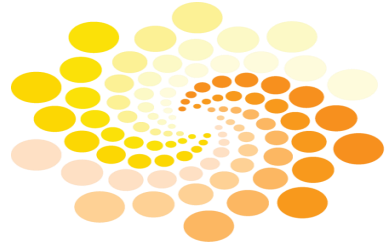




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Comprehensive Training for Social Adult Day Care Services

- Navigating Regulations, Program Development, and Quality Assurance
- **Presented by:**
- Tammy Ryan, Vice President of Programming, New York State Adult Day Services Association
- Yvonne Ward, Past Vice President of Policy, New York State Adult Day Services Association



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NYSADSA was established in 1978.

We have many goals as a unified organization, and we aim to provide resources, information, and support to the public and the adult day services industry.

NYSADSA is committed to the development and promotion of adult day services. We work to ensure the highest standards of quality and responsiveness to the individuals we serve, and our communities' needs.

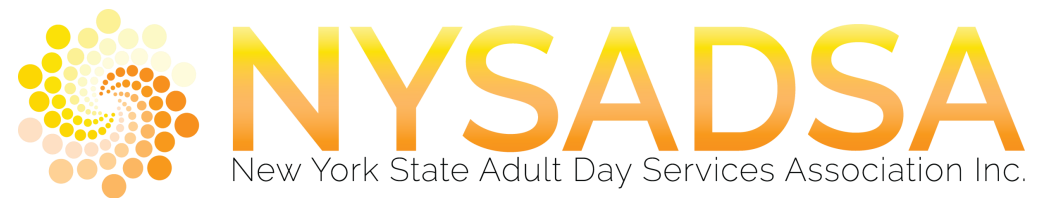
We are an "active provider" organization:

We are adult day providers from across New York State, working with and for our adult day service colleagues.

The New York State Office for the Aging (NYSOFA) contracts with the New York State Adult Day Services Association to provide technical assistance to managed care organizations, providers of social adult day services and those interested in starting an adult day services program.

Introduction

- **Importance of Compliance and Quality in Social Adult Day Care**
- **Expected Outcomes of the Training : An overview of the regulations that apply to social adult day care and where to find more information**



Overview of Training Objectives

- **Understand Regulatory Frameworks:** Dive into the specific compliance requirements set forth in Title 9 NYCRR §6654.20 , HCBS Final Rule and other relevant regulations.
- **Program Development:** Learn how to draft and implement essential policies and procedures, including emergency preparedness, nutrition standards, and participant rights as mandated by local and state guidelines.
- **Quality Assurance:** Focus on best practices for program self-evaluation and ongoing compliance with the New York State Office for the Aging (NYSOFA) and other governing bodies.
- **Staff Training Requirements:** Cover the necessary training for all service staff, including personal care, safety, accident prevention, and specialized training for working with older adults and those with specific needs such as dementia.
- **Documentation and Record Keeping:** Master the art of maintaining proper participant and staff records to meet audit requirements and enhance service delivery.

Resources

1.Regulatory Overview:

1. **Title 9 NYCRR § 6654.20** – Understand key mandates and how they impact day-to-day operations.
2. **HCBS Final Rule** – Get acquainted with federal requirements for home and community-based services.
3. **Local and State Guidelines** – Explore specific state and city regulations affecting SADCs.

2.Resource Navigation:

Official State Websites – Learn how to access New York State Office for the Aging (NYSOFA) and other relevant government portals for up-to-date regulatory information.

