



January 2, 2026

DAL: DHCBS 26-01  
Subject: Expanded In-Home Services for the  
Elderly in Licensed Home Care  
Services Agencies

Dear Administrator:

The purpose of this letter is to provide clarification to Licensed Home Care Services Agencies with respect to individuals on census who are admitted for Expanded In Home Services for the Elderly (EISEP). EISEP is a non-medical program providing clients aged 60 and older who are not eligible for Medicaid with assistance with housekeeping and chores as well as personal care. As the program is non-medical, physician orders are not necessary.

This clarification is found in Governor Hochul's veto message for Assembly Bill 7907 (Veto #107), dated December 12, 2025, which states that current law pertaining to the EISEP program (Title 9, New York Codes, Rules, and Regulations, Subtitle Y, Chapter II) does not require either a prescription or physician orders for non-medical in-home services that allow seniors to continue residing at home.

Please be advised the Department of Health survey protocols will reflect this clarification and surveillance staff have been provided this information.

Sincerely,

A handwritten signature in blue ink that reads "Jim McDonald M.D." with a stylized flourish at the end.

James V. McDonald, M.D., MPH  
Commissioner  
New York State Department of Health

Sincerely,

A handwritten signature in black ink that reads "Greg Olsen" with a stylized flourish at the end.

Greg Olsen  
Director  
New York State Office for the Aging

cc: D. Fish  
V. Deetz  
C. Rodat  
J. Cochran  
M. Chittenden  
M. Ferriter