



## Department of Health

ANDREW M. CUOMO  
Governor

HOWARD A. ZUCKER, M.D., J.D.  
Commissioner

SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

Date: May 9, 2017

DAL: DHCBS 17-01  
SUBJECT: In-service requirements for Home  
Health Aides and Personal Care  
Aides

Dear Administrator:

The purpose of this letter is to provide clarification and guidance in response to questions received by the Department regarding orientation, in-service, and an annual performance evaluation requirements for aides employed by licensed home care services agencies (LHCSAs) and certified home health agencies (CHHAs)/long term home health care programs (LTHHCPs).

### **Regulatory Requirements:**

Federal requirements found in 42 CFR Part 484.36 (Part 484.80 effective July 13, 2017) and State requirements found in 10 NYCRR Part 766.11 for LHCSAs; and 763.13 for CHHAs; require that Home Health Aides (HHAs) participate in 12 hours of in-service education per year and Personal Care Aides (PCAs) participate in 6 hours of in-service education per year. The in-service requirement begins from the aide's date of hire/employment. Agencies may fulfill the annual in-service requirements (6 hours or 12 hours as applicable) on either a calendar year basis or employment anniversary basis. This should be specified in the agency's in-service education policy.

Agencies are required to provide orientation for new staff (including aides) employed by the agency prior to provision of care. Orientation must be agency specific and cannot be provided by other agencies. Training conducted for purposes of orienting new aides does not count toward meeting the annual 6 or 12-hour aide in-service requirement.

Agencies are required to conduct an annual performance evaluation/review for each aide employed minimally every 12 months. The annual performance evaluation must be conducted by an RN and must include an onsite home visit to the location where a patient is receiving care to observe and assess the aide while he or she is performing care. If a deficiency in aide services, competency, or skill is identified by the RN during the onsite visit, then the agency RN must conduct, and the aide must complete a competency evaluation in any task for which the aide is not considered competent. The aide must not perform any task without direct supervision by the RN until after he/she has received training in the task and successfully completed a subsequent evaluation. The agency must maintain documentation of the aide's competencies in the personnel file.

**There must be evidence and documentation in each aide's personnel file to support that the orientation, in-service, and annual performance evaluation requirements are met.**

### **In-service Requirements:**

Agencies are required to ensure completion of in-service training for their aides as part of their administrative, personnel and patient care responsibilities. In-service topics must be focused, specific and pertinent to the aide's responsibilities.

In-service training may be provided in a variety of settings and conducted by a variety of modalities or means. Training settings may include the patient's home when the aide is furnishing care to the patient, agency location, or other appropriate locations. Modalities may include presentation, lecture, demonstration, videotape, webinar, and online trainings.

#### **All in-service education/trainings regardless of setting or modality must:**

- be pertinent to the aide's responsibilities;
- ensure sufficient RN supervision;
- include an opportunity for questions and answers; and
- include an evaluation by the RN that validates that learning took place.

In-service training for HHAs and PCAs may be offered by any organization provided that the in-service training includes documentation of content, hours, and RN supervision/evaluation and meets the criteria set forth in this directive.

If the agency uses online or webinar training methods, specific policies and procedures must be developed to ensure compliance with requirements and address password securities if applicable. A mechanism for aides to ask questions about the content must be readily available. The RN must have appropriate assessment and evaluation tools, i.e. tests to ensure knowledge retention of the covered material.

### **Training Documentation**

Agencies are required to record and maintain training files for each in-service offered regardless of modality. Training in-service files should be retained for at least six years. At a minimum the following must be documented and maintained for each training/in-service offered:

- Date;
- Length of training (for example 1 hour);
- Training location;
- Training content, objectives, and goals;
- Training materials used;
- Post test;
- Attendance list;
- Proof of completion; and
- RN supervisory oversight and sign off.

Agencies should review and revise their policies and procedures to ensure compliance with all applicable regulatory requirements and guidance outlined in this directive.

The Department appreciates your efforts to ensure that aides are properly trained and supervised to ensure safe and effective home care services.

If you have questions, please send an email to: [homecare@health.ny.gov](mailto:homecare@health.ny.gov).

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Fuller Gray". The signature is written in a dark ink and is positioned below the word "Sincerely,".

Rebecca Fuller Gray  
Director  
Division of Home and Community Based Services