



## Office of Temporary and Disability Assistance

KATHY HOCHUL  
Governor

DANIEL W. TIETZ  
Commissioner

BARBARA C. GUINN  
Executive Deputy Commissioner

December 19, 2022

Mr. Scott Logan  
Social Security Administration  
Office of Income Security Programs  
Keys Section  
2518 Robert M. Ball Building  
6401 Security Boulevard  
Baltimore, MD 21235

Re: 2023 Keys Amendment Certification

Dear Mr. Logan:

In compliance with the requirements of § 1616(e)(3) of the Social Security Act, the two Offices of the New York State Department of Family Assistance, the New York State Department of Health, and the three Offices of the New York State Department of Mental Hygiene have been identified as the New York State agencies with standard-setting authority for facilities in which a significant number of recipients of supplemental security income (SSI) benefits reside or are likely to reside. The Office of Temporary and Disability Assistance has been designated to prepare and submit the required Certification of Compliance to your Office.

In accordance with the above-referenced designations, the State of New York hereby certifies that it has complied with § 1616(e)(3) of the Social Security Act. It is further certified that:

- 1) As noted above, the two Offices of the Department of Family Assistance, the Department of Health, and the three Offices of the Department of Mental Health have been designated as the standard-setting authorities for facilities in which a significant number of SSI recipients reside or are likely to reside. These agencies establish, maintain, and ensure the enforcement of standards for such residential facilities.
- 2) Each standard-setting authority has made available, without charge to interested individuals, a complete set of standards for each type of facility, the procedures for enforcement, a list of facilities which have been granted waivers of standards and the justifications for such waivers, and a list of facilities which have been found to be in violation of such standards, including the details of each violation.
- 3) A summary of the content of each standard and the name and address of each standard-setting authority have been sent to the appropriate federal agencies.

- 4) Standard-setting authorities report the names and addresses of facilities still in violation of standards at the conclusion of the time period afforded those facilities for correction before residents must move out. Facilities may correct violations until they have exhausted all due process rights to challenge administrative proceedings to decertify facilities.

I trust that the foregoing satisfies the requirement for a factual statement of compliance. In support of this statement, I have attached copies of the assurances secured from each of the standard-setting authorities. If you have any questions or concerns, or if you should require further information, please do not hesitate to contact me.

Sincerely,



Barbara C. Guinn  
Executive Deputy Commissioner

Enclosures

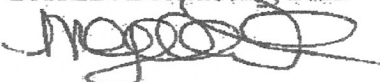
cc: N. Boguski  
T. Rutnik  
D. Tietz

ASSURANCE OF COMPLIANCE WITH THE REQUIREMENTS OF SECTION 1616(e) OF THE  
SOCIAL SECURITY ACT

I, Megan O'Connor-Hebert, Deputy Commissioner of the Division of Quality Improvement of the New York State Office for People with Developmental Disabilities certify that:

1. This agency supervises the following types of facilities in which a significant number of SSI recipients reside or are likely to reside:
  - Community-Based Intermediate Care Facilities for Individuals with Developmental Disabilities (ICFs/IDD);
  - Supervised Community Residences (CRs);
  - Supportive CRs;
  - Private Schools for individuals with developmental disabilities;
  - Individualized Residential Alternatives (IRAs);
  - Specialty Hospitals;
  - Family Care Homes; and
  - Integrated Residential Communities.
2. This agency has the authority to establish, maintain and enforce standards for facilities which provide room, board, and protective oversight for a significant number of SSI recipients. Such authority is derived from the New York State Mental Hygiene Law §§13.01, 13.07, 13.09, 13.15, 13.17, 16.01, 16.03, 16.19, 16.21 and 16.23.
3. Standards governing admission, safety, sanitation, and protection of residents' rights have been developed. These standards are contained in the regulations listed in the attachment to this assurance.
4. Records of violation of standards are maintained for each facility.
5. Records of waivers granted, including the standard waived and the jurisdiction for waiving it are maintained for each facility.
6. Standards, records of violations, waivers and the procedures used for enforcement are available without charge to interested parties.
7. The Social Security Administration Regional Office is notified of the names and addresses of facilities which are in violation of the standards.

