

July 22, 2026

HCP Insider

One Focus. One Industry. One Voice.



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NEW MEDICAID WORK REQUIREMENT

Exemptions & Exclusions

The “One Big Beautiful Bill” (Federal Public Law [119-21](#)), established work requirements under Medicaid to be implemented by states before January 1, 2027. Although most of the populations LHCSAs serve are specifically excluded from the work requirement (over age 64, disabled, being medically frail or pregnant/postpartum), states are required to identify who is not subject to the work requirement which may provide greater reporting by your agency. New York is expected to use claims data, managed-care utilization or claims data, managed-care case management data, and health assessment screeners to verify work/exemption status. At this time, confirmation from treating providers is not being considered as a verification source, but we will continue to track Centers for Medicare and Medicaid Services (CMS) and NYS policies as the requirement is implemented.

CMS’s [Interim Final Rule](#) (IFR) specifies requirements and expectations for states implementing the work requirement. You can review New York’s implementation policies via the Kaiser Family Foundation (KFF) [tracker](#) (Updated 6.29.2026).

Providers should anticipate additional eligibility verification processes and possible requests for documentation as the State develops its implementation strategy. HCP will continue to monitor state guidance and provide updates as New York releases implementation policies and operational requirements.

Extensive details on work requirements follow on page 11.

ALTERNATIVE COMPETENCY DEMONSTRATION (ACD) ENDED ABRUPTLY

The New York State Department of Health (NYSDOH) has immediately discontinued the Alternative Competency Demonstration (ACD) as a pathway to Personal Care Aide (PCA) certification. The change was effective July 16, 2026.

Agencies currently using or planning to use the Alternative Competency Demonstration should review their training programs immediately.

See [DAL # DRS 26-02](#), [HHCBS #26-05](#) for additional information.

What Changed?

According to NYSDOH, recent observations identified compliance concerns associated with the program, leading the Department to discontinue the ACD pathway.

Effective Immediately

Individuals seeking Personal Care Aide certification must now complete a full Personal Care Aide Basic Training Program offered through either:

- A NYSDOH-approved Personal Care Aide Training Program, or
- A New York State Education Department-approved Personal Care Aide Training Program.

Training programs must meet the minimum requirements established in 18 NYCRR § 505.14(e).

ACD ENDED ABRUPTLY (cont.)

Important for Agencies Currently Conducting an ACD Class

If an agency is currently conducting an Alternative Competency Demonstration class, NYSDOH directs that the class must:

- Cease immediately, or
- Be converted into a Personal Care Aide Basic Training course.

In addition, all individuals enrolled in an Alternative Competency Demonstration class as of the date of the Dear Administrator Letter (July 16, 2026) must complete the full 40-hour Personal Care Aide Basic Training program in order to obtain certification.

NYSDOH's Rationale

The Department states that while the Alternative Competency Demonstration was originally established to address workforce needs and provide regulatory flexibility, its continued use now presents disproportionate compliance risks for training programs, candidates, and patients.

Next Steps for Providers

Providers should:

- Determine whether any current or planned PCA training classes are using the Alternative Competency Demonstration.
- Transition any affected participants into a compliant 40-hour Personal Care Aide Basic Training program.
- Notify training staff and program administrators of this immediate change.
- Review hiring and onboarding processes to ensure all future PCA candidates complete an approved Basic Training Program.

Please direct questions regarding DOH guidance to pcatp@health.ny.gov.

HCP will continue to monitor this issue and provide additional guidance if the Department issues further clarification. How is this impacting your agency? If you have experiences or information you'd like to share with us, please email HCP's Public Policy team: publicpolicy@nyshcp.org.

2026 HOME CARE COMPLIANCE SERIES

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Presenter Trish Tulloch, RN, BSN, MSN, HCS-D
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↑ NOTES FROM THE FIELD

YOU ASKED!

