



ANDREW M. CUOMO
Governor

Department of Health

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

LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

July 16, 2021

DAL: DHCBS 21-07
SUBJECT: Home Care Agency Updates:
Recruitment Offices and Remote
Operations

Dear Administrator:

In response to the COVID-19 Public Health Emergency (PHE) the Department of Health is aware that some home care service agency providers have been utilizing recruitment offices and/or have shifted to partial or full remote agency operations. The purpose of this letter is to set forth expectations and to remind agencies of their responsibilities related to the use of recruitment offices and/or remote agency operations.

Recruitment Offices for Licensed Home Care Service Agencies

Licensed Home Care Service Agencies (LHCSAs) are reminded that pursuant to 10 NYCRR 765-2.2(d), agencies must “notify the department, in writing of any proposed change in address or **office site location** at least 10 days prior to effecting such change.”

Therefore, at least 10 days prior to opening any additional office location, including recruitment or other satellite offices, LHCSAs must contact and submit a written request to their Regional Office Program Manager for approval to open a recruitment or other satellite office. Written requests must include the following:

- Specific and detailed explanation of purpose of the office and any activities that will be conducted at the site.
- Signed attestation that the office will be used for recruitment purposes or for purposes of dropping off and obtaining supplies, including a confirmation that:
 - No services will be provided from the proposed office;
 - No records will be stored/maintained at this location (e.g., personnel, patient, etc.);
 - Office address; and
 - Acknowledgement that the Department has the right to inspect all agency locations, including satellite/recruitment offices.

The Department is aware that such sites may have been added without Department approval and urges all LHCSAs to contact their Regional Office immediately to report any sites that have been added. Failure to notify the Regional Office can result in enforcement.

Remote Work

The Department understands and supports the need for several home care service agencies to migrate to remote operations during the COVID-19 public health emergency. For agencies working remotely, the Department reminds agencies that they 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;
- Development of policies and procedures for remote work with special attention to the safety and security of patient information; and
- Staff availability at the office location listed on the agency's operating certificate during a Department of Health survey or at the request of the Department.

The Department understands that many agencies may desire to continue remote operations in some form following the COVID-19 pandemic. The Department is exploring this as an option and will provide an update when available. Until further direction from the Department, however, remote operations are allowable only during the declared State of Emergency relating to COVID-19, as declared under New York State Executive Order 202.

Questions related to this guidance should be directed to homecare@health.ny.gov.

Sincerely,

Carol A. Rodat, Director
Division of Home and Community Based Services