



Department of Health

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Date: January 22, 2019

DAL: DHCBS 19-02

Subject: Advanced Home Health Aide
Agency Requirements

Dear Administrator:

The purpose of this letter is to advise home care agencies and hospices of requirements established by the Department of Health (DOH) and State Education Department (SED) to employ and supervise a certified Advanced Home Health Aide (AHHA) and to provide AHHA services. The following organization types may employ an AHHA and provide AHHA services: Certified Home Health Agency, Long Term Home Health Care Program, Licensed Home Care Services Agency, Hospice, and Enhanced Assisted Living Residence.

AHHA Service Agency Approval

AHHA services provided by the agency require the Department's written approval. To obtain approval to provide AHHA services, the agency must submit the following to the appropriate DOH Regional Office for review and approval:

- A written request to add AHHA services to the license or operating certificate;
- The agency's policy and procedure to prevent drug diversion and that addresses suspected incidents of drug diversion that is periodically reviewed as part of the agency's Quality Assurance program;
- The agency's policy and procedure for provision of AHHA services consistent with regulatory requirements; and
- AHHA job description.

Background

Chapter 471 of the Laws of 2016 amended the Education Law and Public Health Law authorizing Advanced Home Health Aides with training to perform advanced tasks upon assignment by registered nurses and under supervision of such nurses. Please refer to the DOH website for additional information on the AHHA legislation, guidance, regulations, and FAQs at: https://www.health.ny.gov/facilities/home_care/advanced_home_health_aides/

AHHA Definition

The AHHA is defined as a certified home health aide who has satisfied all requirements to perform advanced tasks defined in Section 6908(2) of Education Law, has successfully completed an approved AHHA training program, and is listed on the Home Care Worker Registry as a certified AHHA.

To be eligible for AHHA training the candidate must meet specific eligibility criteria which is described in the DAL DHCBS 19-01.

AHHA Training and Certification

AHHA training is conducted by a Department of Health (DOH) or State Education Department (SED) approved AHHA Training Program. The training includes 125 total hours of instruction; 80 hours in the classroom and skills lab setting and at least 45 hours of RN Supervised Clinical Practicum in a home care setting. The training requirements and curriculum are described in the DAL DHCBS 19-01.

The candidate must complete the 125 hours of training and successfully pass the New York Medication Aide Certification Examination® (MACE®) to be listed on the Home Care Worker Registry as a certified AHHA.

Advanced Tasks

The advanced tasks include some nursing tasks commonly performed by Licensed Practical Nurses (LPNs) in a patient's home. The following tasks have been identified by the SED Office of the Professions, as appropriate to be assigned to an AHHA with training and supervision:

- administering routine medications to a patient with stable health. These may include medications given by mouth, in the eye or ear, nasally, topically on the skin, vaginally, rectally, or inhaled through the nose or mouth;
- administering subcutaneous prefilled injections of low molecular weight heparin or diabetes medications; and
- administering by injection using a prefilled auto-injector of epinephrine, naloxone, or glucagon in an emergency.

Routine medications means medications that are prefilled or otherwise packaged in a manner that promotes ease of administration and are routinely administered to a patient with stable health.

The advanced tasks **DO NOT** include:

- converting or calculating medication dosages or deciding whether a patient needs a PRN (as needed) medication;
- prefilling medications for a patient;
- administering medications through feeding tubes including but not limited to gastrostomy and nasogastric tubes;
- tasks involving the use of intravenous or subcutaneous infusion devices;
- tasks involving the use of a mechanical ventilator on a patient;
- tasks involving sterile or aseptic technique except for the administration of approved injectable medications; or
- tasks involving professional nursing judgement, observation, or assessment of a patient which is outside the scope of a LPN.

Assignment of advanced tasks:

The patient has the right to refuse provision of advanced tasks by an AHHA. If this happens the AHHA must notify the supervising nurse and the agency must ensure the tasks are provided by a nurse.

The AHHA must agree to perform and document the advanced tasks for the patient. The AHHA should not accept an assignment unless he/she understands the assignment and reasonably believes he/she can perform the assigned tasks safely and competently, can communicate effectively with the patient, and understands the patient's needs.

Assignment of advanced tasks means that a RN assigns to a certified AHHA specific advanced tasks for a specific patient and documents the assignment of the tasks to the AHHA in the patient's clinical record.