HCP is a resource for members who need clarification on laws, rules, and regulations. If you need support understanding the nuances of home care services in New York State, email publicpolicy@nyshcp.org and staff will investigate, outreaching to the Department of Health (DOH / the Department) when needed, to provide insight and interpretation to support your business. Anything in this review is for informational purposes only and is not intended to be legal advice. You should always consult your lawyer to consider your specific circumstance.

Question: When is the next Home Care Open Line?

- The next call will be on Wednesday, July 29 at 11 AM (Join [HERE](#)).
- HCP's Home Care Open Line is bi-weekly on Wednesdays at 11 AM, alternating with the HCP Insider publication. You can access the call with previous call credentials as they do not change.

If I miss a Home Care Open Line, how can I get information from the call?

- Email publicpolicy@nyshcp.org, we will respond with a meeting review.

Question: Was QIVAPP funding itemized in this year's budget?

The Fiscal Year 2027 (FY27) enacted budget does not specify how QIVAPP funds will be dispersed. HCP is monitoring the Department's [website](#) for the "Enacted Budget Medicaid Scorecard" to be uploaded with that information.

Question: What is the minimum age to be a Personal Care Aide (PCA)/Home Health Aide (HHA)?

- There are no codified age requirements. Official DOH [documents](#) provide that, "a minimum age of 18 is recommended but not required," the same industry standard which places the onus on training programs for screening applicants. New York's [Labor Law](#) and Federal [Law](#) provide conditions for individuals working under the age of 18.
- Rule and regulation govern the minimum criteria for persons providing personal care services and include "maturity."
 - [NYSRR](#) Title 18, Chapter II, Subchapter E, Article 3, Part 505.14 Personal care services (d)(4)

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NOTES FROM THE FIELD

YOU ASKED!

Updates to Previous Inquiries:

Question: Where can you find recorded Department of Health webinars?

- The material will be uploaded to the New York Learns Public Health Learning Management System (LMS). Create a login to access the recorded webinar. It can take some time for the department to upload the material so check regularly for updated material.
- The Department's Plan of Correction Part 1 Lunch & Learn is uploaded titled, "OALTC-5508 Writing an Acceptable Plan of Correction: Focusing on Patient Care and Services Citations - Part A"
- Mark your calendar for Part 2 scheduled for Wednesday July 29th, 2026, at 12:00 PM.
 - Attend via this [LINK](#).



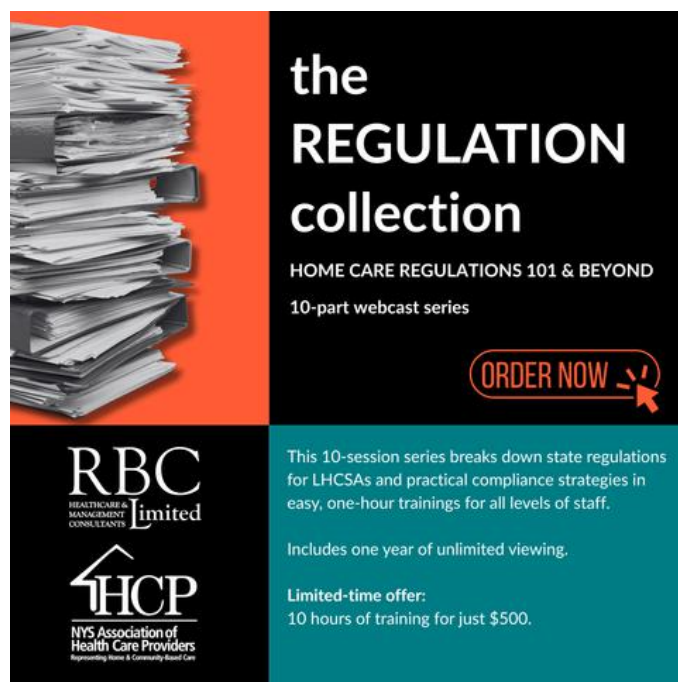
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HCP VOLUNTEER LEADERSHIP NOMINATIONS **DUE JULY 31**

Help shape the future of home care by joining HCP's dedicated volunteer leadership team. Nominations are now being accepted for the HCP Board of Directors positions and Public Policy Committee seats. Each position is a two-year term from November 1, 2026 to October 31, 2028.

