



Department of Health

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Governor

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

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

Date: August 9, 2018

DAL: DHCBS 18-01

Subject: Criminal History Record Check
Requirements for Hospice

Dear Administrator:

Chapter 471 of the Laws of 2016, amended Public Health Law § 2899-a to require that hospice workers who provide direct care or supervision of patients are subject to a criminal history record check as a condition of employment with the hospice. This law became effective April 1, 2018 for all hospices licensed and certified under Article 40 of the Public Health Law. Title 10 NYCRR Part 402 is being amended to reflect that hospices request criminal history record checks (CHRC) for any prospective unlicensed individual employed by, or used by, the organization who provides direct care or supervision to a patient or resident or who has access to the patient or resident, their living quarters, or their property. The regulatory amendment is expected to be finalized in August 2018. Volunteers, students and professionals licensed by the State Education Department are not subject to the CHRC requirement.

Hospice providers should develop policies and procedures which ensure compliance with the CHRC requirements. To assist providers, various training materials have been developed and are available to implement your CHRC program. Training presentations can be accessed on the Health Commerce System (HCS) by logging on to the HCS, Select Documents by Group, Select Long Term Care, Select Training, Select Home Care. The trainings are listed and include:

- [Introduction to the Health Commerce System](#): A recorded presentation of an introduction to HCS for Home Care Agencies
- [CHRC application process](#): A presentation that describes the process for obtaining CHRC checks for potential employees
- [Introduction to Criminal History Record Check](#): An introduction to the Criminal History Record Check system
- [Introduction to the Home Care Worker Registry](#): An introduction to the HCWR

Hospice providers should verify and update if necessary the administrator role in your agency's Health Commerce System account. The administrator is responsible for assigning the "CHRC Authorized Person" (AP). The CHRC AP is the person authorized to request background checks for prospective employees and review the legal determinations letters.

Hospice providers are expected to be compliant with these new requirements. If you have any questions regarding the CHRC process you should contact chrc@health.ny.gov. General questions should be forwarded to homecare@health.ny.gov.

Sincerely,

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