



December 12, 2024

The Honorable Kathy Hochul  
Governor  
State of New York  
New York State Capitol  
Albany, NY 12224

**Subject: Support for A.10142/S.9356 with Recommendations for Strengthening SADC Oversight**

Dear Governor Hochul:

New York State has long been a leader in innovative care for older adults, but increased oversight of Medicaid-funded Social Adult Day Care (SADC) programs is urgently needed to safeguard the health, well-being, and dignity of some of our most vulnerable residents. Bill A.10142/S.9356 takes bold and necessary steps to ensure that SADCs operate under higher standards of accountability and transparency.

This legislation establishes critical inspection requirements for both new and existing SADC programs and introduces a self-certification process addressing administrative, fiscal, and programmatic operations. By incorporating participant and family feedback, this bill rightly prioritizes the voices of those directly impacted by SADC services.

The importance of these measures cannot be overstated. SADCs provide invaluable support to functionally impaired adults and their caregivers, but inconsistent oversight has allowed for wide disparities in service quality. At present, most programs receive approval to operate and oversight solely through Managed Long-Term Care (MLTC) plans, with little direct communication from the State. This fragmented approach has created barriers to operational efficiency and limited the ability of SADCs to deliver high-quality care to their participants.

A.10142/S.9356 represents a much-needed opportunity to close these gaps and ensure that SADCs are held to uniform standards. With some targeted enhancements, this legislation can serve as a transformative step forward in creating a robust oversight framework that protects participants, ensures equity, and promotes excellence in care delivery.

**Key Recommendations**

1. Applicability Limited to Medicaid-Contracted SADCs

The New York State Adult Day Services Association (NYSADSA) recommends that this legislation explicitly apply only to SADC programs contracted with Medicaid MLTC or Programs of All-Inclusive Care for the Elderly (PACE) and programs operating under 1915(c)

waiver programs not licensed elsewhere. Programs operating under Article 7 or serving private-pay populations without Medicaid involvement should not be subject to these requirements. Limiting the bill's applicability ensures that the legislation addresses systemic issues within Medicaid-funded SADCs while avoiding unnecessary regulatory burdens for programs outside its scope.

## 2. Defining Self-Certification as Robust Accreditation

NYSADSA recommends defining self-certification as a robust accreditation process that includes:

- **Independent Third-Party Evaluations:** Onsite surveys by State-approved/selected neutral entity unaffiliated with funding sources, to assess compliance with operational and care standards.
- **Separation of Oversight and Payor Functions:** Limiting MLTC and PACE plans' roles to confirming accreditation status for network participation, ensuring objective oversight. MLTC and PACE plans would continue conducting annual credentialing processes for SADCs to maintain network eligibility.
- **Integration of Participant and Caregiver Feedback:** Accreditation should explicitly evaluate the inclusion of participant input into service plans and operations.

## 3. Establishing Penalties for Noncompliance

Currently, the sole consequence for failure to self-certify or correct inspection deficiencies is the loss of eligibility for public funding. To address this gap, NYSADSA recommends the addition of a monetary penalty structure for noncompliance with critical requirements, such as participant safety, staffing standards, and service quality. This change will incentivize compliance, ensure health equity, and improve participant outcomes by increasing the quality of services. Additionally, it will protect Medicaid funds by reducing the risk of misuse or mismanagement.

## 4. Accelerating Implementation Timeframes

While NYSADSA appreciates the bill's core objective, we are concerned that the effective date and timeframes established are far too delayed to serve individuals who are actively aging and could benefit from this model over the next five years.

The bill provides for self-certification of programs beginning Jan. 1, 2030, and requires inspection of existing SADC programs on or before Dec. 31, 2029. While we understand it takes time to establish a process for carrying out these requirements, oversight of programs should be a higher priority and requires earlier implementation.

We strongly recommend that self-certification begin by Jan. 1, 2026, and inspection of existing programs be carried out by Jan. 1, 2028. These accelerated timeframes will better address the immediate needs of aging individuals and provide timely oversight of SADC programs.

## **Rationale for These Recommendations**

A.10142/S.9356 provides a foundation for improving oversight, but these enhancements are necessary to:

- **Create Accountability Across All Programs:** Without penalties, SADCs may ignore statutory requirements, perpetuating quality disparities.
- **Ensure Independent Oversight:** Accreditation provides an unbiased evaluation of compliance, fostering trust and transparency in SADC operations.
- **Address Immediate Needs:** Accelerated timelines ensure that oversight and quality improvements can benefit individuals who rely on these critical services today.

By defining self-certification as a robust accreditation process, limiting applicability to Medicaid-funded SADCs, introducing monetary penalties for noncompliance, and accelerating implementation timelines, A.10142/S.9356 will establish a comprehensive framework for improving quality and accountability in SADC programs. These adjustments will ensure that all participants receive the highest standard of care, regardless of funding source.

NYSADSA urges you to sign A.10142/S.9356 into law and consider these modifications to strengthen its implementation. Thank you for your commitment to protecting New York's aging population.

Sincerely,



Ann Marie Selfridge  
President  
NYSADSA