Only a RN can assign advanced tasks and the RN and AHHA must work for the same organization (CHHA, LTHHCP, LHCSA, Hospice, or EALR) and provide care to their employer's patient in the home. The patient, designee, or family cannot assign or change assignments of advanced tasks to be performed by the AHHA.

Prior to assignment of advanced tasks, the RN must:

- complete a nursing assessment to determine the patient's current health status and care needs;
- conduct a comprehensive medication review including evaluation of the patient's current medication use and prescribed drug regimen, and identify and resolve any discrepancies prior to assigning the AHHA to administer routine medications;
- ensure that the advanced task(s) to be assigned are consistent with the patient's authorized practitioner's ordered care;
- verify that the patient or designee consents to the advanced tasks be provided by the AHHA;
- provide case specific training, direction, and guidance to the AHHA to verify that the AHHA can safely and competently perform the specific advanced task(s);
- provide the AHHA with written, patient specific instructions for performing the advanced task including the criteria for identifying, reporting, and responding to problems, errors, or complications; and
- document the assignment of advanced tasks to the AHHA in the patient's clinical record.

Supervision of the AHHA

Only Registered Professional Nurses (RNs) can supervise the AHHA. LPNs are not permitted under law to supervise the AHHA. The agency RN must:

- determine direct supervision of the AHHA based on the complexity of the advanced tasks, the skill and experience of the AHHA assigned to perform the advanced tasks, and the health status of the patient;

- provide training, guidance, direction, and oversight to the AHHA relating to the performance of advanced tasks;
- assign, rescind, and modify advanced tasks assigned to the AHHA;
- ensure a process is in place to document the limitation or revocation of the assignment of advanced tasks by an AHHA to ensure that such information is available to other RNs that may supervise such aide;
- determine that the AHHA is willing to perform such advanced task;
- be knowledgeable of the patient's current health status, care needs, and care plan;
- provide ongoing assessments of the patient's needs;
- while on duty be continuously available to communicate with the AHHA by phone or other means. The AHHA should know the name of their supervising nurse and must have access to a phone and phone number or other technology needed to promptly contact and communicate with the supervising RN;
- visit the patient or arrange for another RN to visit the patient whenever necessary to protect the patient's health and safety; and
- conduct a home visit at least every 14 days to observe, evaluate, and oversee services provided by the AHHA.

AHHA annual in-service requirement

The AHHA is required to complete 18 hours of in-service annually in order to maintain his/her AHHA certification status on the Home Care Worker Registry. The annual requirement begins with passing the New York MACE[®]/AHHA certification date. The AHHA's employer is responsible to offer or arrange for in-service training which must include medication management, infection control, and injection safety. The employer is required to enter the completed in-service hours on the Registry. The 18-hour requirement will be automatically tracked by the Registry. If the AHHA does not complete the required 18 hours within the 12-month period, their AHHA certification status in the Registry will be removed and will revert to Home Health Aide status. Additional information regarding entering AHHA completed in-service hours is available on the Home Care Worker Registry Application on the Health Commerce system.

Attached is a AHHA Question and Answer document which provides additional information. For questions or clarification on this directive, please contact the New York State Department of Health, Division of Home and Community Based Services at ahhatp@health.ny.gov.

Sincerely,

Rebecca Fuller Gray, Director
Division of Home and Community Based
Services

Attachment- AHHA Questions and Answers

Category: Regulatory Requirements

1) Q: What DOH regulations pertain to the AHHA requirements?

A: The DOH regulations that pertain to the AHHA were published as final on December 12, 2018 as follows:

- 10 NYCRR Part 700.2 (b)(54) AHHA definition and training requirements
- 10 NYCRR Part 402 Home Care Worker Registry
- 10 NYCRR Part 403 Criminal History Record Check
- 10 NYCRR Part 765 and 766 for LHCSAs
- 10 NYCRR Part 763 for CHHAs and LTHHCPs
- 10 NYCRR Part 793 and 794 for Hospices
- 10 NYCRR Part 1001 for Enriched Assisted Living Residences

2) Q: Where can I find the regulations pertaining to the AHHA?

