



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

April 10, 2020

Dear Agency Administrator:

This guidance is intended for Certified Home Health Agencies (CHHAs), Long Term Home Health Care Programs (LTHHCPs), Licensed Home Care Services Agencies (LHCSAs), AIDS home care programs, and Hospices and outlines the regulations that have been temporarily suspended to support the home care workforce.

The Department of Health (Department) will exercise its authority, under [Executive Order 202.1](#), to temporarily issue an emergency suspension of the following regulations:

- The annual health assessment has been temporarily suspended for all employees;
- Annual performance evaluations of current employees by home care agencies and programs are temporarily suspended.

In addition, recent [Executive Orders](#) permit the following:

- New employees may have health assessments completed by telehealth or by a Registered Nurse. New employees must follow guidelines in place for all staff, including daily symptom screenings and at least daily temperature checks;
- The time for a home care organization to submit information into the Home Care Work Registry is extended for 60 days;
- Initial patient visits are permitted to be made within 48-hours of receipt and acceptance of a community referral, or return home from an institutional placement, representing a change from the existing 24-hour requirement;
- All CHHAs, LTHHCPs, AIDS home care programs and LHCSAs serving individuals affected by the COVID public health emergency, may conduct in-home and in-person supervision through indirect means, including by telephone or video communication, as soon as is practicable after the initial visit; and,
- All CHHA, LTHHCP, AIDS home care and LHCSA home care cases may be opened using remote technology.

The following temporary approvals, impacting home care aide training programs, are reflected in Department guidance:

- The time in which a home care aide training program must be completed is extended to 90 days;
- The Alternate Competency Demonstration look-back period is expanded to 3 years, from 2 years, and the prospective employee must have 3 months experience, rather than 6 months; and,
- The period in which Home Health Aide training programs must submit an intent to submit a class schedule to regional offices, is extended from April 1, 2020 to July 1, 2020.

The following federal requirements have been suspended through waiver by the Centers for Medicare and Medicaid Services (CMS) through a waiver:

- The deadline for completion of the Outcome and Assessment Information Set (OASIS) comprehensive assessment is extended from 5 days to 30 days. The 30-day submission requirement is waived during the public health emergency;
- Medicare-covered initial assessments and homebound status may be done remotely, or by record review;
- The federal requirement for a nurse to conduct on-site visits to supervise the Home Health Aide every 2 weeks, along with the 2-week aide supervision requirement, however, virtual supervision is encouraged;
- The federal requirement for a nurse, or other professional, to conduct an onsite visit every 2 weeks to evaluate if aides are providing care consistent with the care plan;
- The requirement that hospices use volunteers;
- Hospice time frames for updating comprehensive assessments is extended from 15 to 21 days;
- The hospice requirement to provide certain non-core hospice services during the emergency; and,
- The requirement that a nurse conduct an onsite supervisory visit every two weeks for hospice aide supervision.

The Department is committed to helping the home care workforce and consumers during the COVID-19 public health emergency. Please submit any questions to covidhomecareinfo@health.ny.gov.

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