

Client Alert

July 28, 2021

Update on DAL: DHCBS 21-07 Remote Operations

As previously reported, the Department of Health issued DAL: DHCBS 21-07 on July 16, 2021. This DAL set forth that remote operations that were permitted during the declared State of Emergency under New York Executive Order 202 expired on June 25, 2021. Although the Department acknowledged that many agencies desire and need to continue remote operations in some form, they did not set forth what operations if any are still permissible.

While we are waiting for further guidance regarding the continuation of remote operations, we have communicated with the Department, who has indicated that the following services can still be conducted remotely *if necessary*:

- Initial Nursing Assessment
- PRN Assessments for change in patient status
- 6-month assessments (reassessments)
- In Home evaluation for PCA/HHA
- Aide supervision
- In home supervision
- Annual on-site supervisory visits
- Opening of Home Care Cases
- Coordination of Services
- On Call services

Please consult with your counsel on whether providing services remotely can still be deemed necessary for your agency.

It is important to remember that agencies who have staff that are working remotely 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.

We anticipate further guidance from the Department and will advise you as soon as we obtain same. In the interim, please contact our office if you need any assistance with developing your policies and procedures to ensure compliance.

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