



Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, M.D., M.P.H.
Commissioner

JOHANNE E. MORNE, M.S.
Acting Executive Deputy Commissioner

July 2, 2024

DAL: DHCBS 24-01

Subject: Closure Procedures
For a Local Health
Department's Licensed Home
Care Services Agency

Dear Administrator:

Effective February 7, 2024, Public Health Law Article 36 was amended to allow local health departments to relinquish their Article 36 licenses while still attending to their core public health functions. Chapter 36 of the Laws of 2024 added Public Health Law Section 3605(1-a), which provides:

Core public health services, as defined in Section [602 of the Public Health Law], when provided in the home by the local health department of a county or of the city of New York, shall not require licensure under this section [3605 of the Public Health Law] if such core public services require only minimal patient contact. Patient contact shall be considered minimal if it is of limited duration for acute or non-chronic conditions, including but not limited to any health conditions posing a potential threat to public health, and treatment is generally expected to require no more than six patient visits; provided, however, that a local health department may exceed six visits in the interest of patient safety and public health.

The core public health services that may be provided without a license pursuant to Public Health Law Section 3605(1-a) include, but are not limited to: immunizations; testing for tuberculosis and observation of tuberculosis self-directed therapy; verbal assessment, counseling and referral services; and such other services as may be determined by the Department of Health ("Department"), provided that such services shall not include home health aide services, personal care services, or nursing services that require more than minimal patient contact.

When a local health department desires to surrender its license, the local health department shall contact their respective New York State Department of Health Regional Office (see Attachment A for a list of Regional Offices and their contact information). The local health department will work with the Department's Regional Office to develop and implement an abridged closure plan, which shall include, among other things, an administrator-signed

attestation on agency letterhead that the local health department will not exceed six visits per patient unless doing so is in the interest of patient safety or public health, a plan for the storage of patient records, and the surrendering of the license, by mail, to the Regional Office upon completion of all required closure activities. The local health department shall fulfill any other requirements as determined by the Regional Office prior to the surrendering of its license.

In the event that a local health department determines that more than six visits will be necessary for a patient, the local health department shall make a recommendation to the patient and/or the patient's family or legal representative to attain the services of a home care services agency licensed to provide the identified services in that county.

Thank you for your cooperation and adherence to this Dear Administrator Letter. For any questions relating to this amended statute and policy, feel free to contact: homecare@health.ny.gov.

Sincerely,



Michael Chittenden
Director, Center for Home and Community
Based Services
Office of Aging and Long Term Care

cc: Valerie Deetz
Carol Rodat
Celeste Johnson
Robert Swider
Maria MacPherson
Patrick Toyne
Mark Furnish
Mildred Ferriter

Attachment A
New York State Department of Health
Regional Offices and Central Office Contact Information

Metropolitan Area Regional Office: Bronx, Kings, New York, Richmond, Queens, Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester, Nassau, and Suffolk

Home Care Program Manager (212) 417-4921
New York State Department of Health BML: marohomecare@health.ny.gov
Metropolitan Area Regional Office- NYC
90 Church Street, 15th Floor
New York, NY 10007
(212) 417-4921

Capital District Regional Office: Albany, Clinton, Columbia, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Warren and Washington

Home Care Program Manager (518) 408-5287
New York State Department of Health BML: HCCDRO@health.ny.gov
Capital District Regional Office
875 Central Avenue
Albany, NY 12206

Central New York Regional Office: Broome, Cayuga, Cortland, Chenango, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Tioga and Tompkins

Home Care Program Manager (315) 477-8472
New York State Department of Health BML: syrhc@health.ny.gov
Central New York Regional Office
217 South Salina Street
Syracuse, NY 13202

Western Regional Office: Alleghany, Cattaraugus, Chemung, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Steuben, Seneca, Wayne, Wyoming and Yates

Home Care Program Manager (716) 847-4320
New York State Department of Health BML: HCBuff@health.ny.gov
Western Regional Office
295 Main Street
Buffalo, NY 14203

For general questions relating to this Dear Administrator Letter, send query to:
homecare@health.ny.gov

For questions relating to licensure, send query to: homecareliccert@health.ny.gov