

HOME CARE CLIENT ALERT



DOH Issues Final Rule on Advanced Home Health Aides

December 18, 2018

The New York State Department of Health has finalized its regulations related Advanced Home Health Aides (AHHAs) hired by home care services agencies, hospice programs and enhanced assisted living residences. The regulations are effective December 12, 2018. As we previously reported, the State Department of Education had adopted its own regulations governing AHHAs earlier this year. Compliance with both sets of regulations is required for providers who will hire AHHAs.

The newly finalized DOH regulations provide that AHHAs employed by home care services agencies may perform advanced tasks under the direct supervision of an RN. Advanced tasks include converting or calculating the dose of any medication or determining a client's need for medication, the administration of routine medications, and tasks involving the use of intravenous or subcutaneous infusion devices on a client. The rule also specifies the medication administration tasks that are excluded or not considered "advanced tasks."

To provide AHHAs services, LHCSAs must ensure the following: (1) the receipt of an order for AHHA services from the patient's authorized practitioner; (2) RN supervision of the AHHA; (3) AHHA provide reports to their supervising RN; and (4) AHHAs participate in 18 hours of in-service education annually.

The LHCSA must also ensure that AHHAs are certified. 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; and (4) pass one or more department approved competency examinations. The regulation also requires that the RN and AHHA must work for the same home care services agency.

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

In issuing the final regulation, the DOH responded to comments and feedback that were submitted by the public in response to the proposed regulation. As relevant to providers, the DOH confirmed that HHAs and PCAs cannot be supervised by LPNs and must be supervised by RNs. The DOH confirmed that AHHAs can only be supervised by a RN. In addition, the DOH clarified that a RN "visit" for purposes of supervision of the AHHA must be an in-person visit.

The DOH will be issuing additional guidance concerning AHHAs in the near future.

Should you have any questions about AHHAs, please contact any member of our [Home Care Group](#).



CONTACT

Emina Poricanin

716.848.1336

eporican@hodgsonruss.com

PROFESSIONALS

ATTORNEYS

Jane Bello Burke
Reetuparna Dutta
Robert Fluskey, Jr.
Peter Godfrey
John Godwin
Timothy Hoover
Stephen Kelkenberg
Sharon Kelly
Michelle Merola
Sarah Miller
Kinsey O'Brien
Matthew Parker
Emina Poricanin
David Stark
Amy Walters
Margot Watt
Sujata Yalamanchili
John Zak