



Department of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

April 7, 2022

DAL: DHCBS 22-06
Subject: Hospice Residences and Inpatient Bed
Use

Dear Administrator:

On July 2, 2021, legislation was signed into law (Chapter 193 of the Laws of 2021), that allows hospice residences to use beds as appropriate to the patient's needs, as either inpatient or resident beds. Although the legislation does not specifically restrict the use to hospice residences with dual certification for resident and inpatient beds, only hospices with approval for inpatient beds will be allowed to use the beds for both resident and inpatient since these hospices would meet the hospital-health care Life Safety code requirements (NFPA) as specified in 10 NYCRR §711.2 and as required in §791.3.

Hospice providers should keep in mind that 10 NYCRR §791.2(d) requires Full Review and Certificate of Need approval for projects that meet any of the following descriptions:

- Change in the method of, or arrangement for, hospice inpatient or residence care and services;
- Addition of certified inpatient or residence beds;
- Repair, maintenance or alteration of a hospice inpatient unit or residence when costs exceed \$1 million;
- Acquisition or construction of a hospice inpatient unit or resident unit when costs exceed \$250,000; and
- Approval of any dually certified hospice residence beds, regardless of cost;

The following proposals require Administrative Review, under 10 NYCRR 791.2(c), rather than Full Review and Certificate of Need approval by the Public Health and Health Planning Council, but are submitted to NYSE-CON for review by the Licensure unit within the Division of Home and Community Based Services:

- Repair, maintenance or alteration of a hospice inpatient unit or residence when costs exceed \$250,000 but are under \$1 million;
- Acquisition or construction of a hospice inpatient unit or residence when costs do not exceed \$250,000.

Questions regarding hospice services or hospice residences should be sent to homecare@health.ny.gov .

Sincerely,

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

cc: Regional Office Program Managers