for the Elderly (PACE) organizations exempt from the HCBS Compliance review process?

[Q1.12:](#) What departments within MLTC plans typically attend the HCBS compliance site visits with contracted SADC sites?

[Q1.13:](#) Are there any plans for the Department to update the policy for Child and Adult Care Food Program (CACFP) approved centers?

[Q1.14:](#) Should SADC programs have a schedule to include a "snack time" along with documentation for members on where to find snacks or ask for them?

[Q1.15:](#) What is the address for the SADC HCBS Compliance website

Section 2: Person Centered Planning

[Q2.1:](#) Can the Department share an example of a Person Centered Service Plan (PCSP) that is compliant with the HCBS Final Rule?

[Q2.2:](#) Do all SADC programs have to utilize the SADC/SADS PCSP Template or equivalent, or only SADCs found non-compliant as a result of the HCBS compliance review?

[Q2.3:](#) How many years are SADCs required to keep member records (such as annual assessment and PCSPs)?

[Q2.4:](#) When will SADC programs receive the new PCSP template?

[Q2.5:](#) Are MLTC plans required to share the full MLTC PCSP with SADC programs?

[Q2.6](#): Are SADC programs expected to share the SADC PCSP with the MLTC plan that authorized services?

Section 3: Community Integration

[Q3.1](#): Are SADC programs responsible for having staff escort members to outings with friends, or just for ensuring that transportation is scheduled?

[Q3.2](#): If a SADC program coordinates group outings for meals, does this count as community integration?

[Q3.3](#): How does the Department suggest handling a situation where a member has dementia and is not able to articulate the activities they wish to participate in, and is limited in their ability to independently access the community?

[Q3.4](#): If a member wishes to go out into the community for several hours during SADC program hours and does not want a staff member present, should the SADC still bill MLTC since the member is not technically receiving SADC services?

[Q3.5](#): What does it mean for the SADC program to "identify" transportation?

[Q3.6](#): Are SADC programs or the member's case manager responsible for coordinating transportation outside the hours of SADC operation?

[Q3.7](#): How can a SADC program align a member's community interests and activities when they only attend the SADC one day per week and their preference is to spend the full time at the center?

[Q3.8](#): How should SADC programs handle a situation where a member insists that they do not have any community integration needs/wants and refuse to provide suggestions for community integration activities?

Frequently Asked Questions

Section 1: General Policy Questions

Q1.1: Does the Department send a letter to the sites that are deemed fully compliant?

Once the compliance review is completed, the Department sends determination letters on a bi-weekly basis to all MLTC plans contracted with the SADC site.

Q1.2: What is the timeframe that the Department allows a SADC to develop their remediation plan with their contracted MLTC?

The remediation plan is due back two (2) weeks from the day it is sent by the Department.

Q1.3: Are all HCBS compliance reviews conducted virtually?

Currently all HCBS compliance reviews are conducted virtually by the Department.

Q1.4: Will HCBS compliance reviews be conducted annually?

HCBS compliance reviews are conducted on an annual basis beginning in January of each calendar year.

Q1.5: If sites were already compliant, why are they being reviewed again?

To ensure continued compliance, SADCs will continue to be monitored annually until further notice.

Q1.6: How are the SADCs being chosen for a review?

All SADC sites will be subject to HCBS compliance reviews on an annual basis until further notice. New SADC sites are reviewed first, followed by the SADCs that were reviewed earliest in the previous year. For more information on what is considered a new site, please visit: [Managed Long Term Care \(MLTC\) Plan Social Adult Day Care \(SADC\) Contracting and Oversight: Roles and Responsibilities](#).

Q1.7: For plans that contract with new SADC providers that are already compliant, can the Department issue SADCs a letter evidencing compliance that they can share with plans?

The Department provides HCBS compliance review determination letters to MLTC plans for each of their contracted SADC sites. Plans are encouraged to share the letters with their contracted SADC site, as the Department does not communicate directly with SADC sites. For more information please visit [Managed Long Term Care \(MLTC\) Plan Social Adult Day Care \(SADC\) Contracting and Oversight: Roles and Responsibilities](#).

Q1.8: Can you confirm if a SADC site must employ both male and female staff and if so, point us to the specific language in the CMS HCBS Final Rule that explicitly states this?

To comply with standard 42 CFR 441.301(c)(4)(v): “Setting facilitates individual choice regarding services and supports, and who provides them”, members must be offered a choice of staff to render services, especially personal care services. If there is a limitation of gender options, the member must be made aware and offered an alternate daycare option.

