



Department of Health

KATHY HOCHUL
Governor

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

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

September 12, 2024

DAL: DHCBS 24-03

Subject: Updated Telehealth in Home Health
Care and Hospice

Dear Provider:

This programmatic guidance supersedes DAL DHCBS 23-04 (but not DACF 23-27 or DNH 23-19 [October 2, 2023, "Telehealth in Adult Day Health Care, Home Health Care, Hospice, and Adult Care Facilities"]), and this DAL pertains only to home health care and hospice. This guidance clarifies that providers may use telehealth under federal and state license requirements, provided that use is consistent with Medicare and Medicaid waivers and guidance, commercial insurance requirements and patient choice. In addition, it is the responsibility of the provider to be knowledgeable of and compliant with Medicare and Medicaid regulatory flexibility and timelines.

Remote technology use in home health care and hospice will **not** be allowed for the following:

- For in-person initial medical, clinical, mental health, or dental assessments.
- To perform the Functional Supplement component of the Uniform Assessment System- New York (UAS-NY).
- At any time when the patient is not able to access a secure location; or
- As a substitute for in-person delivery of any personal care services by a provider licensed under Article 36 of the Public Health Law.

Additional guidance can be found at [New York State Medicaid Update February 2023 Special Edition](#), which provides comprehensive guidance regarding use of telehealth following the expiration of the COVID-19 public health emergency.

It is the Department's expectation that providers will develop or have in place screening procedures for appropriate patient use and eligibility; training of personnel, patients and/or family members to ensure ability to use the technology; documentation of informed choice and consent by patients; and equipment policies and procedures, inclusive of use, storage and cleaning. These protocols will be incorporated into our survey process.

We recognize that technology has a valid place in healthcare, and this updated programmatic guidance is intended to clarify this policy. Questions may be sent to homecare@health.ny.gov.

Sincerely,

Mildred P. Ferriter, Director
Division of Home and Community Based Services
Office of Aging and Long-Term Care

cc: V. Deetz
C. Rodat
M. Chittenden
C. Clancy
E. Nerantzis
L. Novak
K. Reichert
L. Wooten