



Client Alert

July 27, 2021

New Office!!

Glaser & Weiner, P.C. is relocating its office!

Effective July 29, 2021 our new address is:

68 South Service Road, Suite 100

Melville, NY 11747

PH: (516) 304-5858

FAX: (516) 304-5855

www.glaserweiner.com

Our phone and fax numbers have not changed. Please update your records.

New York State Department of Health Rescinds Earlier COVID-19 Guidance and Issues Transition Guidance

On July 26, 2021, the Department of Health issued a guidance document rescinding the March 18, 2020 and April 8, 2020 guidance entitled "COVID-19 Guidance for the Authorization of Community Based Long-Term Services and Supports Covered by Medicaid," ("COVID-19 CBLTSS Guidance"). In addition to this rescission, the Department set forth Transition Guidance on the steps to be taken to return to a pre-emergency status.

This Transition Guidance applies to all Medicaid Managed Care Plans (plans), including Managed Long-Term Care Plans (Partial, Medicaid Advantage (MA) Medicaid Advantage Plus (MAP), and Program of All-Inclusive Care for the Elderly (PACE)), mainstream Medicaid Managed Care Plans, HIV Special Needs Plans, Health and Recovery Plans and Local Departments of Social Services (LDSS). Furthermore, this guidance applies to Medicaid covered services when delivered through either Licensed Home Health Care Services Agencies or CDPAP. Some of the changes are listed below.

Physician Order Form Required

For personal care and CDPAP, physicians may still use telephonic or telehealth modalities to conduct the medical examinations that assess an individual's needs for services. The Department has however rescinded the "ability of physicians to transmit the results of the medical examination and a physician order verbally," and therefore a community health assessment (CHA) may no longer be initiated upon the receipt of a verbal order. Effective immediately, the physician order form (DOH-4359 or HCSP-M11Q) is required to initiate a CHA.

In-Person RN Assessments Resume

Effective immediately, all assessments conducted by registered nurse for initial authorization and request for change in service authorization, must be conducted in-person. "The ability to conduct the CHA via telephonic or telehealth modalities to develop an initial plan of care has been rescinded."

Temporary Care Plans Rescinded

Partially completed CHAs will no longer be allowed in care plan development. The ending of this allowance also ends the use of temporary plans of care. Members with a temporary plan of care in place must have a completed CHA and plan of care with notice of determination in place within 90 days of the guidance document date.

Periodic Reassessments and Six-Month In-Home Visits Resume

Effective immediately managed care plans and LDSS must resume scheduling and performing required face to face periodic reassessments and six-month in-person care management home visits. The following timetable applies to members who have not otherwise had a completed in-person, telehealth, or telephonic CHA during the public health emergency until July 26, 2021.

- Beginning July 2021 through September 30, 2021, conduct periodic reassessments and home visits for members who would have been scheduled during the period March 1, 2020, through May 31, 2020.
- Beginning October 1, 2021, through December 31, 2021, conduct periodic reassessments and home visits for members who would have been scheduled during the period June 1, 2020, through August 31, 2020.
- The Department will provide additional guidance to plans and LDSS on when to scheduled periodic reassessments and home visits for members who would have been scheduled September 1, 2020 and forward.

There is no ability for plans or LDSS to conduct reassessments via telephonic or telehealth modalities.

Personal Assistant Annual Health Assessments Resume

The suspension of CDPAP annual health assessments is lifted, and personal assistants must obtain an annual health assessment, if due, no later than September 30, 2021. A subsequent health assessment will be due one year from the date the assessment was conducted, and not the date originally due. For example, if a personal assistant was due for a health assessment on June 15, 2020, but did not have one until August 15, 2021, their next assessment would not be due until August 15, 2022.

Face-to-face Reassessments and Care Management Visits Resume

Effective immediately, managed care plans and LDSSs must begin resuming required face-to-face periodic reassessments and the six-month in-person care management home visits.

Providers are urged to review [the Transition Guidance](#) and contact us with any questions.

New York State Department of Health Issues DAL: DHCBS 21-07 Regarding Recruitment Offices and Remote Operations

On July 16, 2021, the Department of Health issued [DAL: DHCBS 21-07](#), regarding Recruitment Offices for Licensed Home Care Services Agencies (LHCSAs) and Remote Operations.

Recruitment Offices

The Department acknowledges that providers have been utilizing recruitment offices, and/or have shifted to partial or full remote operations in response to the COVID-19 Public Health Emergency (PHE). The Department reminds LHCSA's of their obligation to provide notice of proposed changes in address or office site locations. LHCSA's are thus instructed to contact and submit a written request to their Regional Office Program Manager for approval to open recruitment, or other satellite offices. These requests must include:

- A specific and detailed explanation of the purpose of the office and any activities that will be conducted there.
- A signed attestation that the office will be used for recruitment purposes or for purposes of dropping off and obtaining supplies. This attestation must include the address of the office and a confirmation that: no services will be provided from the office, no records will be stored/maintained at the location, and an acknowledgement that the Department has the right to inspect all agency locations, including satellite/recruitment offices.

Furthermore, LHCSA's that have added sites without prior approval are urged to contact their Regional Office immediately, as failure to do so can result in enforcement.

Remote Operations

The Department understands and supports the need for agencies to migrate to remote operations during the COVID-19 public health emergency. The Department reminds agencies who are working remotely that they are required to:

- Notify the agency's appropriate Regional Office, which includes providing contact information to allow the continuation and facilitation of Department survey activities,
- Develop policies and procedures for remote work with special attention to the safety and security of patient information, and
- Provide staff availability at the office location listed on the agency's operating certificate during a Department of Health survey or Department request.

Although the Department acknowledges that many agencies may desire to continue

remote operations in some form following the COVID-19 pandemic, at this time, remote operations are allowable only during the State of Emergency as declared under New York State Executive Order 202, which expired on June 25, 2021.

The Department stated that it is exploring the option of allowing remote operations to continue, and we are waiting on further guidance as to what will be allowed.

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REPRESENTING HOME HEALTH CARE AGENCIES
IN NEW YORK STATE

68 South Service Road ♦ Suite 100 ♦
Melville, NY 11747

P: 516.304.5858 ♦ F: 516.304.5855
www.glaserweiner.com

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