

NEW YORK STATE DEPARTMENT OF HEALTH CERTIFIED MEDICAL RESPITE PROGRAM

Guidance on Staffing, Qualifications, and Training

The Department of Health (Department) adopted new regulations at **10 New York Codes, Rules and Regulations (NYCRR) §1007.6** that define staffing standards for medical respite programs. This guidance document is intended to explain the Department's regulations. **Each medical respite program must establish a staffing, qualifications, and training policy (or policies) in compliance with the regulations and this guidance.**

Nothing in the regulations or this guidance precludes a medical respite program from requiring additional staffing beyond the minimums established in regulations and guidance. The Department establishes these minimum standards acknowledging that medical respite programs will have different staffing needs due to differences in volume of recipients served, geographic location of the facility, and availability of additional resources through established relationships with health facilities or systems.

MINIMUM STAFFING REQUIREMENTS

The medical respite program must employ or contract with staff (each a staff member) sufficient in number and qualified by training, background, and experience to render all required medical respite services (see the Department's *Guidance on Services* for additional information).

- **At least one staff member** (functioning in any of the roles described on pages 2 through 4 of this guidance) **must be on-site at the medical respite program 24 hours a day, 7 days a week.**
 - This staff member must be trained to provide first aid and basic life support services, which must include training in opioid overdose prevention and naloxone administration.
 - Note that a 24/7 staffing model of this kind will generally require the medical respite program to have at least 5 full-time staff.
- **At least one manager** (such as an administrator or program coordinator, as described on pages 2 through 3 of this guidance) **must be available onsite or by telephone 24 hours a day, 7 days a week.**
- **The medical respite program is expected to ensure appropriate medical care is available and provided to all recipients** to reduce, and where possible, prevent the recipient from requiring emergency department care or inpatient hospitalization.
 - The medical respite program must have sufficient staff to avoid contacting emergency medical services anytime a recipient experiences a change in medical need that could be addressed adequately through routine monitoring, management, and assessment by duly licensed medical practitioners.
 - The medical respite program may provide the required medical care through hired staff,

through another arrangement (such as contract, on call, telehealth, etc.), or through a combination of staff and other arrangements. A full-time licensed medical staff member is *not* required to be onsite at the medical respite program 24 hours a day, 7 days a week.

STAFF

At a minimum, medical respite program staff members must include the personnel listed below:

Administrator. The administrator is responsible for the overall operations of the medical respite program, pursuant to §10 NYCRR 1007.6(b). An administrator or a program coordinator who is designated as a manager or “manager on duty” must be available, either on-site or on-call, 24 hours a day, 7 days a week, pursuant to 10 NYCRR §1007.6(a)(2). The administrator must meet one of the following criteria:

- A master’s degree from an accredited college or university in social work or other relevant program and at least 2 years of full-time experience working with persons experiencing homelessness or adults residing in a facility subject to licensure and oversight by the Department, the Office for People With Developmental Disabilities (OPWDD), the Office of Mental Health (OMH), or the Office of Addiction Services and Supports (OASAS), including 1 year of significant experience with program operations, administration, or management; **or**
- A Bachelor of Science degree in Nursing (BSN) and valid registered professional nurse (RN) license and at least 2 years of full-time experience, including 1 year of significant experience with program operations, administration, or management; **or**
- A bachelor’s degree from an accredited college or university, with significant coursework or work experience in the administration and/or delivery of human, social, or health care services, and at least 4 years of full-time experience working with persons experiencing homelessness or adults residing in a facility subject to licensure and oversight by the Department, OPWDD, OMH, or OASAS, including 1 year of significant experience with program operations, administration, or management; **or**
- An associate degree from an accredited college or university and at least 5 years of full-time experience working with persons experiencing homelessness or adults residing in a facility subject to licensure and oversight by the Department, OPWDD, OMH, or OASAS, including 1 year of significant experience with program operations, administration, or management; **or**
- A high school diploma or GED and at least 6 years of full-time experience working with persons experiencing homelessness or adults residing in a facility subject to licensure and oversight by the Department, OPWDD, OMH, or OASAS, including 1 year of significant experience with program operations, administration, or management.

One or more **program coordinators** who are responsible for conducting assessments of potential recipients, participating in the development and review of service plans, and overseeing the provision

or arrangement of medical respite services, such as care coordination, connection to social services, and efforts to secure stable housing. A program coordinator must meet one of the following criteria:

- A master's degree from an accredited college or university in social work or other relevant program and at least 1 year of full-time experience working with persons experiencing homelessness or adults residing in a facility subject to licensure and oversight by the Department, OPWDD, OMH, or OASAS; **or**
- An Associate Degree in Nursing (ADN) or Bachelor of Science degree in Nursing (BSN) and valid registered professional nurse (RN) license with at least 1 year of full-time experience; **or**
- A bachelor's degree from an accredited college or university, with significant coursework or work experience in the administration and/or delivery of human, social, or health care services, and at least 3 years of full-time experience working with persons experiencing homelessness or adults residing in a facility subject to licensure and oversight by the Department, OPWDD, OMH, or OASAS, including 1 year of significant experience with program operations, administration, or management; **or**
- An associate degree from an accredited college or university and at least 4 years of full-time experience working with persons experiencing homelessness or adults residing in a facility subject to licensure and oversight by the Department, OPWDD, OMH, or OASAS, including 1 year of significant experience with program operations, administration, or management; **or**
- A high school diploma or equivalent (for example, General Educational Development or GED) and at least 5 years of full-time experience working with persons experiencing homelessness or adults residing in a facility subject to licensure and oversight by the Department, OPWDD, OMH, or OASAS, including 1 year of significant experience with program operations, administration, or management.

