

# Family Care Home Initial Certification Requirements

## Section 7.1

### Operating Certificates

The Commissioner of the Office for People With Developmental Disabilities (OPWDD) or his/her designee is responsible for certifying all Family Care Homes (FCHs). An operating certificate is a written document conveying to the public the authorization by the Commissioner of OPWDD for a Family Care Provider (FCP) to operate a FCH. Once the operating certificate is issued by the Division of Quality Improvement (DQI), the FCP is authorized to provide services to individuals.

There are many initial certification requirements to be met prior to obtaining an operating certificate. These requirements and steps are described in more detail below.

### Standard Requirements

All the following are required for initial certification:

- Applicant(s) is age 21 or older
- Applicant has not been convicted of a Class A, B, or C felony
- Applicant cannot be the spouse or natural/adoptive parents of an individual who will receive Family Care services in the home (except for Willowbrook Class Members)
- Applicant must have a valid Driver's license or access to consistent transportation for appointments and community integration
- Applicant must enroll in the NYS Department of Motor Vehicles License Event Notification Service (LENS) by the Sponsoring Agency
- Applicant must complete an *Application for Family Care Home Certification* with three (3) references
- Applicant must submit a physician's statement indicating the applicant is in good health and is emotionally and physically able to provide care to individuals
- Applicant, and anyone else age 18 or older, residing in the home, must be cleared through the Justice Center Staff Exclusion List (SEL) and the State Central Register of Child Abuse and Maltreatment (SCR), along with fingerprinting for a Criminal Background Check (CBC)
- Applicant must be cleared through the Medicaid Exclusion List
- Applicant must submit a NYS Justice Center signed *Code of Conduct* Form
- Applicant has received the required initial training prior to certification
- Applicant must have adequate financial resources available to meet the needs of the household
- Applicant must own, rent, or lease a house, apartment, or mobile home
- If renting, applicant must submit a letter from the landlord acknowledging they are aware of the application to operate a Family Care Home
- Applicant must disclose and provide evidence of any existing certification or licensure granted by another government agency or other authority to provide

services in the home, including but not limited to daycare or foster care services

- Applicant must provide confirmation that the home meets building code requirements by producing a certificate of occupancy or equivalent. If this cannot be obtained, a signed report from a New York State licensed architect or engineer that describes the home's compliance must be provided.
- Applicant does not operate any other Family Care Homes
- Sponsoring Agency must complete an initial home study and interview
- Home must meet standards of the OPWDD Fire and Safety Inspection
- Applicant must provide proof of all pet vaccinations, dog licenses, well-water testing for private water sources, and furnace inspection

### **Initial Steps in Applying to Become a Family Care Provider**

An individual interested in becoming a Family Care Provider should first reach out to a Sponsoring Agency. The agency representative should provide an overview and outline the expectations of the Family Care program. If the prospective applicant remains interested in the program, the Sponsoring Agency will arrange to meet with them at their home. The Sponsoring Agency will ensure the prospective applicant understands the expectations of the program and interview them and members of their household. If there is interest in proceeding towards certification, the *Application for Family Care Home Certification* can be submitted. The prospective applicant and all members of the household age 18 and over residing in the home must complete and pass the required background checks.

As part of the certification process, it is necessary to ensure the property is safe and will meet the required standards of the Family Care program. A Fire and Safety Inspection will be completed by an OPWDD Safety & Security Officer. Based on this review, there may be items in the home that require changes to meet the standards for Family Care certification. Certification cannot move forward until these issues have been remedied.

### **Approval Process**

The designated Family Care representative from the Sponsoring Agency will gather and review the initial application and all supporting documentation. Each Sponsoring Agency must use the *Initial Certification Checklist* to ensure that all required steps are met.

For Agency Sponsored Family Care, the application and attachments must be forwarded to the designated staff in the Developmental Disabilities State Operations Office (DDSOO).

All applications for initial certification will be reviewed by designated staff within the DDSOO. If all required standards are met and a recommendation is made to support the certification of the home, the designated DDSOO staff will sign the *DDSOO Family Care Attestation: Readiness for Initial Certification* and forward the packet to the DDSOO Director for final review. If the DDSOO Director supports the certification of the home, they will sign the *DDSOO Family Care Attestation: Readiness for Initial Certification*.

The attestation will be forwarded along with the application and supporting documents to the OPWDD Division of Quality Improvement (DQI) for issuance of the operating certificate.

**Coordination with Tracking and Billing System and Cost and Revenue Solutions**  
Designated staff in the DDSOO must complete the *Family Care Certification Request Form* and forward it to DQI at least 30 days prior to anticipated opening.

### **Issuance of Operating Certificates**

Operating certificates may be issued for up to but no longer than three years. The certified capacity of the FCH is listed on the operating certificate and cannot be exceeded without approval by OPWDD.

Operating certificates are not transferable to other persons or locations. If a Family Care Provider moves, the new home must be certified before that person can begin providing services at the new location.

### **Denial of Operating Certificates**

After review of the application, if the applicant(s) is denied an operating certificate, the DDSOO Director or designee will send a Notice of Intent to Deny the application. The Notice contains a written justification for the denial and provides ten (10) days from the date of service for the applicant to request a hearing. A copy of this letter must be sent to the Office of Counsel, the Division of Quality Improvement, and the Sponsoring Agency. The date of service is defined as the date that: (i) the notice was hand delivered to the Family Care Provider applicant; (ii) the date the notice was accepted if sent by certified mail return receipt requested; or (iii) the fifth day after mailing the notice by ordinary mail to the Family Care Provider applicant, in that order

If the applicant wants a hearing, he or she must send a request in writing to OPWDD's General Counsel and a copy to the Director who issued the Notice of Intent to Deny. This must be done within 10 days of the date of service (see above). The applicant's request for a hearing must include a copy of OPWDD's Notice of Intent to Deny.

If the applicant does not request a hearing within 10 days of receipt of the Notice, the DDSOO Director or designee will serve a Notice of Denial as described above.