

NEW YORK CITY DEPARTMENT FOR THE AGING

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? Pursuant to section 2402 of the New York City Charter (Charter), the New York City Department for the Aging (NYC Aging) is proposing to amend subchapter 2 of Title 69 of the Rules of the City of New York, which sets forth the requirements for Social Adult Day Cares (SADC) operating in New York City. The amendments include changes to both registration requirements and enforcement procedures.

When and where is the hearing? NYC Aging will hold a public hearing on the proposed rule online. Members of the public may access and participate in this hearing online or by telephone. The public hearing will take place at 11:00am on June 9, 2025.

Join via internet:

To join the hearing via your browser, either click on the following URL link or copy and paste it into your browser's address bar:

<https://us02web.zoom.us/j/84431359232?pwd=xINgOHCVpnVeDaNgntF8NPYN1IRbD.1>

Meeting ID: 844 3135 9232
Passcode: 672326

If you have low bandwidth or inconsistent Internet connection, we suggest you use the phone option below for the hearing.

Join via phone only:

To join the meeting only by phone, use the following information to connect:

646-931-3860

Meeting ID: 844 3135 9232
Passcode: 672326

How do I comment on the proposed rules? You can comment on the proposed rules by:

- **Speaking at the hearing.** You must sign up to speak at the public hearing before the hearing by calling 212-244-6469, or at the hearing before the hearing starts. Please note that the hearing is for accepting oral testimony only and is not held in a "Question and Answer" format.
- **Website.** You can submit comments to NYC Aging through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to testimony@aging.nyc.gov.
- **Mail.** You can mail comments to NYC Aging, c/o: Jessica Rickards, 2 Lafayette Street, 7th Floor, New York, NY 10007.

Is there a deadline to submit comments? Comments must be submitted by June 9, 2025.

What if I need assistance to participate in the hearing? If you need a reasonable accommodation for a disability, language or sign interpretation, you must contact us by any of the above means ahead of time to allow us time to make arrangements. Please tell us by June 5, 2025.

The online hearing has the following accessibility option(s) available: automated captions and language selection.

Can I review the comments on the proposed rules? You can review the online comments at <http://rules.cityofnewyork.us/>. After the hearing, copies of online and written comments, and a summary of oral comments made at the hearing, will be available at the NYC Aging website, <https://www.nyc.gov/site/dfta/community-partners/social-adult-day-care.page>.

What authorizes NYC Aging to propose this rule? Sections 1043 and 2402 of the City Charter, and section 21-204 of title 21 of the Administrative Code authorize NYC Aging to propose this rule.

Was the proposed rule included in NYC Aging's regulatory agenda? This proposed rule was included in NYC Aging's regulatory agenda for this Fiscal Year.

Where can I find NYC Aging's rules? NYC Aging's rules are in title 69 of the Rules of the City of New York at [NYC Rules](#) and the website of [American Legal Publishing Corporation](#).

Statement of Basis and Purpose of Proposed Rule Amendments

The Department for the Aging (“NYC Aging” or “Department”) is proposing to amend the rules that implement Section 21-204 of the Administrative Code. Section 21-204 requires that social adult day cares (“SADCs”) register with the Department and that SADCs meet the program standards and requirements set forth in rules and regulations promulgated by the Director of the New York State Office for the Aging (“NYSOFA”). Section 21-204 also authorizes the Department to investigate violations of such rules and regulations, and to impose civil penalties for failure to comply with registration and program requirements.

Regarding registration requirements, the proposed amendments would: (i) clarify and update the requirements for registration with the Department; (ii) require SADCs that have not operated for six months or more to immediately notify the Department; and (iii) provide that the Department will terminate the registration of an SADC that has ceased operations. Regarding program requirements, the proposed amendments would incorporate by reference into the Department’s rules the rules and regulations promulgated by the Director of NYSOFA and codified in sections d and e of section 6654.20 of Title 9 of the New York Codes, Rules and Regulations (“9 NYCRR 6654.20”), and change the applicable deadlines for appeals of factual determinations from calendar days to business days. The proposed amendments would also provide for civil penalties to be imposed for violations of the requirements to notify the Department if an SADC has not operated for six months or more, as well as failure to meet any of the program standards set forth in sections d and e of 9 NYCRR 6654.20, as incorporated by reference into the Department’s rules.

NYC Aging’s authority for these rules is found in Section 21-204 of the Administrative Code and subdivision a of section 1043 of the New York City Charter.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context indicates otherwise.