A: The DOH AHHA regulations can be found on the DOH website at:
<https://regs.health.ny.gov/>

SED Regulations can be found at:
https://www.health.ny.gov/facilities/home_care/advanced_home_health_aides/

Category: AHHA Certification

3) Q: Do Advanced Home Health Aides need 125 hours of training in addition to the 75 hours of training required to be a Home Health Aide?

A: Yes. The certified Home Health Aide must complete an additional 125 hours of training and pass the New York Medication Aide Certification Examination® (MACE®) to meet the training requirements and be certified as an Advanced Home Health Aide.

4) Q: Does the AHHA certification transfer to the academic requirements to become a LPN?

A: No. While some skills/tasks are similar, the AHHA training does not replace any of the clinical or educational components in the Practical Nursing program required for LPNs. The student would have to complete the entire coursework of the LPN program. The same holds true for any RN educational program requirements.

5) Q: Will the curriculum be public?

A: Yes. All guidance documents related to the AHHA curriculum and training program requirements will be posted on the Department of Health website at:
https://www.health.ny.gov/facilities/home_care/advanced_home_health_aides/

Category: Agency Requirements

6) Q: What types of agencies/facilities can employ Advanced Home Health Aides and provide AHHA services?

A: The entities allowed by law to employ and provide AHHA services include: Certified Home Health Agencies (CHHAs), Long Term Home Health Care Program (LTHHCP), Licensed Home Care Services Agencies (LHCSAs), Hospices, and Enhanced Assisted Living Residences (EALRs).

7) Q: Can Advanced Home Health Aide services be provided in a nursing home or in a hospital?

A: No. AHHA services cannot be provided in a nursing home or hospital or any other community-based outpatient setting other than the entities listed in answer #6.

8) Q: When will agencies be allowed to start providing Advanced Home Health Aide services?

A: In order for an agency to provide AHHA services they must have Department approval to provide the service and employ qualified staff who have completed all AHHA training requirements and are listed on the Home Care Worker Registry as a certified Advanced Home Health Aide.

9) Q: If a CHHA contracts with a LHCSA for aide services, how will this contract arrangement work with AHHA services?

A: SED regulation Section 64.9 specifies that the RN must be employed by the agency to provide nursing services, including the direct supervision of AHHAs, for patients of the health services entity. This means that the Supervising Nurse and AHHA must be employed by the same agency for which the patient is receiving nursing services from.

Category: Tasks/Duties

10) Q: What kinds of advanced tasks will Advanced Home Health Aides be authorized to perform?

A: Advanced Tasks are defined in the Section 6909 of the Education Law and Section 64.9 of SED regulations. Advanced Tasks include the following medication tasks:

- the administration of routine medications that are prefilled or otherwise packaged in a manner that promotes relative ease of administration that are routinely administered to a patient with stable health;
- subcutaneous or intramuscular injections of low molecular weight heparin or medications prescribed to treat diabetes; and
- the use of a prefilled auto-injector of naloxone, epinephrine, or glucagon in an emergency.

11) Q: What does stable health mean?

A: Stable health is defined as: “the patient’s physiologic status is not in flux and changes in health status that require emergency or immediate medical intervention are not expected or foreseeable.” The RN should not assign advanced tasks to an AHHA unless the patient’s health status is stable.

12) Q: What routes of administration is the AHHA permitted to administer routine medications by?

A: The AHHA can administer routine medications by the following routes: oral, sublingual, buccal, ophthalmic, otic, nasal, rectal, vaginal, topical or inhaled through the nose or mouth.

13) Q: Can an Advanced Home Health Aide perform duties outside the scope of an LPN?

A: No. AHHAs may not perform any tasks outside the scope of a LPN. The advanced tasks that may be performed by an AHHA are defined in Section 6909 of the Education Law and Section 64.9 of SED regulations as noted in answer #10.

14) Q: Can the RN assign an Advanced Home Health Aide administration of a narcotic if it is a routinely scheduled medication for the patient?

A: Yes, the RN may assign the Advanced Home Health Aide to administer a narcotic if it is a routine medication and part of the patient’s routine medication regimen, and the patient’s health status is determined stable.

15) Q: How are services for Advanced Home Health Aides ordered?

A: Orders from the patient’s authorized practitioner are required for Advanced Home Health Aide services and must include the frequency and duration of the service. Medical orders should reference all diagnoses, medications, treatments, prognoses, and any other pertinent patient information and must be consistent with the patient’s plan of care.