DATED: December 8<sup>th</sup>, 2022



Megan O'Connor-Hebert

## ATTACHMENT

14 NYCRR Part 15	Admission and Retention of Patients
14 NYCRR Part 17	Transfer of Patients
14 NYCRR Part 27	Quality of Care and Treatment Pertaining to Integrated Residential Communities
14 NYCRR Part 81	Operation of Schools for the Mentally Retarded
14 NYCRR Part 624	Reportable Incidents, Serious Reportable Incidents and Abuse in Facilities Operated or Certified by OPWDD
14 NYCRR Part 629	Eligibility Determinations for OPWDD authorized services
14 NYCRR Part 633	Protection of Individuals Receiving Services in Facilities Operated and/or Certified by OPWDD
14 NYCRR Part 635	General Quality Control and Administrative Requirements Applicable to Programs, Services or Facilities Funded or Certified by OPWDD
14 NYCRR Part 636	Establishes rights and responsibilities for individuals receiving services in OPWDD facilities, including person-centered planning
14 NYCRR Part 671	HCBS Waiver Community Residential Habilitation Services for Persons with Developmental Disabilities
14 NYCRR Part 680	Specialty Hospitals
14 NYCRR Part 681	Intermediate Care Facilities for Persons who are Developmentally Disabled
14 NYCRR Part 686	Operation of Community Residences
14 NYCRR Part 687	Standards for Family Care Home

ASSURANCE OF COMPLIANCE WITH THE REQUIREMENTS OF  
SECTION 1616(e)(3) OF THE SOCIAL SECURITY ACT (KEYS AMENDMENT)

I, Kristin M. Proud, Acting Executive Deputy Commissioner of the New York State Department of Health, do certify that:

1. This agency supervises the following types of facilities in which a significant number of SSI recipients reside or are likely to reside:

Adult Homes  
Residences for Adults  
Enriched Housing Programs

2. This agency has the authority to establish, maintain and enforce standards which provide room, board, and protective oversight for a significant number of SSI recipients. Such authority is derived from Article 7 of the New York State Social Services Law and Article 46-B of the Public Health Law.

3. Standards governing admission, safety, sanitation and protection of residents' rights have been developed. A summary of the standards is attached.

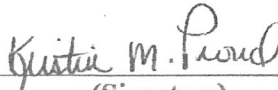
4. Records of violations are maintained for each facility.

5. Records of waivers granted including the standard waived and a justification for waiving it are maintained for each facility.

6. Standards, records of violations, waivers and the procedures used for enforcement are available without charge to interested parties.

7. The Social Security Administration Regional Office is notified of the names and addresses of facilities which are closed because of substantial violations of the standards.

Dated: 11/16/2022

  
(Signature)

Kristin M. Proud  
Acting Executive Deputy Commissioner  
New York State Department of Health

**ASSURANCE OF COMPLIANCE WITH THE REQUIREMENTS OF  
Section 1616 (e)(3) of the SOCIAL SECURITY ACT (KEYS Amendment)**

I, Trishia Allen, General Counsel, New York State Office of Addiction Services and  
(Name, Title and Agency)

Supports, do certify that:

1. This agency supervises the following types of facilities in which a significant number of SSI recipients reside, or are likely to reside:

Chemical Dependence Residential Services (Part 819)


Residential Addiction Services (Part 820)

Chemical Dependence Inpatient Rehabilitation Services (Part 818)

Chemical Dependence Crisis Services (Part 816)

2. This agency has the authority to establish, maintain and enforce standards for facilities which provide room, board and protective oversight for a significant number of SSI recipients. Such authority is derived from Articles 19 and 32 of the Mental Hygiene Law  
(cite applicable law)
3. Standards governing admission, safety, sanitation and protection of residents have been developed.
4. Records of violations are maintained for each facility.
5. Records of waivers granted including the standard waived and the justification for waiving it are maintained at each facility.
6. Standards, records of violations, waivers and the procedures used for enforcement are available without charge to interested parties.
7. The Social Security Administration Regional Office is notified of the names and addresses of facilities which are in violation of the standards.