Leadership is crucial for the success of any organization, and for over 50 years, HCP has benefited from the dedication of volunteers on its Board of Directors. It's essential for HCP's success to continue recruiting the best and brightest leaders who will help strengthen the organization and develop strategies to address the challenges ahead.

- Chairperson of the Board: **Open**
- Treasurer: Incumbent: **Open** (Incumbent: Chris Czadzeck, North Country Home Services)
- Vice Chairperson, CHHA: **Open**
- Vice Chairperson, Consumer Directed Personal Assistance Services (CDPAS): **Open**
- Vice Chairperson, Hospice: **Open**
- Health Related Organization (HRO) Representative: **Open**
- Associate/Allied Representative: **Open** (Incumbent: Allan Levine, Newvon)
- Regional Officers
 - Long Island: Incumbent: **Open** (Incumbent: Jackie Datkun, Gurwin Home Care Agency)
 - Northeastern NY: **Open**



Serving on the HCP Board provides an opportunity for experienced leaders to share their insights and expertise to benefit the Association. It also provides a unique professional development opportunity for those who would like to become more knowledgeable and engaged in the broader home care industry, and who will become our future leaders.

Board members are expected to attend Board and Committee meetings, contribute to and support HCP and affiliate initiatives, and most importantly, be champions for the organization, and have an unencumbered ability to support HCP, its mission, and Principles of Conduct.



HCP VOLUNTEER LEADERSHIP NOMINATIONS CONT.

Public Policy Committee Members

As per the 2023 HCP bylaws changes, each region may elect a candidate to the Public Policy Committee for a two-year term, with a maximum tenure of two terms. At the HCP Board of Directors meeting on May 30, 2024, the regions were defined as follows:

- **Western NY:** Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, Wyoming, Monroe, Livingston, Wayne, Ontario, Yates, Steuben, Seneca, Schuyler, Chemung, Cayuga, Tompkins, Tioga, Onondaga, Cortland, and Broome Counties
- **Northeastern NY:** Albany, Clinton, Columbia, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, Washington, Dutchess, Orange, Putnam, Sullivan, Ulster, Otsego, Herkimer, St Lawrence, Jefferson, Lewis, Oneida, Oswego, Madison, and Chenango Counties
- **New York City:** Bronx, Kings, Queens, New York, Richmond, Westchester, and Rockland Counties
- **Long Island:** Nassau and Suffolk Counties

One seat per region is open for election at the Annual Membership Meeting.

Consider becoming an HCP Volunteer!

HCP's success depends on recruiting committed leaders who will help strengthen the organization, position HCP for the future, and develop strategies to address the continuing challenges for HCP and the home care industry. Please consider bringing your skills and expertise to the Board, or recommend a motivated individual for one of this year's open positions.



Nominations Are Due **July 31, 2026**

The HCP Nominating Committee will review nominations submitted by the deadline and select the final slate of officers and Public Policy Committee members. Members will vote for Board members during the HCP Annual Membership Meeting in October.

[Access additional details](#) regarding the available Board seats, the nomination process, and the nomination form download.