Proposed Rule Amendments

Section 1. Section 2-07 of Title 69 of the rules of the city of New York is amended to read as follows:

§ 2-07 Appeals of Factual Determinations.

- a. A Complaint Subject or any MLTC may appeal a factual determination that there was a violation to the Commissioner.
 1. A notice of appeal must be filed with the Commissioner, at the address indicated in the notice of the factual determination, within 10 business days of the factual determination that there was a violation. The notice of appeal must include the full name of the appellant, the identity and location of the Complaint Subject, a copy of the factual determination being appealed, and a statement that the appellant intends to appeal the factual determination.
 2. The appeal must be perfected within 20 business days of the factual determination. The appeal must be filed in writing with the Commissioner at the address indicated in the notice of the factual determination. The appeal must include the identity of the Complaint Subject, a copy of the factual determination being appealed, and a statement of the reasons why the Complaint Subject believes the factual determination to be incorrect.

3. Petitions for an extension of these deadlines may be presented in writing before the due date for a notice of appeal or the perfection of the appeal and will be granted upon a showing of reasonable cause.
4. The Commissioner will make best efforts to render a written decision as to whether the factual determinations are correct or incorrect, including a statement of the reasons for the decision, within 60 business days of receipt of the perfected appeal. The Commissioner will provide its decision, by email or first-class mail, to the Complaint Subject, all MLTCs, and the complainant.
5. A written decision by the Commissioner upholding or modifying a factual determination will be considered a factual determination subject to 69 RCNY § 2-08.
- b. The ombudsperson may not issue a notice of violation or impose civil penalties pursuant to 69 RCNY § 2-08 until: (i) the 10-business day period during which an appeal may be noticed has elapsed; or (ii) the 20-business day period during which an appeal may be perfected has elapsed where a notice of appeal has been timely filed; or (iii) the Commissioner has rendered a written decision on an appeal where a perfected appeal has been timely filed.
- c. If the Complaint Subject or an MLTC files a notice of appeal or perfects its appeal, the ombudsperson will notify all MLTCs of the action by email or first-class mail. The notice must include an explanation of the appeals process, including that the factual determination made by the ombudsperson may be modified or overturned upon appeal.
- d. The written decision of the Commissioner pursuant to this section may not be appealed.

Section 2. The title of subchapter 2 of Title 69 of the rules of the city of New York is amended to read as follows:

Subchapter 2: Registration and Program Requirements

Section 3. Section 2-21 of Title 69 of the rules of the city of New York is amended to read as follows:

§ 2-21 Registration Requirements.

- a. A SADC must register on the Department's website or using an electronic form as designated by the Department in accordance with subdivision b of § 21-204 of the Administrative Code. Such registration must include at least the following information:
 1. Registrant's name and if SADC is operating under any other business name or names;
 2. Registrant's address;
 3. Registrant's phone number;
 4. Registrant's Tax ID;
 5. [Days] Registrant's days and hours of operation;
 6. Year SADC established;
 7. Registrant's business type;
 - [7.] 8. SADC Director's name and contact information;
 - [8.] 9. Registrant's corporate structure and ownership;
 - [9.] 10. Registrant's corporate address;
 - [10.] 11. [Date] Expiration date of Registrant's Food Service Establishment Permit (if applicable);
 - [11.] 12. Registrant's Certificate of Occupancy (yes/no);
 - [12.] 13. [Certified] Whether Registrant is certified with NYS Office of Medicaid Inspector General (yes/no);
 14. Status of SADC operations;

- [13.] 15. Name of local fire jurisdiction and date notified of SADC's presence;
 - [14.] 16. Physical accessibility of the SADC facility;
 - [15.] 17. [Contracted] Registrant's contracted Managed Long Term Care plans;
 - [16.] 18. [Number] Registrant's number of work shifts per day;
 - [17.] 19. [Anticipated] Registrant's anticipated average attendance per shift or per day; and
 - [18.] 20. [Anticipated] Registrant's anticipated average number of staff per shift or per day.
- b. A fee of \$900 will be charged for each SADC registration.
 - c. A SADC must submit changes to any of the information required by subdivision a of this section on the Department's website or an [electric] electronic form designated by the Department within 30 days of the effective date of such changes. A fee of \$240 will be charged for each such submission.
 - d. A SADC must notify the Department within 30 days of ceasing operation [and request its registration be terminated]. Upon receipt of such notice, the Department will terminate such SADC's registration.
 - e. A SADC that has not operated for six months or more must immediately notify the Department. Upon receipt of such notice, the Department will terminate such SADC's registration. In order to resume operations, such SADC must submit a new registration and pay the registration fee pursuant to subdivisions a and b of this section.

