

NEW YORK
state department of
HEALTH

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

July 19, 2013

DAL: HCBS 13-16
Subject: Aide Supervision Requirements for
CHHAs & LTHHCPs

Dear Administrator:

The purpose of this letter is to clarify supervision requirements for Home Health Aide (HHA) and Personal Care Aide (PCA) services provided by Certified Home Health Agencies (CHHA) and Long Term Home Health Care Programs (LTHHCP). The federal requirement found in 42 CFR, Part 484.36, applies to aide services provided directly (their own employees) by the CHHA and LTHHCP and aide services that are provided indirectly by the CHHA and LTHHCP when the aide is employed by another entity that the CHHA or LTHHCP contracts with for aides.

The CHHA/LTHHCP registered nurse (RN) or other appropriate professional therapist who will be responsible for supervising the aide is required to prepare written instructions for the aide. These instructions are expected to be patient specific based on the patient's assessed individualized needs. Aide assignments must consider the skills and competencies of the aide, the amount and kind of supervision needed, specific nursing or therapy needs of the patient, and the capabilities of the patient's family/support system. The purpose of aide supervision is to evaluate the quality and adequacy of care provided by the aide ensuring that patients' assessed needs are met.

Requirements for frequency of aide supervision include the following:

When the CHHA or LTHHCP is providing skilled care to the patient, including nursing, physical therapy (PT), occupational therapy (OT), or speech language pathology services (SLP), the RN or therapist must make an onsite visit to the patient's home at least every 14 days to supervise the HHA or PCA. The determination as to whether the aide should be present and observed during the supervisory visit should be based on the level of experience, performance, and abilities of the aide and the complexity of the patient's needs. Examples for this requirement include:

- The LTHHCP is providing nursing and PCA services to a patient through a contract with a Managed Care Plan; the LTHHCP RN must make an onsite visit to supervise the PCA at least every 14 days.
- The CHHA is providing PT and HHA services to a patient through a contract with a Managed Long Term Care Plan; the CHHA Physical Therapist must make an onsite visit to supervise the HHA at least every 14 days.

When the CHHA or LTHHCP is not providing skilled care (nursing, PT, OT, SLP services), the RN must make an onsite supervisory visit to the patient's home at least every 60 days to supervise the aide. In these cases, the aide must be present during the supervisory visit to ensure the aide is properly caring for the patient. The supervisory visit may be made in conjunction with a professional visit to provide services. Examples for this requirement include:

- The LTHHCP is providing social work and home health aide services to a patient through a contract with a Managed Long Term Care Plan; the LTHHCP RN must make an onsite visit with the aide present to supervise the HHA at least every 60 days.
- The CHHA is providing only personal care aide services to a patient through a contract with a Managed Care Plan; the CHHA RN must make an onsite visit with the aide present to supervise the PCA at least every 60 days.

For questions or clarification on this directive, contact the New York State Department of Health, Division of Home and Community Based Services at homecare@health.state.ny.us.

Sincerely,

A handwritten signature in black ink that reads "Rebecca Fuller Gray". The signature is written in a cursive style with a large initial 'R' and a long, sweeping tail.

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