NOTES FROM THE FIELD

COMPLIANCE METHODOLOGIES IN 1915(C) HCBS WAIVERS

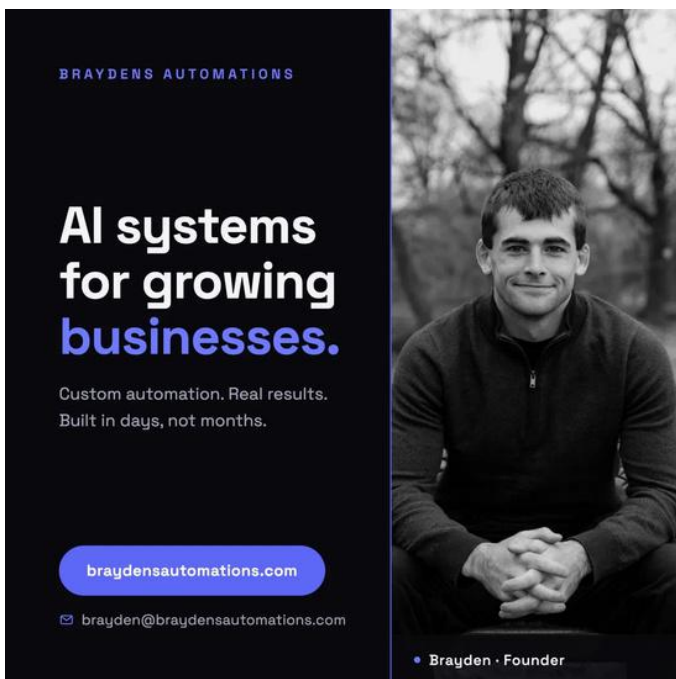
The Medicaid Home and Community-Based Services (HCBS) waiver program is outlined in Section 1915(c) of the Federal Social Security Act. States can design waivers based on the needs of target populations, existing state resources, service delivery structures, and other state-specific factors. New York State implements the program through the Traumatic Brain Injury (TBI), Nursing Home Transition & Diversion (NHTD), Office for People with Developmental Disabilities (OPWDD), and Children's waivers.

The Centers for Medicare & Medicaid Services (CMS) recently issued training for states on documenting payment methodologies for 1915(c) waivers, including requirements for rate setting, periodic review, public transparency, and demonstrating continued access to services. While the guidance is directed to state Medicaid agencies (not providers), it reinforces CMS's emphasis on well-supported, transparent reimbursement methodologies when states amend HCBS waivers.

HCP will monitor any future state waiver amendments that could affect participating providers.

- [NHTD HCBS Waiver](#) (effective 7/1/2023-6/30/2028)
- [TBI HCBS Waiver](#) (effective 9/1/2022-8/31/2027)

The July 8, 2026 CMS "Documenting Rate Methodologies in 1915(c) HCBS Waivers: Ensuring Compliance and Implementing Promising Practices" presentation [slides](#) are available to view.



BRAYDENS AUTOMATIONS

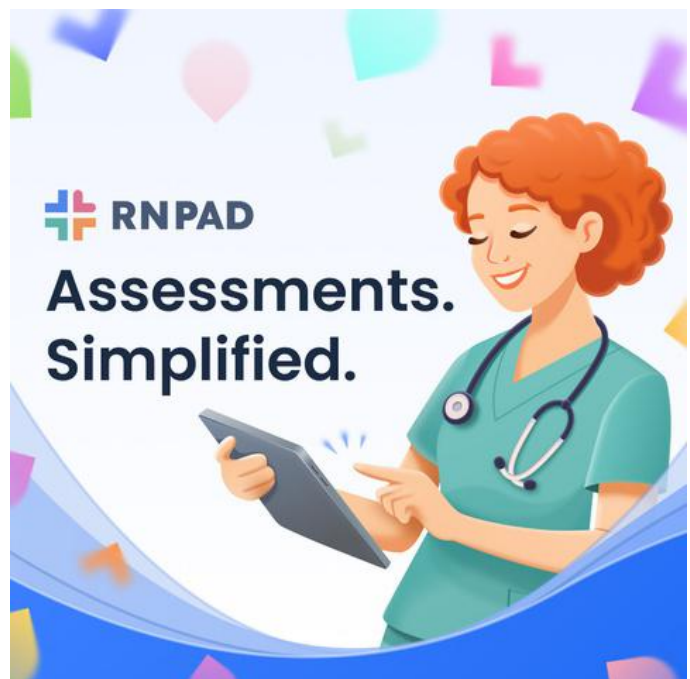
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REGULATORY RUNDOWN

NYC “PROTECTED TIME OFF” RULE IN EFFECT **JULY 23, 2026**

Beginning July 23, 2026, New York City employers need to comply with the New York City Department of Consumer and Worker Protection's (DCWP) new [rules](#) implementing the City's Protected Time Off law. The DCWP regulations provide guidance on how employers can comply with and meet their obligations under the law.

