

HOME CARE CLIENT ALERT



Department of Education Issues Final Rule Affecting Advanced Home Health Aides

October 8, 2018

The New York State Department of Education issued a Final Rule to implement Chapter 471. Chapter 471 amended the Education Law and the Public Health Law to authorize registered professional nurses (RNs) to assign additional, or “advanced tasks” to Advanced Home Health Aides (AHHAs) providing care to certain hospice and home care patients. The Final Rule went into effect on October 3rd, 2018.

The main changes to the rule are as follows:

First, AHHAs may perform advanced tasks under the direct supervision of an RN. Advanced tasks are health care tasks defined in the Education Law including the administration of certain medication administration tasks defined in the rule. The rule also specifies the medication administration tasks that are excluded or not considered “advanced tasks.”

Second, AHHAs must meet training and competency requirements. To qualify for certification as an AHHA, an individual must: (1) be currently listed in the home care worker registry as having satisfied all applicable requirements for certification as a home health aide; (2) have at least one year of experience providing either home health or personal care services, or a combination, as a certified home health aide or while working for a home health services entity; (3) complete an approved advanced home health aide training program; (4) pass one or more department approved competency examinations; and (5) meet other requirements as determined by the department of health. Advanced home health aide training program curriculum hours and topics are detailed in the rule.

Lastly, the rule also requires the AHHA and RN to work for the same hospice, home care services agency, or enhanced assisted living residence.

In addition to the above changes, the rule also establishes the criteria for RNs to assign advanced tasks to an AHHA, and clarifies what constitutes direct RN supervision of AHHAs.

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