

**General Purpose and Certification of the Facility
Class Known as Individualized Residential Alternative**

Amendments to Section 14 NYCRR 686.3 and 686.16

Emergency/Proposed Rulemaking Regulations

Effective Date: Upon Filing

- **Existing subparagraph 686.3(a)(5)(i) is amended to read as follows:**
 - (i) A supervised community residence shall be issued an operating certificate for no more than 14 individuals, except in emergent circumstances and upon approval of the commissioner in accordance with the requirements set forth in OPWDD's home and community based services waiver program authorized pursuant to subdivision (c) of section nineteen hundred fifteen of the federal social security act and subdivisions seven and seven-a of section three hundred sixty-six of the social services law and subject to, where required, approval by the Centers for Medicare & Medicaid Services. The certified capacity shall not be exceeded without notification within 24 hours to OPWDD, at which time the conditions relative to the temporary increase in capacity shall be discussed and agreement reached.

- **Existing subparagraph 686.16(a)(7)(i) is amended to read as follows:**
 - (i) Facilities of 4-14 beds where on-site supervision is provided. Such facilities may be approved for a capacity in excess of 14 individuals in emergent circumstances and upon approval of the commissioner in accordance with the requirements set forth in OPWDD's home and community based services waiver program authorized pursuant to subdivision (c) of section nineteen hundred fifteen of the federal social security act and subdivisions seven and seven-a of section three hundred sixty-six of the social services law and subject to, where required, approval by the Centers for Medicare & Medicaid Services.

Note: New material is underlined and deleted material is in [brackets].