The legislation that amended the Earned Safe and Sick Time Act (ESSTA) required employers to provide 32 hours of unpaid protected time off at the start of employment and at the beginning of each subsequent year for employees who are not eligible for paid sick and safe leave. The final regulations do not change that requirement but explain how employers can implement it.

The rules clarify that employers may satisfy some or all of the required 32 hours off by providing paid leave. However, employers should be aware that providing paid protected time off does not reduce or replace the employer's separate obligations to provide paid sick and safe leave under the ESSTA. The regulations also require that when an employee has both paid and unpaid protected time off available, the employer apply paid leave first unless the employee specifically requests to use unpaid time.

The regulations also establish new notice and recordkeeping requirements. Employers must give employees written notice each pay period of the amount of protected time off they used, accrued, and have available, with clear delineations between paid and unpaid leave.

Employers who provide protected time off information electronically must keep that information accessible to former employees for six months after separation or to provide a written statement of the employee's leave balances within one week of the employee's final payday. An employee who is rehired in the same calendar year must have any unused portion of their protected time off reinstated.

Employers should review and update their leave policies, payroll and recording practices, and employee communications to ensure compliance with the new requirements.

Medicaid Work Requirement – Details

The work requirement applies to:

- Adults aged 19 to 64
- Who are eligible for and applying, or enrolled under, the State Medicaid Plan adult group
- And not entitled to or enrolled in Medicare parts A or B

Work requirement:

- 80 hours monthly of qualifying activities
 - Employment, certain work programs, community service, enrollment in educational programs at least half time, or any combination of these activities
- A minimum monthly income of \$580 (2026), 80 times the federal hourly minimum wage, calculated as an applicable individual's household income based on existing Modified Adjusted Gross Income (MAGI)-based methodologies
- A seasonal worker having an average monthly income over the preceding 6 months that is not less than 80 times the federal minimum wage

Short-term hardship exceptions New York State plans to adopt:

- Receiving care in hospital and/or nursing facility
- Lives in an emergency and/or disaster county
- Lives in high unemployment county

“Specified Excluded Individuals” not subject to work requirements:

- Individuals pregnant or entitled to postpartum medical assistance
- Disabled/medically frail individuals
 - Blind or disabled meeting the definition under section 1614 of the Social Security Act
 - Individuals with disabilities meeting the American with Disabilities Act (ADA) definition at age 28
 - Serious medical condition defined as life threatening, seriously disabling without necessarily being life threatening, causing significant pain or discomfort that can cause serious interruptions to life activities, requiring a major time or effort commitment from caregivers for a substantial period of time, requiring frequent monitoring, associated with severe or negative consequences for someone else, affecting multiple organ systems, requiring management to tight physiological parameters, requiring coordination of multiple specialties, requiring treatment that carries risk of serious complications, or requiring adjustment in non-medical environments
- Veteran with total disability rating
- Parents or caregivers of dependent children under 14 years of age and
 - Parent with legal status of a mother or father under applicable state law
 - Guardian making personal decisions on behalf of the individual, primarily residing with a dependent child, or a disabled person
 - Caretaker relative defined as a parent or other relative living with a dependent child, who assumes primary responsibility for the dependent child's care
 - Familial relationship defined as a relative of a dependent child or disabled person and provides 80 hours of assistance per month on a regular basis, can apply to multiple people in a single residence
- Individuals subject to and complying with work requirements of the Temporary Assistance for Needy Families (TANF) program
- Individuals who live in a Supplemental Nutrition Assistance Program (SNAP) household not exempt from program work requirements
- Alaska Natives, American Indian or eligible for Indian Health Services
- Incarcerated individuals in public institutions
- Individuals participating in drug addiction or alcoholic treatment programs
- Former foster care children
 - Aged out of foster care in any state; enrolled in Medicaid while in foster care in any state; are not enrolled in another mandatory eligibility group, even if eligible; and are under age 26



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