Section 4. Section 2-22 of Title 69 of the rules of the city of New York, relating to registration of civil penalties, is REPEALED and replaced with a new section 2-22 to read as follows:

§ 2-22 Incorporation of New York State Regulations.

- a. All SADCs subject to the provisions of this Chapter are required to comply with the specific provisions of subdivisions (d) and (e) of section 6654.20 of Title 9 of the New York Rules and Regulations ("NYCRR") issued by the New York State Office for the Aging ("NYSOFA") as expressly indicated in this section and which are hereby incorporated by reference herein with the same force and effect as if fully set forth herein in their entirety. For the purposes of this chapter, such incorporation by reference shall mean the specific provisions of subdivisions (d) and (e) of section 6654.20 of Title 9 of the NYCRR in effect as of the effective date of this section, as well as any subsequent amendments to such provisions and any successor regulations promulgated by the NYSOFA. Any such subsequent amendment or successor regulation shall be considered adopted in this section as of the effective date of such provision in the NYCRR.
- b. As used in the provisions of the NYCRR incorporated into this section, the following terms have the following meanings:

Area agency on aging. The term "area agency on aging" means the Department.

Functionally impaired. The term "functionally impaired" means needing the assistance of another person in at least one of the following activities of daily living: toileting, mobility, transferring, or eating; or needing supervision due to cognitive and/or psycho-social impairment.

Office. The term "office" means the New York State Office for the Aging.

Participant. The term “participant” means an adult individual who is eligible for and is receiving social adult day services in accordance with this Chapter.

c. The NYCRR provisions incorporated herein may be obtained from:

1. The Department (<https://www.nyc.gov/aging>);
2. The Department of State (<https://dos.ny.gov/state-register>); or
3. NYSOFA (<https://aging.ny.gov>).

Section 5. Section 2-31 of Title 69 of the rules of the city of New York is amended to read as follows:

§ 2-31 Penalty Schedule.

[Civil penalties for violations of this chapter or § [21-204](#) of the Administrative Code, shall be provided follows:]

[Violation]	[Penalty]
[Failure to Register with the Department]	[\$1,000 per each day the SADC is operating]
[Failure to Submit Changes to Registration to the Department]	[\$500 per each day the SADC is operating]
[Failure to Adhere to Program Standards]	[\$500 per day, for each violation of the State SADC Regulations]

a. Civil penalties for the following violations of this chapter shall be assessed per day as follows:

1. Unless otherwise specified in the notice of violation, if the Department charges a business or individual with a violation, there shall be a rebuttable presumption that the violation continued every day, without interruption, from the date specified by the Department in the notice of violation as the first date of violation through the hearing date.
2. The first date of violation specified by the Department in the notice of violation may be the date of an inspection at which the violation(s) is identified, or any other date on which the violation(s) first occurred, such as the first date an SADC was operating without having registered with the Department.
3. Regardless of the date specified by the Department in the notice of violation, if the Department presents at the hearing a copy of a decision or order from a prior proceeding finding that the business or individual engaged in the same violation, or a copy of a settlement from a prior proceeding resolving a charge of the same violation, there shall be a rebuttable presumption that the violation continued every day, without interruption, from the date of such decision, order or settlement through the date of the hearing, unless the decision, order or settlement specifically states otherwise.
4. A party may present credible evidence at the hearing to rebut the presumption of continued violation, such as written proof, receipts, photographs or other documentation indicating that the party corrected the violation.

