



## Department of Health

**ANDREW M. CUOMO**  
Governor

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

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

August 18, 2016

DAL: DHCBS 16-04  
SUBJECT: Hospice Regulatory Changes

Dear Hospice Administrator:

The purpose of this letter is to inform hospice providers of changes to the New York Codes Rules and Regulations (NYCRR) pertaining to hospice requirements. 10 NYCRR sections 700.2, 717, 793 and 794 were amended and will be adopted as final effective August 31, 2016. These regulations will be posted on the Department's website at: [http://www.health.ny.gov/regulations/recently\\_adopted/](http://www.health.ny.gov/regulations/recently_adopted/). Please access and review these revised regulations. Providers are expected to be compliant with these regulatory revisions on the effective date.

These amended regulations:

- Make the state operational rules for hospices consistent with federal regulations, 42 CFR Part 418, which were revised and implemented on December 3, 2008. These revisions are contained in Parts 793 and 794.
- Expand the definition of terminal illness from six months to 12 months life expectancy and addresses the difference in terminal illness definition for different payer sources (Medicare and Medicaid) contained in Part 700.2.

The definition of terminal illness is consistent with changes in Public Health Law §4002 which expanded the definition of terminal illness from six months to 12 months life expectancy. This change incorporates the Medicaid Redesign Initiative to expand the Medicaid hospice benefit by allowing individuals to access hospice care earlier in their terminal illness to manage symptoms on an ongoing basis and reduce the need for more costly emergency room visits and hospital stays.

- Increase the hospice residence maximum capacity from eight beds to 16 beds contained in Parts 700.2, 717 and 794.6 consistent with changes to Public Health Law §4002(2b).
- Add a definition of palliative care as defined in Public Health Law Section 4012-b, provided to a person with an advanced, life limiting illness contained in §700.2.

A summary highlighting the regulatory changes is attached. Information and guidance related to changes in Medicaid reimbursement for hospice care will be communicated in a future issue of the "Medicaid Update" newsletter. If you have questions or need clarification related to these regulatory changes, please contact the Division of Home and Community Based Services at [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 black ink and is positioned below the word "Sincerely,".

Rebecca Fuller Gray  
Director  
Division of Home and Community Based Services

Attachment