


MEMORANDUM

TO: Home Care Agency Providers
Home Health Agency Providers

FROM: Ranada Cooper 
Associate Director
Office of Health Facilities

DATE: November 29, 2023

SUBJECT: Staffing Concerns at Home Care Agencies

This is a notice from DC Health, Health Regulation and Licensing Administration (HRLA), regarding staffing concerns that have been raised due to changes to funding, and staffing challenges that might arise in light of the cold and flu season for services provided by home care agencies (HCAs) and home health agencies (HHAs).

In early March of 2023, the Department of Health Care Finance (DCHCF) provided comprehensive guidance to certified providers about its Medicaid Restart, which is the universal return to standard Medicaid operations in response to the end of the Medicaid continuous coverage requirement and the end of the COVID-19 federal public health emergency (PHE). Specifically, providers were notified that the DCHCF would return to standard program operations following the conclusion of the federal PHE and termination of its corresponding flexibilities. Accordingly, providers were advised that reimbursement of overtime rates, quarantine rates, and staffing agency rates to certified home health agencies (or licensed home care agencies) for skilled nursing, private duty nursing, and personal care services would only be extended for six (6) months following the conclusion of the federal PHE with a termination date of November 11, 2023. This information was reiterated in a subsequent notice to providers on October 18, 2023.

It has been brought to the attention of HRLA that HHA providers may have inappropriately decreased staffing levels for patients to avoid the incursion of overtime labor costs that are no longer being reimbursed under DC Medicaid.

Please be advised that home care and home health agency providers must continue to provide the appropriate level and hours of care as specified by a patient's assessment of need and plan of care, regardless of the source of funding for these services. Failure to do so would constitute deficient practice in accordance with federal and District laws and regulations and may result in adverse action against a provider. See 22-B DCMR §§ 3912.2(d), 3915.8, and 3917.1 and 42 C.F.R. § 484.60(d)(4).

Further, in light of the ongoing cold and flu season, HHA/HCA providers must have an adequate plan in place to maintain staffing levels to ensure their ability to provide necessary care when healthcare staff are temporarily unable to work due to illness. Failure to do so could amount to a violation of federal or District law. See 22-B DCMR §§ 3912.2(d), 3915.8, and 3917.1 and 42 C.F.R. § 484.60(d)(4).

If you have any questions or need further information, please contact Vanessa Mattox, Program Manager of the Intermediate Care Facilities Division, on (202) 442-4751 or via email at vanessa.mattox@dc.gov. In addition, for those providers certified as home health agencies, you may contact Candace Leake, Program Manager of the Health Care Facilities Division on 202-727-9861 or via email at candace.leake@dc.gov.