

**2024 AHHA**

Advanced Home Health  
Aides  
Legislative Report

**Annual Legislative Report: Advanced Home Health Aides**

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## Annual Legislative Report: Advanced Home Health Aides

### Introduction

In 2016, the New York State Legislature passed legislation to authorize Advanced Home Health Aides to perform advanced tasks with appropriate training and upon assignment by registered nurses and under supervision by such nurses. The legislation aimed to enable more people to live in home and community-based settings and provide support to family caregivers and their loved ones.

### Background

In 2011, a workgroup convened by the Medicaid Redesign Team – the Workforce Flexibility and Change of Scope of Practice Work Group – recommended that home health aides be authorized to assist with the administration of routine medications and be certified to carry out an expanded range of tasks, upon assignment by a registered professional nurse. The specific list of tasks was to be identified through a stakeholder process. Authorizing the assignment of additional tasks by home health aides by registered professional nurses required an amendment to the Nurse Practice Act.

The Nurse Practice Act, set forth in Education Law Article 139, generally limits the provision of nursing care to licensed nurses, with certain exemptions identified in Education Law § 6908. For example, one exemption, found at Education Law § 6908(1)(a)(i), permits individuals who are not licensed as nurses to provide care to friends and family members with disabilities or illness.

In furtherance of the Medicaid Redesign Team Workgroup's recommendations, Governor Cuomo included proposals to make the necessary amendments to the Education Law in both the State Fiscal Year 2013-14 and 2014-15 Executive Budgets. In 2014, the Governor also released Program Bill No. 37, which combined the two concepts put forward by the Medicaid Redesign Team Workgroup to create a single category of Advanced Home Health Aides. Subsequently, the Governor included the proposal in his 2015-16 Executive Budget (Health and Mental Hygiene Article VII legislation, Part J). Ultimately, in 2016, Governor's Program Bill No.28 was passed by both houses of the Legislature and was enacted as Chapter 471 of the Laws of 2016.

### Reporting Requirements

Section 11 of Chapter 471 requires the Department of Health to issue a report, in consultation with the State Education Department, describing the implementation of the advanced home health aide initiative and setting forth any recommendations. The report must include information such as the number of advanced home health aides, the types of tasks they perform, the number of home health and personal care aides who became advanced home health aides, the number of advanced home health aides who became licensed practical nurses, the number of complaints received regarding services provided by advanced home health aides, and the number of advanced home health aides who had their authorization limited or revoked.

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### Implementation

Both Department of Health and State Education Department created Advanced Home Health Aide Training Programs to implement the Advanced Home Health Aide initiative.

Advanced Home Health Aide Training Programs teach home health aides to perform advanced tasks under Registered Nurse supervision in home settings. All Advanced Home Health Aide Training Programs must be approved by New York State and meet the following minimum standards:

#### Faculty

All faculty must be New York State licensed Registered Professional Nurses with home care experience.

#### Admission

To be admitted to an Advanced Home Health Aide Training Program, each candidate must:

- (1) have a high school diploma or similar credential;
- (2) be listed in New York State's Home Care Worker Registry as a certified home health aide;
- (3) have at least a year of home care experience;
- (4) have English language and basic math skills; and
- (5) be 18 years of age or older.

All accepted students must be recently trained, or currently certified, in Cardio Pulmonary Resuscitation or Basic Life Support before starting Advanced Home Health Aide coursework.

#### Curriculum

Advanced Home Health Aide Training Programs must include at least 125 hours of instruction, including classroom and skills lab training and Registered Nurse-supervised patient care training. The Advanced Home Health Aide Training Program must teach about performing advanced tasks (including medication administration), infection control, working with supervising Registered Nurses, patient communication, and documenting care. It must also prepare students for the New York State Medication Aide Certification Examination. To graduate from an Advanced Home Health Aide training program, a student must successfully demonstrate medication administration skills.

#### Uptake of Advanced Home Health Aides

Neither Department of Health nor State Education Department has received any Advanced Home Health Aide training program applications, and as such, there are no programs currently running; therefore, there are no individuals who are advanced home health aides.

In addition, the Department of Health and State Education Department have not received any interest or feedback from potential programs or other interested stakeholders.

## Recommendations

The law requires that Advanced Home Health Aides work under the supervision of a registered professional nurse employed by a certified home health agency or licensed home care services agency, hospice, or an enhanced assisted living residence. As the supervisory expectations are the key factor cited in the current lack of operational Advanced Home Health Aide programs, we recommend that the legislature consider modifying the requirement for flexibility based on individual performance, case mix complexities, patient care needs, and geographic considerations.