



## Hospice & Palliative Care Association of NYS

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### HPCANYS Issue Brief

## Criminal History Record Check Funding

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**Criminal History Record Checks:** Effective April 1, 2018, hospice workers who provide direct care or supervision of patients are subject to a criminal history record check (CHRC) as a condition of employment with all hospices licensed and certified under Article 40 of the Public Health Law. Title 10 NYCRR Part 402 was amended to require that hospices request criminal history record checks for any prospective unlicensed individual employed by, or used by, the organization who provides direct care or supervision to a patient or resident or who has access to the patient or resident, their living quarters, or their property. Volunteers, students and professionals licensed by the State Education Department are not subject to the CHRC requirement.

When this law was enacted to require hospices to perform CHRCs, hospices were also added to the list of providers that would be reimbursed for the additional cost associated with the requirement of performing the Criminal History Record Checks, however DOH has not created a mechanism for hospices to be reimbursed for this mandated cost. Reimbursement must not be an addition to the Medicaid rate because of the minimal Medicaid hospice volume.

#### OUR ASK:

HPCANYS requests that the legislature direct DOH to create a mechanism for payment of these funds to hospice programs. And require payment of funds to all eligible provides within 45 days of receipt and approval of the invoice.

For more information, please contact

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