



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

Frequently Asked Questions (FAQ)

September 11, 2025

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
4.0	<ul style="list-style-type: none"> • Additional questions/responses added to the HCBS Reviews, Person Centered Planning, and Community Integration sections. • Updated guidance for several questions in the Community Integration section. • New “Other” section added to address miscellaneous questions. 	6/18/2025
5.0	<ul style="list-style-type: none"> • Added questions related to SADC reimbursement. • Removed outdated questions and questions covered elsewhere in new sections of the website. 	9/11/2025

Acronyms	
Acronym / Abbreviation	Definition
CMS	Centers for Medicare and Medicaid Services
DFRS	Division of Finance and Rate Setting
EEOC	Equal Employment Opportunity Commission
HCBS	Home and Community Based Services
MLTC	Managed Long Term Care
NYC	New York City
NYS	New York State
NYSOFA	New York State Office for the Aging
PACE	Program of All-Inclusive Care for the Elderly
PCSP	Person Centered Service Plan
SADC	Social Adult Day Care
SADS	Social Adult Day Services
TAC	Technical Assistance Center
The Department	The New York State Department of Health

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Additional resources that may be referenced. ([Link](#))

Frequently Asked Questions

Section 1: General Policy Questions

Q1.1: What can a new SADC expect for the Department's HCBS compliance review?

All HCBS compliance reviews are conducted on an annual basis beginning in January and are concluded by December for all SADCs. The Department will contact the MLTC plan to schedule a virtual site visit, facilitated by the Department, with participation from the MLTC plan and the SADC.

Prior to the virtual site visit, the Department will request documentation from the MLTC plan and the MLTC plan will work with the SADC to provide the documentation. During the virtual site visit, the Department will ask questions related to HCBS compliance, request a virtual walk through of the SADC, and observe the physical location, staff, and members at the SADC.

Q1.2: If SADCs are found to be compliant in a previous year, why are they being reviewed again?

Although an SADC may have been compliant in previous years, the Department will continue to review SADCs regularly to ensure ongoing compliance with the [HCBS Final Rule](#).

Q1.3: Does the Department send a letter to the SADCs that are deemed fully compliant?

Once the compliance review is completed, the Department will send determination letters to the contracted MLTC plans with the results of the review, indicating if the SADC is found compliant or not compliant with the [HCBS Final Rule](#). Determination letters are distributed to the contracted MLTC plans on a bi-weekly schedule.

Q1.4: How are the SADCs being chosen for a review?

Currently, all SADCs are subject to HCBS compliance reviews on an annual basis.

Q1.5: For MLTC plans that contract with new SADCs that are already compliant, can the Department issue SADCs a letter evidencing compliance that they can share with MLTC plans?

The Department provides HCBS compliance review determination letters to MLTC plans for each of their contracted SADCs as annual reviews are conducted.

If an MLTC plan is interested in newly contracting with an SADC, **the MLTC plan is required to review the SADC and confirm compliance with all requirements, including the HCBS Final Rule, before members may attend the SADC.** If the SADC is not in compliance, the MLTC plan must work with the SADC to remediate any non-compliant findings, prior to contracting with the SADC and allowing any members to attend the SADC.

For more information please visit [MLTC Plan SADC Contracting and Oversight: Roles and Responsibilities](#).

Q1.6: Can the HCBS compliance review be done if there are no members present?

Yes, the Department can complete the review of the SADC regardless of members being present. However, the Department encourages the virtual site visit to be

completed on a day when members are present. The MLTC plan should coordinate with the SADC and attempt to schedule the virtual site visit on a date and time that members are present at the SADC. If members will not be present on the day of the review, the MLTC plan should inform the Department of this information ahead of the scheduled review date.

Q1.7: What departments within MLTC plans typically attend the HCBS compliance reviews with contracted SADCs?

It is at the MLTC plan's discretion which staff members attend the HCBS compliance reviews.

Q1.8: What if an SADC cannot accommodate member preference in who provides their personal care services?

The [HCBS Final Rule](#) regulations are set forth by CMS and require that SADCs abide by the following regulations: 42 CFR 441.301(c)(4)(v): "Setting facilitates individual choice regarding services and supports, and who provides them." All members must be offered a choice of staff to render services, including but not limited to, personal care services. If the SADC has a limitation of staff and cannot accommodate the members preference, the member and MLTC plan must be made aware and the MLTC plan must work with the member to offer alternate SADC options, where their preference can be met.

If the member chooses to attend the SADC, even if their preference cannot be met, the following must be documented in the member's SADC PCSP:

- The member's preference.
- A notation that the member's preference cannot be met.
- The member's acknowledgement that they were offered alternative SADC options where their preferences could be met, by the MLTC plan care manager.

Note: The [SADC/SADS PCSP Template](#), which was issued jointly by the Department and NYSOFA, contains a section for all of this information.