<u>Section of Law</u>	<u>Violation Description</u>	<u>Penalty</u>	<u>Default Penalty</u>	<u>Maximum Penalty</u>
<u>69 RCNY § 2-21</u>	<u>Failed to register with the Department</u>	<u>\$1,000 per day of operation</u>	<u>\$1,000</u>	<u>\$60,000</u>
<u>69 RCNY § 2-21</u>	<u>Failed to submit changes to registration to the Department</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-21</u>	<u>Failed to notify Department of ceased operations lasting 6 months</u>	<u>\$500 per day past the notification deadline</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Service plan untimely developed/reviewed 9NYCRR6654.20(d)(1)(iii)(b)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Service plan inconsistent with needs 9NYCRR6654.20(d)(1)(iii)(c)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Well-being goals insufficient 9NYCRR6654.20(d)(1)(iii)(d)(1)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Capacity goals insufficient 9NYCRR6654.20(d)(1)(iii)(d)(2)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Eligibility policies failed standards 9NYCRR6654.20(d)(2)(i)(a)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Admission/discharge policies failed standard 9NYCRR6654.20(d)(2)(i)(b)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Service plan policies failed standards 9NYCRR6654.20(d)(2)(i)(c)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Staffing plan policies failed standards 9NYCRR6654.20(d)(2)(i)(d)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Participant rights policies failed standards 9NYCRR6654.20(d)(2)(i)(e)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Service delivery policies failed standards 9NYCRR6654.20(d)(2)(i)(f)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Program evaluation policies failed standards 9NYCRR6654.20(d)(2)(i)(g)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Records policies failed standards 9NYCRR6654.20(d)(2)(i)(h)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>

<u>Section of Law</u>	<u>Violation Description</u>	<u>Penalty</u>	<u>Default Penalty</u>	<u>Maximum Penalty</u>
<u>69 RCNY § 2-22</u>	<u>Emergency prep policies failed standards 9NYCRR6654.20(d)(2)(i)(i)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Operations evaluation failed standards 9NYCRR6654.20(d)(2)(ii)(a)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Failed to maintain copy of self-evaluation 9NYCRR6654.20(d)(2)(ii)(b)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Failed to retain administrative records 9NYCRR6654.20(d)(2)(iii)(a)(1)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Failed to retain participant records 9NYCRR6654.20(d)(2)(iii)(a)(2)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Failed to retain services records 9NYCRR6654.20(d)(2)(iii)(a)(3)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Failed to maintain record confidentiality 9NYCRR6654.20(d)(2)(iii)(b)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Failed to maintain adequate staffing 9NYCRR6654.20(d)(2)(iv)(a)(1)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Staff health status not documented 9NYCRR6654.20(d)(2)(iv)(a)(3)(i)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Staff ppd test result not documented 9NYCRR6654.20(d)(2)(iv)(a)(3)(ii)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Failed to have a paid director on staff 9NYCRR6654.20(d)(2)(iv)(b)(1)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Director not qualified 9NYCRR6654.20(d)(2)(iv)(b)(1)(i)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Director authority inappropriate 9NYCRR6654.20(d)(2)(iv)(b)(1)(ii)(A)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Director failed legal compliance 9NYCRR6654.20(d)(2)(iv)(b)(1)(ii)(B)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Director failed to submit reports 9NYCRR6654.20(d)(2)(iv)(b)(1)(ii)(C)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Director did not enforce policies 9NYCRR6654.20(d)(2)(iv)(b)(1)(ii)(D)</u>	<u>\$500 per day of operation</u>	<u>\$500</u>	<u>\$30,000</u>

<u>Section of Law</u>	<u>Violation Description</u>	<u>Penalty</u>	<u>Default Penalty</u>	<u>Maximum Penalty</u>
<u>69 RCNY § 2-22</u>	<u>Staff did not complete training</u> <u>9NYCRR6654.20(d)(2)(iv)(b)(2)(ii)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Volunteers did not receive training</u> <u>9NYCRR6654.20(d)(2)(iv)(b)(3)(i)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Volunteers were not monitored</u> <u>9NYCRR6654.20(d)(2)(iv)(b)(3)(ii)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Staff did not complete orientation</u> <u>9NYCRR6654.20(d)(2)(iv)(c)(1)(i)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Staff did not complete training</u> <u>9NYCRR6654.20(d)(2)(iv)(c)(1)(ii)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>No annual in-service staff training</u> <u>9NYCRR6654.20(d)(2)(iv)(c)(1)(iii)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>No annual emergency staff training</u> <u>9NYCRR6654.20(d)(2)(iv)(c)(1)(iv)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Staff training failed standards</u> <u>9NYCRR6654.20(d)(2)(iv)(c)(2)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>No personal care skill training</u> <u>9NYCRR6654.20(d)(2)(iv)(d)(1)(i)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>No body mechanics training</u> <u>9NYCRR6654.20(d)(2)(iv)(d)(1)(ii)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>No behavior management training</u> <u>9NYCRR6654.20(d)(2)(iv)(d)(1)(iii)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Additional training failed standards</u> <u>9NYCRR6654.20(d)(2)(iv)(d)(2)(i)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Additional training failed standards</u> <u>9NYCRR6654.20(d)(2)(iv)(d)(2)(ii)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Additional training failed standards</u> <u>9NYCRR6654.20(d)(2)(iv)(d)(2)(iii)(A)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Additional training failed standards</u> <u>9NYCRR6654.20(d)(2)(iv)(d)(2)(iii)(B)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Additional training failed standards</u> <u>9NYCRR6654.20(d)(2)(iv)(d)(2)(iii)(C)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>

