

**TO:** Local District Commissioners, Medicaid Directors

**FROM:** Mark Kissinger, Deputy Commissioner  
Office of Long Term Care

**SUBJECT:** 505.23 Certified Home Health Agency Consensus (CHHA) Regulations

**EFFECTIVE DATE:** Immediately

**CONTACT PERSON:** Lisa C. Farley, 518-474-5888

The purpose of this GIS is to inform LDSS staff of the recently adopted Certified Home Health Agency (CHHA) consensus regulations repealing certain obsolete provisions of 18 NYCRR §505.23. The regulations have been revised to remove references to expired statutory authority relating to fiscal assessments of home health services applicants and recipients. Additionally, sections related to the home care assessment instrument, including references to those sections, have been deleted. References to the former single state agency for Medicaid (the New York State Department of Social Services) have been deleted and replaced with the New York State Department of Health. The proposed amendments to 18 NYCRR §505.23 were published in the State Register on August 18, 2010 and may be viewed at the Department website at the following address: <http://www.dos.state.ny.us> (Click on "State Register".) These regulations were effective November 17, 2010.

The CHHA regulations retain the full text of the Revised Catanzano Implementation Plan currently set forth at Section 505.23(f), the court-ordered plan adopted by the Department pursuant to Judge David Larimer's March 20, 1996, order in Catanzano v. Dowling, 889 CV 1127L. [See, e.g., Catanzano v. Dowling, 847 F. Supp. 1070 (W.D.N.Y. 1994), aff'd 60 F.3d 113(2d Cir. 1995); Catanzano v. Dowling, 900 F. Supp. 650 (W.D.N.Y. 1995), aff'd and remanded, 103 F.3d 223 (2d Cir. 1996); Catanzano v. Wing, 277 F.3d 99 (2d Cir. 2001).] All districts are reminded they must familiarize themselves with the requirements of the Revised Catanzano Implementation Plan and comply with its relevant provisions.

If you have any questions related to the revised regulations of 18 NYCRR §505.23, or the Revised Catanzano Implementation Plan, please contact Lisa C. Farley at the above number.