<https://aging.ny.gov/social-adult-day-services-sads>

https://www.health.ny.gov/health_care/medicaid/redesign/mrt90/mltc_policies.htm (look under 2021)

<https://www.nyc.gov/site/dfta/community-partners/social-adult-day-care.page>

Understanding Regulatory Frameworks

- **Title 9 NYCRR § 6654.20 Overview**
- **Home and Community-Based Services (HCBS) Final Rule**
- **Key Compliance Requirements and Regulatory Bodies**
- Department of Labor



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Program Development

Drafting Policies and Procedures

- Emergency preparedness
- Nutrition standards
- Participant rights

Implementation Strategies

Operational Standards

- 1. Policies and Procedures:** Development of comprehensive policies covering participant eligibility, services, and emergency preparedness.
- 2. Staffing Requirements:** Minimum staffing ratios (general: 1:7, dementia care: 1:5), and required training and qualifications for staff.
- 3. Facility Requirements:** Must meet safety and accessibility standards, including fire safety and ADA compliance.
- 4. Nutrition and Health Safety:** Compliance with NYC Health Code and NYS Sanitary Code for food services.
- 5. Participant Rights:** Obligation to inform participants of their rights and available grievance procedures.

Key Steps in Writing Policies and Procedures:

1. Identify Needs:

1. Determine areas within your organization that require standardized practices and rules.
2. Consult with stakeholders, including management, staff, and possibly clients or external advisors, to gather comprehensive insights.

2. Define the Scope:

1. Clearly outline the intent, scope, and applicability of the policy to ensure all employees understand its implications and applications.
2. Define who is responsible for executing the policy and who is affected by it.

3. Draft the Document:

1. Begin with a clear statement of purpose that explains the rationale behind the policy.
2. List all terms and definitions to clarify any jargon or technical terms used.

4. Outline Procedures:

1. Detail step-by-step procedures that need to be followed to comply with the policy.
2. Include timelines, roles, and responsibilities to ensure clarity in execution.



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Key Steps in Writing Policies and Procedures:

- 1. Use Clear and Concise Language:**
 1. Write in plain language to ensure the policy and procedures are understandable by all employees.
 2. Avoid ambiguity to prevent misinterpretation and ensure consistent application.
- 2. Review and Approve:**
 1. Have the draft reviewed by legal and compliance teams to ensure it aligns with local, state, and federal regulations.
 2. Obtain approvals from necessary organizational leadership to ensure the policy has organizational support.
- 3. Implement:**
 1. Communicate the policy to all employees through training sessions, meetings, and written communications.
 2. Ensure that everyone understands the new policies and procedures and how they apply to their roles.



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Key Steps in Writing Policies and Procedures:

1. Monitor and Review:

1. Regularly review and update the policies and procedures to adapt to changes within the organization or external regulatory changes.
2. Solicit feedback from employees to improve clarity and effectiveness.

2. Documentation and Accessibility:

1. Maintain documentation of all policies and procedures in an accessible format and location.
2. Consider creating an online portal where employees can easily access and review policies as needed.

Best Practices for Program Self-Evaluation

- **Tools for Ongoing Compliance with NYSOFA**
- **Utilizing Self-Monitoring Guides**



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Program Evaluation

The Self-Monitoring Tool Guide is designed to provide step-by-step instructions on conducting program monitoring of social adult day services programs (SADS). The Social Adult Day Services Self-Monitoring Tool (referred to as the self-monitoring tool) and accompanying worksheets are designed to determine whether SADS are in compliance with the standards set forth in New York State Office for the Aging Social Adult Day Care regulations.

- [Guide - SADS Self-Monitoring](#)
- [Table of Contents](#)
- [SADS Regulations](#)
- [Policy and Procedure for SADS Monitoring](#)
- [SADS Program Personal Care Worksheet](#)
- [SADS Training and Health Status Worksheet](#)
- [SADS HCBS Final Rule Compliant PCSP Template \(Replaces Attachment H 12/14/24\)](#)

Program Evaluation

- [Participants File Review Form](#)
- [COMPASS Form 2014](#)
- [Sample Service Plan](#)
- [Sample Activity Calendars](#)
- [SADS Nutrition Requirements](#)
- [Adequate Staffing in SADS](#)
- [Equal Access](#)
- <https://aging.ny.gov/social-adult-day-services-sads>



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Program Evaluation Resources