<u>Section of Law</u>	<u>Violation Description</u>	<u>Penalty</u>	<u>Default Penalty</u>	<u>Maximum Penalty</u>
<u>69 RCNY § 2-22</u>	<u>Additional training failed standards</u> <u>9NYCRR6654.20(d)(2)(iv)(d)(2)(iii)(D)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Additional training failed standards</u> <u>9NYCRR6654.20(d)(2)(iv)(d)(2)(iii)(E)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Additional training failed standards</u> <u>9NYCRR6654.20(d)(2)(iv)(d)(2)(iii)(F)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Training failed to assess competency</u> <u>9NYCRR6654.20(d)(2)(iv)(d)(2)(iv)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Failed to document equivalent skill</u> <u>9NYCRR6654.20(d)(2)(iv)(d)(3)(iv)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Failed to provide periodic training</u> <u>9NYCRR6654.20(d)(2)(iv)(d)(4)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Facility has insufficient space for</u> <u>program</u> <u>9NYCRR6654.20(d)(2)(vi)(a)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Building/equipment failed safety</u> <u>standards</u> <u>9NYCRR6654.20(d)(2)(vi)(b)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Failed to notify fire authority of</u> <u>program 9NYCRR6654.20(d)(2)(vi)(c)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>No current, written emergency</u> <u>procedures</u> <u>9NYCRR6654.20(d)(2)(vii)(a)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>No emergency contact info for</u> <u>participants</u> <u>9NYCRR6654.20(d)(2)(vii)(b)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>No documentation of fire drills</u> <u>conducted</u> <u>9NYCRR6654.20(d)(2)(vii)(c)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Insufficient insurance coverage</u> <u>9NYCRR6654.20(d)(2)(viii)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Violation of Participant Rights</u> <u>9NYCRR6654.20(e)(1)(vi)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>
<u>69 RCNY § 2-22</u>	<u>Fail to visibly/publicly post</u> <u>rights/contact info</u> <u>9NYCRR6654.20(e)(3)</u>	<u>\$500 per</u> <u>day of</u> <u>operation</u>	<u>\$500</u>	<u>\$30,000</u>

b. Civil penalties for the following violations of this chapter shall be assessed per violation as follows:

<u>Section of Law</u>	<u>Violation Description</u>	<u>Penalty</u>	<u>Default Penalty</u>	<u>Maximum Penalty</u>
<u>69 RCNY § 2-22</u>	<u>Served ineligible participant</u> <u>9NYCRR6654.20(d)(1)(i)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Could not meet/manage individual</u> <u>needs 9NYCRR6654.20(d)(1)(ii)(a)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Admitted individual without</u> <u>assessment</u> <u>9NYCRR6654.20(d)(1)(ii)(b)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Failed to properly discharge</u> <u>participant</u> <u>9NYCRR6654.20(d)(1)(ii)(c)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Services inconsistent with service</u> <u>plan 9NYCRR6654.20(d)(1)(iii)(a)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Participant outcome goals missing</u> <u>9NYCRR6654.20(d)(1)(iii)(e)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Socialization not properly planned</u> <u>9NYCRR6654.20(d)(1)(iv)(a)(1)(i)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Group activities not included</u> <u>9NYCRR6654.20(d)(1)(iv)(a)(1)(ii)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Insufficient socialization goals</u> <u>9NYCRR6654.20(d)(1)(iv)(a)(1)(iii)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Improper supervision/monitoring</u> <u>9NYCRR6654.20(d)(1)(iv)(a)(2)(i)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Improper safety/assistance measures</u> <u>9NYCRR6654.20(d)(1)(iv)(a)(2)(ii)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Some assistance not given</u> <u>9NYCRR6654.20(d)(1)(iv)(a)(3)(i)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Total assistance not given</u> <u>9NYCRR6654.20(d)(1)(iv)(a)(3)(ii)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Dressing assistance not given</u> <u>9NYCRR6654.20(d)(1)(iv)(a)(3)(iii)(A)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Bathing assistance not given</u> <u>9NYCRR6654.20(d)(1)(iv)(a)(3)(iii)(B)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Grooming assistance not given</u> <u>9NYCRR6654.20(d)(1)(iv)(a)(3)(iii)(C)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Self-medication help not given</u> <u>9NYCRR6654.20(d)(1)(iv)(a)(3)(iii)(D)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Skin care assistance not given</u> <u>9NYCRR6654.20(d)(1)(iv)(a)(3)(iii)(E)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Dressings assistance not given</u> <u>9NYCRR6654.20(d)(1)(iv)(a)(3)(iii)(F)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Equipment assistance not given</u> <u>9NYCRR6654.20(d)(1)(iv)(a)(3)(iii)(G)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Meals/snacks not served</u> <u>appropriately</u> <u>9NYCRR6654.20(d)(1)(iv)(a)(4)(i)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Meals failed nutrition standards</u> <u>9NYCRR6654.20(d)(1)(iv)(a)(4)(ii)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>