Q1.9: 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. The recommended staff to member ratio is 1:7 and in dementia specific programs, the ratio recommendation is 1:5. Please note, this includes only staff directly supervising the members during program activities and does not include volunteers, or a member's home care worker. Additional information on this recommendation can be found here: [NYC Aging SADS Standards of Operation and Scope of Services, § 2, Stan.14.1 Model SADS \(nyc.gov\)](#).

Q1.10: Are Program of All-Inclusive Care for the Elderly (PACE) programs exempt from the HCBS compliance review process?

While PACE programs are currently not scheduled for HCBS compliance reviews with the Department, these entities are responsible to ensure all HCBS provided to members are in compliance with the [HCBS Final Rule](#).

Q1.11: Should SADCs have a schedule to include a "snack time" along with documentation for members on where to find snacks or ask for them?

Per the HCBS Final Rule, members are allotted the following rights:

- To have access to food and drinks at all times.
- To control their own schedules.

Therefore, the SADC must ensure:

- Members have access to food and drinks throughout the day.
- Members are aware of food and drink availability.
- Members must know how to access the food and drinks if they are not readily available.

So, while SADCs may choose to offer a “snack time”, members are NOT required to take a snack break during this time and must still always have access to food and drinks.

Q1.12: What trainings must SADC staff complete to comply with requirements?

To comply with the [HCBS Final Rule](#), SADC staff and volunteers must complete the following trainings:

- Person Centered Thinking and Practices
 - All staff must be trained in person centered thinking and practices, which demonstrates how to encourage and support members with expressing their unique goals, activities, and preferences.
 - For more information, please review the [Person Centered Planning and Practice Resource Library](#).
- Person Centered Planning
 - All SADC staff must be trained on person centered planning which illustrates how to develop a PCSP. This training must ensure members lead and direct the development of their plan for services and supports a planning process that is centered around the member and what is important to them.
 - For more information, please review the [Resources for Person Centered Planning](#) webpage.
- HCBS Final Rule
 - All SADC staff must receive training on the HCBS Final Rule that includes the principals of the rule and how to practically apply the rule.

Additionally, to comply with the NYSOFA regulation [9 CRR-NY 6654.20: Social Adult Day Care Programs](#), all SADC and SADS staff and volunteers must complete the required trainings as detailed in the regulation.

Section 2: Reimbursement/Billing

Q2.1: Where should questions regarding billing and/or reimbursement for SADC services be directed to?

SADCs with questions regarding billing and reimbursements related to services provided by the SADC should direct their inquiries to the applicable contracted MLTC

plan.

MLTC plans with questions regarding rates should contact the NYS Division of Finance and Rate Setting (DFRS) at mltcrs@health.ny.gov. DFRS is responsible for calculating costs into premium rates.

Q2.2: Who should the MLTC plan contact if they have questions on submitting encounters related to SADC services?

MLTC plans should direct encounter submission questions to the Managed Care Encounter Compliance Team at ManagedCareEncounterCompliance@health.ny.gov. General billing questions can be directed to eMedNY at (800) 343-9000.

Q2.3: What steps should an SADC take if there is a concern regarding reimbursement for services provided?

If an SADC has a concern regarding reimbursement for provided services, the SADC should contact the contracted MLTC plan to discuss the reimbursement.

If **after contacting the contracted MLTC plan**, the SADC is unable to resolve the negotiable concern with the specific MLTC plan, the SADC may contact the MLTC Technical Assistance Center (TAC) at (866) 712-7197 or mltctac@health.ny.gov, or see the TAC website for additional information ([If you Have a Complaint about MLTC](#)). The MLTC TAC will reach out to the specific MLTC plan regarding the situation.

Section 3: Other

Q3.1: How should the SADC handle a member who needs flexibility when the MLTC plans require members to attend on specific days?

The member's schedule must be clearly documented on the member's SADC PCSP. The SADC and MLTC plan care manager must work together to resolve any conflicts in a member's schedule and align with the member's goals and preferences.

Q3.2: Should the SADC replace their own member bill of rights with the HCBS rights the Department sent out to the MLTC plans?

The Department does not require the SADC to replace their own documentation of member's rights. However, SADCs must ensure that members are informed of all their rights while attending the SADC including those afforded to them by the [HCBS Final Rule](#). It is recommended that the SADC ensure all the HCBS Final Rule rights the Department sent out are located within the SADC's member's rights document.

For more information on these rights, please see the [MLTC Plan Member's Rights While Attending SADC Notification](#).

Q3.3: How many years are SADCs required to keep member records?

The SADCs are required to retain members records for ten (10) years. For clarification on what information the SADC needs to retain, please refer to the NYS Rules and Regulations for SADC programs: [9 CRR-NY 6654.20: Social Adult Day Care Programs](#).

Section 4: Resources

Visit our website for more information on the following topics:

- [Resources for Person Centered Planning](#)
 - [SADC/SADS PCSP Template](#)
 - [SADC/SADS PCSP Template User Guide](#)
- [Community Integration](#)
- [Remediation Plans and Proof of Remediation](#)
- [SADC HCBS Compliance Reviews Roles and Responsibilities](#)