Respite support staff attend to recipients' nonclinical needs, such as providing minimal assistance with activities of daily living (ADLs), and confer, as needed, with the recipient's clinical care team, including, but not limited to, primary care physician, behavioral health provider, substance use treatment provider, specialty provider, referring provider, and home health provider, as appropriate. An appropriate number of respite support staff must be available on-site 24 hours a day, 7 days a week, to meet the needs of all recipients. Respite support staff members must meet one of the following criteria:

- Current or prior registration as a certified nurse assistant, home health aide, or personal care worker; **or**
- One year of experience in the provision of services to persons experiencing homelessness or adults residing in a facility subject to licensure and oversight by the Department, OPWDD, OMH, or OASAS. This could include peer support personnel or community health workers.

GENERAL QUALIFICATIONS FOR ALL STAFF

Physical and Mental Status

Each staff member must be physically and mentally competent to perform the functions outlined above, with reasonable accommodations as necessary. If at any time the administrator determines that a staff member's physical or mental status creates a risk of harm to their self, other staff, or recipients, the individual must *not* be employed or permitted to provide on-site services, even as a volunteer, at the medical respite program.

Screening for Infectious Diseases and Immunizations¹

No staff member may be permitted to provide services on-site at the medical respite program, even as a volunteer, if infected with a communicable disease that is subject to federal, State, or local isolation and quarantine laws and might endanger the health of recipients or other staff.

At the time of employment or engagement, every staff member must provide a certificate of immunization against hepatitis B, pneumococcal pneumonia, measles, mumps, and rubella.² A staff member may be excused from immunization if any licensed physician, physician's assistant, specialist's assistant, licensed midwife, or nurse practitioner certifies that a given immunization may be detrimental to the person's health. The nature and duration of the medical exemption must be stated in the individual's personnel record and must be in accordance with generally accepted medical standards (for example, the recommendations of the Advisory Community on Immunization Practices of the U.S. Centers for Disease Control and Prevention).

At the time of employment or engagement, and at least every 12 months thereafter (or more frequently if needed), every staff member must provide the medical respite program with a statement from a physician or, with physician oversight, a physician's assistant or a registered nurse with special training in primary health care who has physically examined the individual, that the individual has had:

- A Mantoux (purified protein derivative) skin test for tuberculosis within 30 days prior to employment or engagement and at least every 2 years thereafter; positive findings require appropriate clinical follow-up but no repeat skin test; and
- Any test that may be required by the local board of health.

During the influenza season each year, staff members must either provide documentation of vaccination against influenza or wear a surgical or procedure mask while working on-site or otherwise interacting with recipients.

Language

In general, staff who have direct contact with recipients must be proficient in spoken and written English. However, basic English proficiency is acceptable for a staff member who is fluent in a non-

¹ These requirements do not apply to any staff members who neither work on-site nor have any in-person contact with recipients or with staff members who work on-site.

² The requirement for a measles immunization certification does not apply to individuals born before January 1, 1957.

English language spoken by a proportion of a medical respite program's current or expected recipients.

For recipients whose predominant language is not English, the medical respite program must secure the assistance of an interpreter if there is no staff member available who speaks the relevant language with appropriate proficiency.

Training

A medical respite program must ensure that all staff receive training in the following areas:

- First aid and basic life support (except for staff who do not work on-site and who have no in-person contact with recipients);
- The proper administration of naloxone (Narcan/Evzio) (except for staff who do not work on-site and who have no in-person contact with recipients);
- Cultural competency, including specific training on working with individuals who are homeless;
- De-escalation techniques, including in scenarios where a staff member discovers or suspects that weapons or illegal drugs have been brought into the facility;
- State and federal laws that prohibit discrimination and sexual harassment;
- Recipient privacy and confidentiality, including applicable New York State laws and the federal Health Insurance Portability and Accountability Act (HIPAA);
- Identification, investigation, and reporting of potential fraud, waste, and abuse;
- Emergency preparedness and disaster response, including rapid building evacuation; **and**
- If relevant to the staff member, certified medical respite program documentation requirements.

In addition, medical respite program support staff and program coordinators must be supervised, as appropriate, by the administrator.

For medical respite programs affiliated with OMH or OPWDD, the following guidance and any other guidance provided by OMH or OPWDD will *also* apply. *Affiliated with* means the medical respite program is run by a facility licensed by OMH or OPWDD.

- OPWDD-affiliated medical respite programs must ensure that staff are trained in human growth/development and characteristics of people with developmental disabilities, positive behavioral interventions, promoting positive relationships, and safety and security procedures (in OPWDD Regulations 14 NYCRR §633.8, §635-7.5 & §686.16).