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| LOCAL COMMISSIONERS MEMORANDUM |  
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DSS-4037EL (Rev. 9/89)

Transmittal No: 92 LCM-164

Date: October 22, 1992

Division: Health and Long Term  
Care

TO: Local District Commissioners

SUBJECT: Department of Health Proposed Regulation Regarding  
Patient Referral, Admission and Discharge from Certified  
Home Health Agencies for Health and Safety Reasons

ATTACHMENTS: Attachment I: Section 763.5 DOH Proposed Regulation  
(not available on-line)

This memorandum is to inform social services districts that the New York State Department of Health has proposed draft amendments to 10 NYCRR 763.5, "Patient Referral, Admission and Discharge for Health and Safety Reasons". These health and safety standards apply to certified home health agencies. Since the proposed Department of Health's health and safety standards will be considered as the basis for the Department of Social Services regulations pertaining to health and safety standards in personal care services programs, the proposed standards are being forwarded to each district so that districts may have an opportunity to comment on these draft regulations.

Chapter 165 of the Laws of 1991 required the New York State Department of Health to establish health and safety standards in home care programs. Home care and protective services for adults staff in the Department of Social Services have been involved in discussions with the Department of Health as the regulations have been developed. In addition, the Department of Health transmitted these proposed regulations to home care provider associations and consumer groups for review and comment. These regulations were published in the State Register for comment on October 14, 1992.

Since these regulations, when finalized, will impact several social services district functions, the regulations should be reviewed by home care services staff, medical assistance staff and adult services staff. Any comments you may have should be sent by November 13, 1992 to:

Marcia Anderson  
Medical Assistance Specialist II  
Bureau of Long Term Care  
Division of Health and Long Term Care  
New York State Department of Social Services  
40 North Pearl Street  
Albany, New York 12243-0001

Comments may also be e-mailed to OLT130 or faxed to (518) 473-4232.

Any questions relating to the proposed regulation should be directed to Marcia Anderson at 1-800-432-4100, extension 3-5602, or directly at (518) 473-5602.

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Gregory M. Kaladjian  
Executive Deputy Commissioner