16) Q: Does each task assigned to an AHHA require an authorized practitioner’s order?

A: Each task the AHHA is to perform, including medication administration, should be addressed in the patient’s plan of care and consistent with orders from the patient’s authorized practitioner.

Category: Supervision

17) Q: Can a patient/family refuse a task to be performed by an Advanced Home Health Aide?

A: Yes. A patient/family can refuse a task be performed by an Advanced Home Health Aide. If this is the case, the agency must provide that the tasks be performed by a nurse (RN or LPN).

18) Q: Can more than one agency RN assign tasks to the AHHA?

A: Multiple authorized RNs employed by the agency may jointly agree to assign tasks to an AHHA, provided that only one RN shall be required to determine if the AHHA has demonstrated competency in each advanced task to be performed. The RN must document the assignment, modifications, or terminations of the AHHA's assignment in the patient's clinical record.

19) Q: Does the AHHA need to be present during the RN onsite supervision visit?

A: Yes. The RN must perform an onsite AHHA supervision visit at least every 14 days and the AHHA must be present during the visit. The RN must supervise the services provided by the AHHA and personally observe, evaluate, and oversee such services.

20) Q: Can a nurse refuse to supervise an AHHA?

A: The agency's policies and RN job description should address this. However, if the agency provides AHHA services, the advanced tasks must be assigned by a RN and the AHHA and services must be supervised by a RN consistent with regulatory requirements.

21) Q: If there is an emergency, does the AHHA call 911?

A: It is recommended the AHHA call 911 in an emergency. However, this should be addressed by the agency's policies, the RN assessment and the patient's care plan specific to each individual's unique set of circumstances and communicated to the AHHA in the written patient specific instructions.

Category: In-service/Training

22) Q: Is the 18 hours of in-service for the AHHA in addition to the 12 hours for the HHA?

A: The total in-service hours to maintain AHHA certification is 18 hours annually. The 12-month start date begins with the AHHA's certification date. The 18 hours in-service requirement is yearly and must include medication management, infection control, and injection safety.

23) Q: Is online training acceptable for the AHHA's in-services?

A: The AHHA in-service training must be supervised by a RN and must comply with the "In-service Requirements" as specified in DAL: DHCBS 17-01. The AHHA's employer is responsible to offer or arrange for in-service training which must include medication management, infection control, and injection safety.

24) Q: How is the AHHA's 18-hour in-service requirement tracked?

A: The employer is required to enter the completed in-service hours on the Registry. The 18-hour requirement will be automatically tracked by the Registry. If the AHHA does not complete the required 18 hours within the 12-month period, their AHHA certification status in the Registry will be removed and will revert to Home Health Aide status.

Category: Home Care Registry

25) Q: How do we obtain assistance with entering AHHA in-service information on the Home Care Registry?

A: The Home Care Registry User Manual and FAQ are available by logging on the Health Commerce System, Home Care Registry Application, and selecting "Help". If your question is not addressed in the FAQ or HCR Manual, you may contact the Registry helpdesk at: 1-877-877-1827 or hcreg@health.ny.gov

26) Q: Can the Advanced Home Health Aide enter their own in-service hours into the Home Care Registry?

A: No. Only employers will have the ability to enter in-service training hours earned under their supervision, or add hours earned from other sources with required training documentation obtained from the AHHA/source.

27) Q: What in-service information must be entered by the employer?

A: The employer enters the AHHA's in-service information by accessing the Home Care Registry Application and selecting the AHHA's Registry Page using the AHHA's name or Registry #. Once the correct AHHA is accessed, select the Employment Tab. Next, select "Add In-Service Training" from the tool bar on the right. The employer will be presented with an attestation prior to the in-service data being entered on the Registry. The employer will not be able to edit information once it has been attested to, entered, and saved. The employer is required to enter the in-service date, hours earned, and subject area from a drop-down box, and enter where the training was earned if provided outside of the employer's agency.

28) Q: Does the AHHA's in-service records need to be documented in the Personnel record at the agency?

A: Yes. The employer is responsible to maintain documentation of in-service attendance and that the AHHA completes the required 18 hours of in-service training annually in the AHHA's personnel record. The AHHA is encouraged to maintain documentation of this as well.