- <https://aging.ny.gov/social-adult-day-services-sads>

Staff Training Requirements

- **Training Modules Overview**
 - Personal care
 - Safety and accident prevention
 - Specialized needs training (dementia care)
- **Mandatory Annual Training Details**

Documentation and Recordkeeping

- **Importance of Accurate Documentation**
- **Maintaining Participant and Staff Records**
- **Enhancing Service Delivery Through Effective Recordkeeping**



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Navigating Certification

- **Understanding Non-Licensure Status of SADCs**
- **Importance of Registration and Regulation Adherence**

OMIG Certification

- In order to assure the health and safety of Managed Long Term Care Plan Enrollees, all providers of Social Adult Day Care Services that contract with a Managed Long Term Care (MLTC) Plan must meet the standards and requirements set forth in Title 9 NYCRR §6654.20, and complete this certification form. If you have any questions regarding this form, please email SADCcertification@omig.ny.gov.
1. Title 9 - [Title 9 NYCRR - 6654.20 Social adult day care programs](#)
 2. MLTC Contract - [Managed Care Model Contracts](#)
 3. DOH Policy Documents (MRT # 90 PAGE) - [MRT 90: Mandatory Enrollment Managed Long Term Care](#)
 4. NYS Office for the Aging - Annual Self-Monitoring Process to be Completed Prior to Certification - [NYS Office for the Aging](#)
 5. DOH Frequently Asked Questions about the [SADC Certification process](#)

Participant Eligibility and Service Plans

- **Admission and Assessment Processes**
- **Utilizing the Person-Centered Service Plan (PCSP) Template**
- https://www.health.ny.gov/health_care/medicaid/redesign/mrt90/mltc_policy/sadc/docs/2023-12-14_release_sadc-sads_pcsp_template.pdf

Operational Standards

- **Setting Up Day-to-Day Operations**
- **Ensuring Compliance with State and Local Standards**

Home & Community-Based Services (HCBS) Final Rule

Resources :

MLTC Policy 21:05 HCBS Final Rule Implementation :

https://www.health.ny.gov/health_care/medicaid/redesign/mrt90/mltc_policy/docs/2021-12-03_mltc_21-05.pdf

Approved HCBS Final Rule Statewide Transition Plan (STP) :

https://www.health.ny.gov/health_care/medicaid/redesign/home_community_based_settings.htm

SADC Evaluation Tool:

https://www.health.ny.gov/health_care/medicaid/redesign/mrt90/mltc_policy/2023/docs/sadc_eval_tool.pdf

Key HCBS Rule Requirements:

1. Community Integration:

1. SADCs must support full access to and integration within the greater community.
2. Facilities should promote participation in community life and provide services in the most integrated setting appropriate to the needs of individuals.

2. Autonomy and Choice:

1. Ensure that individuals have the right to make informed choices about their services and providers.
2. Respect privacy, dignity, and freedom from coercion and restraint.
3. Optimize autonomy and independence in making life choices, including daily activities and schedules.

Key HCBS Rule Requirements:

1. Physical Accessibility:

1. All SADC facilities must be physically accessible to the individuals they serve.

2. Modifiable Standards:

1. Specific standards such as individual control over daily schedules and access to food at any time are modifiable under certain conditions to better meet individual needs.
2. Modifications should be based on individual needs and reassessed periodically.

Key HCBS Rule Requirements:

1. Person-Centered Planning Process:

1. Plans must be directed as much as possible by the individual and include people chosen by the individual.
2. Be conducted at times and locations of the individual's choosing and offer choices about the services and supports they receive.
3. Upon referral to the SADC, the MLTC plan care manager shares a member's care plan with the SADC and will also share any updates thereafter.

2. Annual and Need-Based Reassessments:

1. Ensure the person-centered plan is reviewed and updated at least annually or as needed to reflect changes in the individual's needs and preferences.