Dated: October 24, 2022

  
(Signature)

Trishia Allen  
(Print Name)

**ASSURANCE OF COMPLIANCE WITH THE REQUIRMENTS OF  
Section 1616 (e)(3) of the SOCIAL SECURITY ACT (KEYS Amendment)**

I, Sheila J. Poole, Commissioner of the NYS Office of Children and Family Services  
(Name, Title and Agency)

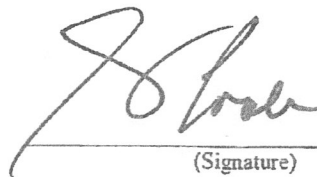
do certify that:

1. This agency supervises the following types of facilities in which a significant number of SSI recipients reside, or are likely to reside:

Family Type Homes for Adults (FTHAs)

2. This agency has the authority to establish, maintain and enforce standards for facilities which provide room, board and protective oversight for a significant number of SSI recipients. Such authority is derived from Article 7 of the Social Services Law  
(cite applicable law)
3. Standards governing admission, safety, sanitation and protection of residents have been developed.
4. Records of violations are maintained for each facility.
5. Records of waivers granted including the standard waived and the justification for waiving it are maintained at each facility.
6. Standards, records of violations, waivers and the procedures used for enforcement are available without charge to interested parties.
7. The Social Security Administration Regional Office is notified of the names and addresses of facilities which are in violation of the standards.

Dated: 12.15.21



(Signature)

Sheila J. Poole

(Print Name)

**ASSURANCE OF COMPLIANCE WITH THE REQUIREMENTS OF  
Section 1616 (e)(3) of the SOCIAL SECURITY ACT (KEYS Amendment)**

I, Jessica R. Eber-Young, Deputy Counsel, NYS Office of Mental Health  
(Name, Title and Agency)

do certify that:

1. This agency supervises the following types of facilities in which a significant number of SSI recipients reside, or are likely to reside:

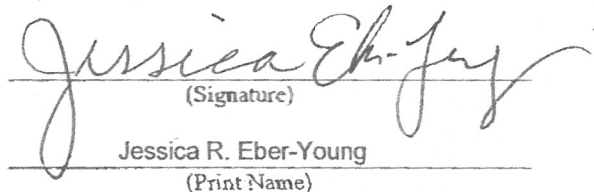
Family Care Homes

Community Residences

Residential Treatment Facilities for Children and Youth

2. This agency has the authority to establish, maintain and enforce standards for facilities which provide room, board and protective oversight for a significant number of SSI recipients. Such authority is derived from Article 31, Mental Hygiene Law  
(cite applicable law)
3. Standards governing admission, safety, sanitation and protection of residents have been developed.
4. Records of violations are maintained for each facility.
5. Records of waivers granted including the standard waived and the justification for waiving it are maintained at each facility.
6. Standards, records of violations, waivers and the procedures used for enforcement are available without charge to interested parties.
7. The Social Security Administration Regional Office is notified of the names and addresses of facilities which are in violation of the standards.

Dated: October 20, 2022

  
(Signature)  
Jessica R. Eber-Young  
(Print Name)



**ASSURANCE OF COMPLIANCE WITH THE REQUIRMENTS OF  
Section 1616 (e)(3) of the SOCIAL SECURITY ACT (KEYS Amendment)**

I, Cheryl Contento, Deputy Commissioner, Division of Shelter Oversight and Compliance  
(Name, Title and Agency)

do certify that:

1. This agency supervises the following types of facilities in which a significant number of SSI recipients reside, or are likely to reside:

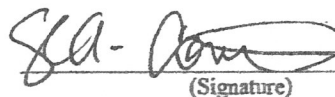
Emergency Shelters for Adults

Emergency Shelters for Adult Families

Emergency Shelters for Families

2. This agency has the authority to establish, maintain and enforce standards for facilities which provide room, board and protective oversight for a significant number of SSI recipients. Such authority is derived from SSL 460 and 461  
(cite applicable law)
3. Standards governing admission, safety, sanitation and protection of residents have been developed.
4. Records of violations are maintained for each facility.
5. Records of waivers granted including the standard waived and the justification for waiving it are maintained at each facility.
6. Standards, records of violations, waivers and the procedures used for enforcement are available without charge to interested parties.
7. The Social Security Administration Regional Office is notified of the names and addresses of facilities which are in violation of the standards.

Dated: 10/24/2022

  
(Signature)

Cheryl Contento

(Print Name)