



## Department of Health

ANDREW M. CUOMO  
Governor

HOWARD A. ZUCKER, M.D., J.D.  
Commissioner

SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

April 25, 2016

Dear Colleague,

There are many different long-term care residential and community-based options in New York State. This letter outlines significant differences between the unlicensed and licensed options, to assist consumers and stakeholders to make informed decisions about available community living options. The information in this letter should not be construed as an inclusive listing of housing and services available to the consumer. Likewise, the information in this letter is intended to provide a general overview of the differences between unlicensed and licensed options, and consumers and stakeholders needing more detailed information on Adult Care Facilities and/or Assisted Living Residences are advised to consult New York State Department of Health regulations at [www.health.ny.gov](http://www.health.ny.gov).

Research has shown that people prefer to remain in their own homes as they grow older. “Aging in place” can be a safe and successful experience if the physical aspects of a home accommodate the person’s physical and mental frailties; if the home is affordable; and if necessary services and activities are readily available.

The New York State Department of Health (Department) is the agency responsible for licensing and regulating several residential models, including assisted living residences, also known as adult care facilities, which are described below. These residences provide, arrange for, or coordinate: “long-term residential care, room, board, housekeeping, personal care and supervision.”

Independent living is **not licensed or regulated by the Department**. The term Independent Senior Housing is generally defined as: “a housing setting serving seniors in which no individual or entity provides, arranges for or coordinates (either directly or indirectly), on-site monitoring. . .,” and either personal care or home care services for five or more residents of such housing setting unrelated to the housing provider; and in which neither the housing setting nor other services provided in such setting are advertised or marketed to the public as assisted living, assistive living or any similar term.

**Independent Senior Housing**, also referred to as Independent Living Facilities, is one such option. When a senior chooses this option, he/she has the physical and mental capacity to live independently, but may desire an environment that fosters socialization and companionship from his/her peers. This type of setting may also provide a range of planned activities and stimulation to promote active, healthy lifestyles for the seniors of their communities. The **senior may arrange for services** such as assistance with dressing, bathing, eating, toileting and medication assistance. The housing provider may make available a list of agencies that provide such services, but cannot provide, arrange for or coordinate these services.

For some older people, changes in their physical, emotional, or mental health, or in their family, social, or financial situations may compromise their ability to continue living where they are. Such changes may persuade an older person to consider relocating to a more supportive living environment such as a licensed adult care facility or assisted living residence. Because they are licensed and overseen by the Department, they must meet consumer protection provisions including building/fire safety standards, incident reporting, and oversight of all of their services,

including dietary and medication assistance, with the goal of ensuring that the people living there are in a safe environment and that their various needs are being met.

**Adult Care Facilities and Assisted Living Residences directly provide** assistance with dressing, bathing, eating, continence management and medication assistance for those who do not require the intensive care provided in nursing homes. These facilities also provide supervision and case management. There are three licensure and certification categories of Assisted Living Residences. Basic Assisted Living Residences (ALRs) provide or arrange for housing, on-site monitoring and personal care services and/or home care services in a home-like setting to five or more adult residents unrelated to the assisted living operator. An ALR must provide daily food service, 24 hour on-site monitoring, case management services, and an individualized service plan.

**Enhanced Assisted Living Residences (EALRs)** are licensed ALRs with certificates issued by the New York State Department of Health authorizing them to provide skilled nursing services and to accommodate residents who exceed the retention standards of basic ALRs. This model is often associated with “aging in place.”

**Special Needs Assisted Living Residences (SNALRs)** are licensed ALRs with a certificate issued by the New York State Department of Health authorizing the ALR to provide services to resident with special needs, most commonly Alzheimer’s disease, dementia, or cognitive impairment. SNALRs must provide a special needs plan which addresses how the resident’s needs will be safely met. In addition, the assisted living operator may choose to be dually certified to provide EALR and SNALR services thereby further allowing residents to age in place.

The table below highlights key differences between the services directly provided, arranged for or coordinated by Assisted Living Residences and Independent Senior Housing.

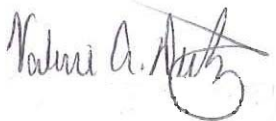
Type of Service Offered	Assisted Living Residence	Enhanced Assisted Living Residence	Special Needs Assisted Living Residence	Independent Senior Housing
24 Hour Supervision/Oversight	X	X	X	
Social Activities	X	X	X	X
Home-like environment	X			X
Health-Related Services	X			
Skilled Nursing		X		
Case Management	X	X	X	
Medication Management	X	X	X	
Assistance with Personal Care (bathing, dressing, toileting)	X	X	X	
Assistance with finances	X	X	X	
Meal Preparation	X	X	X	X
Transportation	(varies by provider)	(varies by provider)	(varies by provider)	(varies by provider)
Housekeeping/Laundry	X	X	X	(varies by provider)
Individualized Service Plan	X	X	X	
Landlord/Tenant Agreement				X
Residency Agreement	X	X	X	

It is important to note that with some limited exceptions, any independent housing setting that provides, arranges for or coordinates one or more of the following services is subject to Adult Care Facility and/or Assisted Living Residence licensure by the Department: 24 hour supervision/oversight, health-related services, case management/service coordination beyond information and referral, medication management, assistance with personal care, assistance with finances, creation, implementation and/or oversight of an individualized service plan. The Department is authorized to inspect any independent senior housing facility that reasonably appears to be providing, arranging for or coordinating such services to determine whether the facility needs to obtain a license. Any facility that fails to apply for and obtain a license when required by law is subject to a civil penalty of up to \$1,000 per day and a Department order requiring closure of the facility.

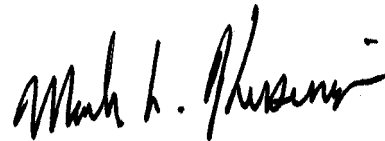
Whether the consumer chooses to age in place or to relocate, it is critical to be as informed as possible, by gathering appropriate information and having questions answered, in order to make decisions on the most suitable housing choice that meets the person's individual needs and preferences.

If you have any questions on regarding the information provided in this letter, please contact the Division of Adult Care Facilities and Assisted Living Surveillance toll-free Centralized Complaint Hotline at 1-866-893-6772.

Sincerely,



Valerie A. Deetz, Director  
Division of ACF and Assisted Living  
Surveillance



Mark L. Kissinger, Director  
Division of Long Term Care