Person-Centered Planning Process

- The PCSP process guides the delivery of services and supports towards achieving outcomes in areas of the individual's life that are most important to him or her (e.g., health, relationships, work, and home.)
- This process incorporates development of the enrollee/recipient's Plan of Care (POC), which addresses: physical health; behavioral health; social; and long-term support needs.
- Medicaid Managed Care Plans (MMCPs) and LDSS are responsible for ensuring that the POC is developed and services are authorized in accordance with the POC.

Key HCBS Rule Requirements

1. Training and Resources:

1. New York State DOH provides webinars and training to educate SADC providers on HCBS standards and person-centered planning.
2. Access to a comprehensive online library for person-centered planning is available.
3. [Person-Centered Thinking and the HCBS Final Rule](#)
Document Type: Recorded Training

• Additional Information:

- For more details on the HCBS Final Rule and compliance assistance:
 - [NYSDOH HCBS Final Rule Overview](#)
 - Email: HCBSADCSiteAssessments@health.ny.gov

Nutrition Requirements:

- 1. Standards Compliance:** Adhere to the Area Agency on Aging Nutrition Program Standards 19-PI-26.
- 2. Dietary Guidelines:** Follow dietary guidelines to accommodate special diets, allergies, and nutritional needs of participants.
- 3. Meal Planning and Service:** Implement meal plans that meet or exceed health and nutrition standards.
- 4. Documentation:** Keep detailed records of menus, nutritional analysis, and participant feedback to ensure continuous improvement and compliance.

*SADC must follow these requirements , unless enrolled in CACFP

Overview of Child and Adult Care Food Program (CACFP)

- **Administered by:** New York State Department of Health, Division of Nutrition
- **Adult Day Care Centers:** Community-based services for functionally impaired adults.
- **For-Profit Adult Day Centers** can participate if at least 25% of their participants receive benefits under Medicaid or similar program

Contact Information:

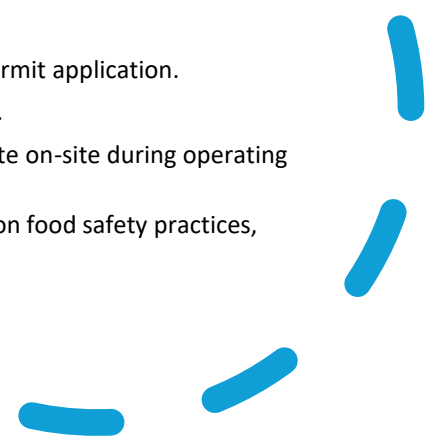
- **Address:** Child and Adult Care Food Program, 150 Broadway Suite 600, Albany, NY 12204-2719
- **Phone:** 1-800-942-3858 OR (518) 402-7400
- **Fax:** (518) 402-7252
- **Eligibility Tool:** [CACFP Pre-Screening Eligibility Tool](#) for potential participants.



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Food Establishment Permit:

1. **Permit Requirements:** Understand the specific requirements for obtaining a food service establishment permit from local health departments.
2. **Application Process:**
 1. Visit the NYC Business website for the Food Service Establishment Permit application.
 2. Ensure compliance with the NYC Health Code and NYS Sanitary Code.
 3. Maintain at least two staff members with a Food Protection Certificate on-site during operating hours.
3. **Inspection Readiness:** Prepare for and manage health inspections, focusing on food safety practices, employee health, and sanitation.



Food Service Establishment Permit Requirements for SADC Programs

Administered by: New York City Department of Health and Mental Hygiene

Key Requirements:

1. Eligibility:

1. Applicable to all SADCs that serve food, whether prepared on-site, catered, or received from a licensed retail food service establishment.

2. Permit Application Process:

1. **Apply Online:** NYC Business - Food Service Establishment Permit
2. **Apply In Person:**
 1. Licensing Center, 42 Broadway, Lobby, New York, NY 10004.

3. Permit Fees:

1. **Non-Profit Organizations:** No fee for charities, not-for-profits, or governmental organizations (proof of status required).
2. **For-Profit Organizations:** Permit fee.

Food Service Establishment Permit Requirements for SADC Programs

1. Certification for Supervisors:

1. Supervisors must complete a food protection course and be certified by the Health Department.
2. Must be present at all times during food service operations.

