



Department of Health

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 DHCBS 23-04
 DNH 23-19

Subject: Telehealth in Adult Day Health Care,
 Home Health Care, Hospice, and
 Adult Care Facilities

Dear Provider:

This programmatic guidance is written in response to the [New York State Medicaid Update February 2023 Special Edition](#) which provided comprehensive guidance regarding use of telehealth following the expiration of the COVID-19 public health emergency and is specific to medical model Adult Day Health Care, Home Care, and Hospice providers, and Adult Care Facilities including assisted living program providers.

The Office of Aging and Long-Term Care has considered current State and federal regulations, best practices identified during the COVID-19 public health emergency, patient and/or resident rights, and Medicaid and Medicare reimbursement language. The current healthcare landscape is undoubtedly different than it was pre-pandemic, but there are limitations in program design, governing regulations, patient need, and in the overall technology infrastructure that discourage the immediate broad application of telehealth. While telehealth may generally be acceptable in various circumstances with patient consent, **it is not acceptable:**

- For in-person initial medical, clinical, mental health, or dental assessments and follow-up visits;
- To perform the Functional Supplement component of the Uniform Assessment System-New York (UAS-NY);
- At any time when the patient is not able to access a secure location; or
- As a substitute for in-person delivery of any personal care services by a provider licensed under Article 36 of the Public Health Law, or for the delivery of meals or congregate or rehabilitative activities or for required resident/patient supervision services in any setting.

We recognize there is certainly a valid place for technology in healthcare especially as the patient demographic evolves, and as such will review options within the State's jurisdiction that are developed via the Master Plan for Aging. In the interim, if you have any questions, please contact the applicable program via email: acfinfo@health.ny.gov; nhinfo@health.ny.gov; or homecare@health.ny.gov.

Sincerely,

Heidi L. Hayes, Director
Center for Long-Term Care Survey and Operations
Office of Aging and Long-Term Care