



Department of Health

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Executive Deputy Commissioner

April 14, 2015

DAL: **DHCBS 15-06**

Subject: **Responsibilities of Home Care
Providers related to Emergency
Preparedness for Managed Care
Plan enrollees**

Dear Administrator:

The purpose of this letter is to provide guidance and clarification to home care providers regarding their role and responsibilities during an emergency event as it relates to Managed Long Term Care (MLTC) patients and plans.

This guidance, presented in a Q & A format, represents questions received to date from providers and other stakeholders.

1. What is the home care provider's responsibility as it relates to MLTC in an Emergency event?

Response: All agencies (Licensed Home Care Services Agencies, Certified Home Health Agencies, Long Term Home Health Care Programs) should have provisions in their contracts with MLTC plans pertaining to Emergency Preparedness and response.

Home care providers are required to have a current emergency plan that includes procedures to be followed to assure health care needs of patients continue to be met in emergencies that interfere with delivery of services. (10 NYCRR 766.9(c) & 10 NYCRR 763.11(a)(10))

Home care providers should share the attached "Dear Administrator Letter" issued on May 10, 2005 with their contracted plans so the plan is aware of the framework that the Department of Health (Department) requires as it relates to Emergency Preparedness.

2. Are home care providers required to provide MLTC Plans with daily updates regarding their MLTC members?

Response: Home care providers may be required to provide MLTC Plans with daily updates based on their contractual agreement with the Plan. Regulations found in 10 NYCRR Part 766 (LHCSA) and Part 763 (CHHAs & LTHHCPs) require agencies to have an effective communication system through the Health Commerce System (HCS) for purposes of

emergency communication with the Department and to ensure a rapid response for information as requested by the Department. This readiness for communications includes key management and operations staff maintaining active HCS accounts, as well as up to date assignment and agency/emergency contact information entered in the HCS Communications Directory roles.

In 2014, a Home Care Emergency Response Survey (HERDS application on the HCS) was developed by the Division of Home & Community Based Services and Office of Health Emergency Preparedness to collect specific information pre, during, and post an actual emergency event when deemed necessary by the Department to collect agency information. The Home Care Emergency Response Survey collects information on aggregate agency caseload and patient priority levels and is not patient specific. The Department anticipates using an abbreviated version of this survey for emergency events of shorter duration sometime in the near future.

3. What are the home care provider's expected activities and reporting lines as it relates to case management interventions to MLTC enrollees?

Response: It is imperative that home care providers and entities they contract with for the provision of home health services understand what their individual provider responsibilities are related to patient care, case management and reporting to those entities during an emergency event. The contract should **clearly** delineate those responsibilities and roles. Please keep in mind that contract requirements with Managed Care Organizations do not waive the provider's regulatory requirements including reporting to the Department in an emergency.

Note: The Department, Division of Home & Community Based Services is not responsible for case management activities for patients during an emergency event.

If you have questions about this information or require additional clarification, please contact homecare@health.ny.gov.

Sincerely,



Rebecca Fuller Gray, Director
Division of Home & Community Based Services

Attachment