2. Permit Types and Designations:

1. **For-Profit SADC:** Apply for an FSE "25/40" permit.
2. **Non-Profit SADC:** Apply for an FSE "25/09" permit, no fee required.
3. If managed by a third party, the third party must apply for the permit indicating they operate within a "Social Adult Day Care."

Food Service Establishment Permit Requirements for SADC Programs

1. Additional Requirements:

1. Registration with the Department for the Aging required pursuant to Local Law 9 of 2015.
2. Mandatory reporting of changes in ownership, staffing, and location.

2. Inspections:

1. Conducted unannounced for an accurate assessment of normal operations.
2. Focus on food operations, equipment, and facilities.
3. Education provided on safe food handling practices during inspections.

Contact Information for Assistance:

- Special Populations Inspection Program: (646) 632-6204

Facility and Safety Requirements

- **Facility Requirements for Safety and Accessibility**
- **Compliance with ADA and Fire Safety Regulations**

OMIG Compliance

- **Preventing Fraud, Waste, and Abuse**

Establishing Effective Compliance Programs

1. Understanding the Purpose:

1. Detect and prevent fraud, waste, and abuse in operations.
2. Organize resources to address compliance issues efficiently.
3. Implement checks and balances to prevent future issues.

2. Developing Core Elements:

1. **Written Policies and Procedures:** Document standards of conduct and operational policies that comply with applicable laws and regulations.
2. **Compliance Officer and Committee:** Assign roles and responsibilities, ensuring the compliance officer has direct access to the governing body and senior management.

Establishing Effective Compliance Programs

1. Training and Education:

1. Regular training for all employees on compliance practices and ethical conduct.
2. Include specific scenarios and examples that relate to your industry and organizational activities.

2. Effective Communication:

1. Establish open lines of communication that encourage employees to report compliance issues without fear of retaliation.
2. Ensure methods for anonymous and confidential reporting are available and clearly explained.

Establishing Effective Compliance Programs

1. Auditing and Monitoring:

1. Conduct regular audits to ensure adherence to compliance policies and procedures.
2. Use audit results to make necessary adjustments and improve compliance practices.

2. Disciplinary Standards:

1. Clearly define the consequences of non-compliance within the organization.
2. Ensure disciplinary measures are applied consistently and fairly across all levels of the organization.

Establishing Effective Compliance Programs

1. Responding to Detected Problems:

1. Develop procedures for investigating and resolving compliance issues promptly.
2. Take corrective action to mitigate any harm and prevent recurrence of the issue.

2. Documentation and Record Keeping:

1. Keep detailed records of compliance activities, including training records, audit results, and investigations into compliance issues.
2. Ensure documents are easily accessible for review and audits.

Benefits of Implementing a Robust Compliance Program:

- Reduces legal risks and protects against fraud, waste, and abuse.
- Enhances operational efficiency and the integrity of business operations.
- Fosters a culture of transparency and ethical behavior.

Consequences of Not Having an Effective Compliance Program

1. Financial Penalties:

1. Organizations can face substantial fines and penalties for non-compliance with relevant laws and regulations. These fines can be imposed for each instance of non-compliance and can accumulate to significant amounts.

2. Legal Liability:

1. Without a compliance program, an organization may have increased liability in legal actions related to non-compliance. This can include civil lawsuits and criminal charges against the organization or its executives.

3. Loss of Certification or Licensing:

1. Regulatory bodies may revoke licenses or certifications, or deny their renewal, effectively limiting an organization's legal ability to operate.

4. Reputational Damage:

1. Non-compliance can lead to negative publicity, affecting customer trust and investor confidence. This can have long-term adverse effects on business prospects and company value.

5. Operational Disruptions:

1. Regulatory interventions can lead to operational disruptions. For example, a financial institution might be barred from engaging in certain types of transactions, or a healthcare provider could be suspended from participating in federal programs like Medicare and Medicaid.