

NEW YORK EDUCATION DEPARTMENT PROPOSES REGULATIONS CONCERNING ADVANCED HOME HEALTH AIDE SERVICES

Home Care Alert
June 29, 2018

On June 27, 2018 the New York State Department of Education (SED) published proposed regulations for the Advanced Home Health Aide (AHHA) program in the State Register. The AHHA program permits home health aides designated as AHHAs to perform advanced tasks with appropriate training and upon assignment by, and supervision of, registered nurses.

The proposed regulations permit home care agencies that have established policies and procedures to address drug diversion to perform a number of advanced tasks relating to medication administration, including subcutaneous/intramuscular injections of heparin and diabetes medication, medication administration via feeding tubes, and tasks involving the use of ventilators. An RN must perform an initial nurse assessment for each patient and provide case-specific training to an AHHA to determine that the AHHA can perform the advance tasks for the patients to whom they provide services. The RN will also be required to evaluate the patient's medication use to identify and resolve discrepancies. RNs may only assign advanced tasks when a patient is in stable health and has consented to receive the advanced tasks. Agencies will be required to adopt written policies and procedures to govern the assignment of advanced tasks. RNs must provide direct supervision to AHHAs, meaning that the RN must be available by telephone and visit the client no less than every two (2) weeks to personally observe the AHHA.

The proposed regulations also provide for the establishment of AHHA training programs. To be considered for approval, program sponsors must be currently authorized by SED or DOH to offer HHA training programs. A AHHA training curriculum must consist of at least 80 hours of didactic classroom and skills laboratory training, along with at least 45 hours of supervised practical training.

SED anticipates that the regulations will be presented for permanent adoption at the September 17-18, 2018 Regents meeting. Providers who are interested in providing AHHA services should begin to consider developing policies and procedures that will govern the assignment of advanced tasks and preparing their RNs for the additional supervision of AHHAs. Also, providers should consider whether to establish AHHA training programs as an additional revenue stream or as part of their value based program strategy.

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If you have any questions regarding the proposed regulations, please contact any member of
the Hodgson Russ Home Care Team.