All of the following must be documented in the member’s PCSP: Notification to the member of the SADC’s inability to meet the member’s preference of staff to provide services, offering of a different SADC that can accommodate their preference, and the member’s acknowledgment.

Q1.9: What if a member requests to receive services from a male staff member but the SADC program does not employ a male staff member?

If a SADC does not employ staff of a particular gender, which limits the members' rights to select who provides their support, the member must be made aware of this limitation prior to selecting a SADC to attend. If the member is already enrolled at a SADC, the option to attend another SADC that can accommodate their preferences must be offered.

All of the following must be documented in the member’s PCSP: Notification to the member of the SADC’s inability to meet the member’s preference of staff to provide services, offering of a different SADC that can accommodate their preference, and the member’s acknowledgment.

Q1.10: What is the Department’s expectation regarding staffing to ensure compliance with both Equal Employment Opportunity Commission (EEOC) and HCBS ruling?

SADCs are encouraged to employ enough qualified staff that will support the needs of all enrolled members. A 1:7 staff ratio is recommended as stated in the [NYC Department of Aging Social Adult Day Services Standards of Operation and Scope of Services, § 2, Stan.14.1 Model Social Adult Day Service \(SADS\) \(nyc.gov\)](#).

Q1.11: Are Fully Integrated Duals Advantage for individuals with Intellectual and Developmental Disabilities (FIDA-IDD) plans and Program of All-Inclusive Care for the Elderly (PACE) organizations exempt from the HCBS Compliance review process?

FIDA-IDD plans and PACE organizations are not scheduled for on-site visits with the Department; however, they are responsible for ensuring their providers maintain compliance with the HCBS Final Rule.

Q1.12: What departments within MLTC plans typically attend the HCBS compliance site visits with contracted SADC sites?

MLTC plans typically assign staff in their provider relations department to monitor SADC compliance activities.

Q1.13: Are there any plans for the Department to update the policy for Child and Adult Care Food Program (CACFP) approved centers?

For questions on the CACFP program please reach out to cacfp@health.ny.gov.

Q1.14: Should SADC programs have a schedule to include a "snack time" along with documentation for members on where to find snacks or ask for them?

SADC must not require members to follow a regimented schedule but should allow participants to select their schedule based on their preference in activities. The SADC must ensure:

- Members have access to food and drink throughout the day.
- Members are aware of food/snack availability.
- Members know how to access the snacks if there is a process for that.

Q1.15: What is the address for the SADC HCBS Compliance website?

[New York State Social Adult Day Care \(SADC\) Home and Community Based Services \(HCBS\) Compliance.](#)

Section 2: Person Centered Planning

Q2.1: Can the Department share an example of a Person Centered Service Plan (PCSP) that is compliant with the HCBS Final Rule?

PCSPs are unique and person-centered so it would not be useful to provide a sample for an individual. The Department and the New York State Office for the Aging (NYSOFA) collaborated to create a HCBS Final Rule compliant [SADC/SADS PCSP Template](#) which contains all components necessary to comply with HCBS Final Rule standards when fully completed.

As stated in the PCSP Template notification dated 12/14/2023, [Release of SADC SADS HCBS Final Rule Compliant PCSP Template 2023.12.14](#), the Department requires that SADC programs use the approved template, or update their own PCSP template to include, at minimum, all questions and areas covered in the approved template. During initial and ongoing site evaluations, MLTC plans are required to verify that contracted SADC programs comply with person centered planning requirements.

Additional resources:

[SADC/SADS PCSP Template](#)

[Person-Centered Service Planning Home and Community-Based Services Final Rule Implementation webinar \(recording\)](#)

[Person-Centered Service Planning Home and Community-Based Services Final Rule Implementation webinar \(slides\)](#)

Q2.2: Do all SADC programs have to utilize the SADC/SADS PCSP Template or equivalent, or only SADCs found non-compliant as a result of the HCBS compliance review?

The Department encourages SADC programs to utilize the SADC/SADS PCSP Template. If a SADC program chooses not to use the approved template, the SADC and the MLTC Plans must ensure the template they choose to use includes, at minimum, all the questions and sections listed in the approved SADC/SADS PCSP Template.

Q2.3: How many years are SADCs required to keep member records (such as annual assessment and PCSPs)?