<u>Section of Law</u>	<u>Violation Description</u>	<u>Penalty</u>	<u>Default Penalty</u>	<u>Maximum Penalty</u>
<u>69 RCNY § 2-22</u>	<u>Meals failed nutrition standards</u> <u>9NYCRR6654.20(d)(1)(iv)(a)(4)(iii)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Optional services failed standards</u> <u>9NYCRR6654.20(d)(1)(iv)(b)(1)(i)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Optional services failed standards</u> <u>9NYCRR6654.20(d)(1)(iv)(b)(1)(ii)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Optional services failed standards</u> <u>9NYCRR6654.20(d)(1)(iv)(b)(1)(iii)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Optional services failed standards</u> <u>9NYCRR6654.20(d)(1)(iv)(b)(1)(iv)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Transportation services failed</u> <u>standards</u> <u>9NYCRR6654.20(d)(1)(iv)(b)(2)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Caregiver assistance failed standards</u> <u>9NYCRR6654.20(d)(1)(iv)(b)(3)(i)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Caregiver assistance failed standards</u> <u>9NYCRR6654.20(d)(1)(iv)(b)(3)(ii)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Caregiver assistance failed standards</u> <u>9NYCRR6654.20(d)(1)(iv)(b)(3)(iii)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Caregiver assistance failed standards</u> <u>9NYCRR6654.20(d)(1)(iv)(b)(3)(iv)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Caregiver assistance failed standards</u> <u>9NYCRR6654.20(d)(1)(iv)(b)(3)(v)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Case coordination failed standards</u> <u>9NYCRR6654.20(d)(1)(iv)(b)(4)(i)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Case coordination failed standards</u> <u>9NYCRR6654.20(d)(1)(iv)(b)(4)(ii)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Failed to meet daily minimum staffing</u> <u>9NYCRR6654.20(d)(2)(iv)(a)(2)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Staff did not carry out service plan</u> <u>9NYCRR6654.20(d)(2)(iv)(b)(2)(i)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Staff training not documented</u> <u>9NYCRR6654.20(d)(2)(iv)(c)(3)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Violation of Participant Rights</u> <u>9NYCRR6654.20(e)(1)(i)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Violation of Participant Rights</u> <u>9NYCRR6654.20(e)(1)(ii)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Violation of Participant Rights</u> <u>9NYCRR6654.20(e)(1)(iii)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Violation of Participant Rights</u> <u>9NYCRR6654.20(e)(1)(iv)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Violation of Participant Rights</u> <u>9NYCRR6654.20(e)(1)(v)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>69 RCNY § 2-22</u>	<u>Failed to provide/explain participant</u> <u>rights 9NYCRR6654.20(e)(2)</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Rules Relating to Social Adult Day Cares

REFERENCE NUMBER: DFTA-3

RULEMAKING AGENCY: Department for the Aging

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Provides for a cure period to cure factual findings through Corrective Actions Plans before the issuance of a Notice of Violation as well as processes to resolve issues of fact via appeal.

/s/ Lisa Taapken

March 5, 2025

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Rules Relating to Social Adult Day Cares

REFERENCE NUMBER: 2025 RG 0009

RULEMAKING AGENCY: Department for the Aging

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Corporation Counsel

Date: March 5, 2025