



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Richard F. Daines, M.D.
Commissioner

James W. Clyne, Jr.
Executive Deputy Commissioner

October 6, 2009

DAL: DHCBS 09-16
Subject: LTHHCP Policy Change

Dear Administrator:

The purpose of this letter is to announce a change in a Long Term Home Health Care Program (LTHHCP) policy.

The Department's current policy allows LTHHCPs to exceed their approved capacity by 10% in a specific county once their approved capacity in that county is met. Numerous discussions with representatives from Long Term Home Health Care Programs and other interested parties resulted in a review of this policy. Effective immediately, the department will allow LTHHCP providers to exceed their approved capacity in a specific county by 25%, or 100 additional slots, whichever is less, once the program has met their approved capacity in that county and prior to SHRPC approval. However, once the approved capacity has been exceeded, the provider will be required to submit a Certificate of Need application requesting additional capacity in that county within 90 days.

In addition, be advised that the Department is reviewing the current methodology approved by the SHRPC to determine when additional capacity is needed in a county. The current methodology indicates that there is need for additional capacity when the cumulative occupancy rate is 85% or more of the approved capacity in a specific county. Individuals receiving services under the AIDS Home Care Program are excluded from the occupancy calculation. Additionally, agencies that provide services under the managed long term care program and to the pediatric population exclusively are excluded from both the census and approved capacity when calculating need.

If you have any questions regarding this change in policy, please contact Ms. Linda Rush at (518) 408-1629.

Sincerely,

A handwritten signature in black ink that reads "Mark L. Kissinger".

Mark L. Kissinger
Deputy Commissioner
Office of Long Term Care