The MLTC/MAP contract specifies that: "The Contractor shall preserve and retain all records relating to Contractor performance under this Agreement in readily accessible form during the term of this Agreement and for a period of ten (10) years thereafter. All provisions of this Agreement relating to record maintenance and audit access shall survive the termination of this Agreement and shall bind the Contractor until the expiration of a period of ten (10) years commencing with termination of this Agreement or if an audit is commenced, until the completion of the audit, whichever occurs later."

Q2.4: When will SADC programs receive the new PCSP template?

The [SADC/SADS PCSP Template](#) is available on the [SADC HCBS Compliance](#) website.

Q2.5: Are MLTC plans required to share the full MLTC PCSP with SADC programs?

The PCSP is intended to be a "living" document, and per [NYCRR 6654.20](#) the service plan must be reviewed at least once annually or more often when there are changes in the member's circumstances. MLTC plans must share a member's PCSP with all relevant service providers, including SADC programs. Sharing relevant information is important for the PCSP planning process. The SADC PCSP incorporates all the member's known needs, diagnoses, preferences, etc. to ensure appropriate services and supports are offered and planned for with the member.

Q2.6: Are SADC programs expected to share the SADC PCSP with the MLTC plan that authorized services?

MLTC plans and contracted SADC programs should discuss sharing of information, including member PCSPs and include any such requirements in the SADC/MLTCP contract.

Section 3: Community Integration

Note: More information related to compliance with community integration standards can be found here: [Community Integration webpage](#).

Q3.1: Are SADC programs responsible for having staff escort members to outings with friends, or just for ensuring that transportation is scheduled?

If a SADC member requests assistance with transportation, SADC staff may assist them. If the member is deemed to be safe and competent, they would not require an escort unless one was requested.

Q3.2: If a SADC program coordinates group outings for meals, does this count as community integration?

SADC sponsored group outings do not count as community integration. As an example, a group

bus trip to a restaurant where SADC staff are in attendance to monitor members, and members are seated with the group, is not community integration.

Community integration is when members choose to visit a restaurant whereby the SADC staff only assist with arranging reservations and/or transportation, and do not attend as monitors. In this scenario, participants are given autonomy to:

- Interact with persons who are not SADC staff.
- Select their own meals and seating.
- Make their own decisions.

Q3.3: How does the Department suggest handling a situation where a member has dementia and is not able to articulate the activities they wish to participate in, and is limited in their ability to independently access the community?

The member's representative/guardian should support them in the PCP planning process which includes:

- Eliciting the member's preferences for community integration and SADC activities.
- Documenting any supports required to ensure the member can participate in their preferred activity.

For members deemed to be unsafe or incompetent, the SADC could plan to:

- Provide appropriate safety support by coordinating services such as transportation.
- Could provide staff or arrange for the participant's caregiver to accompany the member in the community.

Q3.4: If a member wishes to go out into the community for several hours during SADC program hours and does not want a staff member present, should the SADC still bill MLTC since the member is not technically receiving SADC services?

Please contact the MLTC plan(s) with whom you are contracted to discuss appropriate billing criteria.

Q3.5: What does it mean for the SADC program to "identify" transportation?

SADC programs must assist members who are independent with finding the best mode of transportation to attend their preferred activity in the community.

The SADC staff should "identify" or coordinate transportation for members who need help in doing so. Such support can be in the form of:

- Providing members with bus/subway schedules.
- Arranging a taxi or Uber for the member by providing contact information and/or assisting with scheduling.
- Assisting members to map out the bus route.
- Adding walking routes to the member's smart phone.

Q3.6: Are SADC programs or the member's case manager responsible for coordinating transportation outside the hours of SADC operation?

The SADC program is only responsible for coordinating transportation and community integration activities during the SADC hours of operation. All members, regardless of their health/safety needs, are offered opportunities to pursue their interests and goals through activities in their community, with supports coordinated by the SADC.

Q3.7: How can a SADC program align a member's community interests and activities when they only attend the SADC one day per week and their preference is to spend the full time at the center?

There are unique scenarios for every SADC and member. When planning with a member, the PCSP should include all of the member's expressed interests and preferred activities. Community integration opportunities must be offered, and their choice to participate or decline, must be documented.

All activities, either at the SADC or in the community, must align with the member's expressed goals and be documented along with any necessary supports provided by the SADC.

Q3.8: How should SADC programs handle a situation where a member insists that they do not have any community integration needs/wants and refuse to provide suggestions for community integration activities?

The SADC must use the PCP process to record all community integration activities offered to the member and the member's response (acceptance or declination). If a declination is recorded, the SADC must also record the reason for the declination and the alternative activities ties at the facility that was offered to the member to meet that goal.