



# Client Alert

## February 25, 2022

### LHCSA RFO UPDATE

On February 23, 2022, the New York State Office of Health Insurance Programs (OHIP) hosted its webinar regarding the NYS Fiscal Year 2022–2023 Medicaid Budget Proposals in the Executive Budget.

The webinar included a brief discussion regarding the LHCSA RFO and the proposed addition of an "administrative efficiency" component to the evaluation process. When issued, the RFO would include an evaluation of a LHCSA's administrative efficiency to deliver LHCSA services, in addition to evaluating LHCSAs on adherence to technical requirements, including the ability to perform LHCSA services, past performance history, and capacity to serve beneficiaries in the designated services areas. No information was provided regarding ways that a LHCSA can demonstrate its administrative efficiency.

We note the the 2023 Medicaid Scorecard indicates May 1, 2022 "Implementation Date" for the RFO, however, it is unclear what this actually means and we will be following up with DOH to try to get some additional clarity on the timing of the RFO.

### ADDITIONAL GUIDANCE ISSUED REGARDING NEW PROCEDURES FOR ADMINISTRATIVE LICENSURE CHANGES

The Department of Health (DOH), Division of Home and Community Based Services has issued additional guidance for processing administrative licensure changes requested by Licensed Home Care Services Agencies (LHCSAs). In its recent DAL, DOH informed LHCSAs that, effective February 15, 2022, licensure changes can be requested through the Regional Offices. These changes include:

- Deleting or Adding a Service

- Deleting or Adding a County
- Adding an Additional Site
- Closing a Site/License Surrender
- Change of Address of Agency and/or Operator
- Change of Legal Entity (Corporate) Name, Change of Assumed Name (d/b/a) or New Assumed Name (d/b/a)
- License Reprint

Generally, to receive approval for the addition of a Service, County or additional licensed office, the LHCSA must be licensed for more than 12 months and be actively serving patients. Actively serving patients means that the LHCSA has a plan of care in place for at least one (1) patient and is providing services to the patient(s) in their home. The LHCSA must be registered and in compliance with applicable DOH rules, regulations and directives. The LHCSA must not have pending Plans of Correction (POCs) where such POCs are not yet approved due to the delay of the agency or operator. DOH may deny a request based on an agency's operational history or performance.

The guidance indicates that DOH may permit a LHCSA to expand and provide services in one additional county located outside of the Regional Office geographic area in which the LHCSAs physical office is located without being required to open an additional site (office). However, an additional site will be required if: (1) the approval of the additional county will result in 2 or more approved counties outside of the LHCSA's main regional office geographic area. (2) the LHCSA cannot adequately serve the additional county, as determined by the DOH.

In connection with the request to add additional services, for each requested service, the LHCSA is required to submit: a policy and procedure for the additional service, job description(s), and quality evaluation tool. The Regional Office may request additional information, and will send its recommendation for approval to the Central Office for final approval by the Division Director.

Please contact our office with any questions.

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