

§ 3602. Definitions. As used in this article, the following words and phrases shall have the following meanings unless the context otherwise requires:

1. "Home care services" means one or more of the following services provided to persons at home: (a) those services provided by a home care services agency; (b) home health aide services; (c) personal care services; (d) homemaker services; (e) housekeeper or chore services.

2. "Home care services agency" means an organization primarily engaged in arranging and/or providing directly or through contract arrangement one or more of the following: Nursing services, home health aide services, and other therapeutic and related services which may include, but shall not be limited to, physical, speech and occupational therapy, nutritional services, medical social services, personal care services, homemaker services, and housekeeper or chore services, which may be of a preventive, therapeutic, rehabilitative, health guidance, and/or supportive nature to persons at home.

3. "Certified home health agency" means a home care services agency which possesses a valid certificate of approval issued pursuant to the provisions of this article, or a residential health care facility or hospital possessing a valid operating certificate issued under article twenty-eight of this chapter which is authorized under section thirty-six hundred ten of this article to provide a long term home health care program. Such an agency, facility, or hospital must be qualified to participate as a home health agency under the provisions of titles XVIII and XIX of the federal Social Security Act and shall provide, directly or through contract arrangement, a minimum of the following services which are of a preventive, therapeutic, rehabilitative, health guidance and/or supportive nature to persons at home: nursing services; home health aide services; medical supplies, equipment and appliances suitable for use in the home; and at least one additional service which may include, but not limited to, the provisions of physical therapy, occupational therapy, speech pathology, nutritional services and medical social services.

4. "Home health aide services" means simple health care tasks, personal hygiene services, housekeeping tasks essential to the patient's health and other related supportive services. Such services shall be prescribed by a physician in accordance with a plan of treatment for the patient and shall be under the supervision of a registered professional nurse from a certified home health agency or, when appropriate, from a provider of a long term home health care program and of the appropriate professional therapist from such agency or provider when the aide carries out simple procedures as an extension of physical, speech or occupational therapy. Such services may also be prescribed or ordered by a nurse practitioner to the extent authorized by law and consistent with subdivision three of section six thousand nine hundred two of the education law and not prohibited by federal law or regulation.

5. "Personal care services" means services to assist with personal hygiene, dressing, feeding and household tasks essential to the patient's health. Such services shall be prescribed by a physician in accordance with a plan of home care supervised by a registered professional nurse. Such services may also be prescribed or ordered by a nurse practitioner to the extent authorized by law and consistent with subdivision three of section six thousand nine hundred two of the education law and not prohibited by federal law or regulations.

6. "Homemaker services" means assistance and instruction in managing and maintaining a household, dressing, feeding, and incidental household tasks for persons at home because of illness, incapacity, or the absence of a caretaker relative. Such services shall be provided by persons who meet the standards established by the department of social services.

7. "Housekeeper services" or "chore services" means the provision of light work or household tasks which do not require the services of a trained homemaker. Such services may be provided for persons at home because of illness, incapacity, or the absence of a caretaker relative by persons who meet the standards established by the department of social services.

8. "Long term home health care program" means a coordinated plan of

care and services provided at home to invalid, infirm, or disabled persons who are medically eligible for placement in a hospital or residential health care facility for an extended period of time if such program were unavailable.

a. Such program shall be provided in the person's home or in the home of a responsible relative or other responsible adult.

b. Such program shall be provided in adult care facilities, other than shelters for adults, certified pursuant to section four hundred sixty-b of the social services law, provided that the person meets the admission and continued stay criteria for such facility. Services provided by the program shall not duplicate or replace those which the facility is required by law or regulation to provide.

c. Approved long term home health care program providers may include, as part of their long term home health care program, upon approval by the commissioner, a discrete AIDS home care program as defined in this section.

9. "Hospital" means a hospital as defined in section twenty-eight hundred one of this chapter.

10. "Residential health care facility" means a residential health care facility as defined in section twenty-eight hundred one of this chapter.

11. "Government funds" means funds provided under the provisions of title eleven of article five of the social services law.

12. "Construction" means the addition or deletion of services offered; a change in the agency's geographic service area; the erection, building, or substantial acquisition or alteration of a physical structure or equipment; or a substantial change in the method of providing services.

13. "Licensed home care services agency" means a home care services agency, issued a license pursuant to section three thousand six hundred

five of this chapter.

14. "AIDS home care program" means a coordinated plan of care and services provided at home to persons who are medically eligible for placement in a hospital or residential health care facility and who (a) are diagnosed by a physician as having acquired immune deficiency syndrome (AIDS), or (b) are deemed by a physician, within his judgment, to be infected with the etiologic agent of acquired immune deficiency syndrome, and who has an illness, infirmity or disability which can be reasonably ascertained to be associated with such infection. Such program shall be provided only by a provider of a long term home health care program specifically authorized pursuant to this article to provide an AIDS home care program or by an AIDS center, as defined in regulations promulgated by the commissioner, specifically authorized pursuant to this article to provide an AIDS home care program. Such program shall be provided in the person's home or in the home of a responsible relative, other responsible adult, adult care facilities specifically approved to admit or retain residents for such program, or in other residential settings as approved by the commissioner in conjunction with the commissioner of social services. Such program shall provide services including, but not be limited to, the full complement of health, social and environmental services provided by long term home health care programs in accordance with regulations promulgated by the commissioner. Such programs shall also provide such other services as required by the commissioner to assure appropriate care at home for persons eligible under this section.

* 15. "Limited home care services agency" means a certified operator of an adult home or an enriched housing program which directly provides: personal care services authorized and provided in accordance with rules and regulations of the department of social services; and the administration of medications and application of sterile dressings by a registered nurse, provided, however, that the services provided by such agency are not services that must be provided to residents of such facilities pursuant to article seven of the social services law and rules and regulations of the department of social services. Such operator may provide these services only to residents of the adult home or enriched housing program governed by the terms of such limited

license.

* NB Expires June 30, 2027

16. "Public health council" and "state hospital review and planning council" shall mean the public health and health planning council.

* 17. "Advanced home health aides" means home health aides who are authorized to perform advanced tasks as delineated in subdivision two of section sixty-nine hundred eight of the education law and regulations issued by the commissioner of education relating thereto. The commissioner shall promulgate regulations regarding such aides, which shall include a process for the limitation or revocation of the advanced home health aide's authorization to perform advanced tasks in appropriate cases.

* NB Repealed March 31, 2029