



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower      The Governor Nelson A. Rockefeller Empire State Plaza      Albany, New York 12237

Antonia C. Novello, M.D., M.P.H., Dr. P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

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| <b>LOCAL COMMISSIONERS MEMORANDUM</b> |
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**DSS-4037EL (Rev. 9/89)**

**Transmittal No:** 01 OMM LCM-3

**Date:** March 21, 2001

**Division:** Office of Medicaid  
Management

**TO:** Local District Commissioners

**SUBJECT:** Supplementation of the Hospice Benefit

**ATTACHMENTS:** None

The purpose of this Local Commissioner's Memorandum is to clarify State DOH policy regarding supplementation of the hospice benefit with Title 19 Medicaid personal care services.

The hospice is required by federal regulation to provide home health aid and homemaker services in an amount that is adequate to meet the needs of the patient. These needs are determined by the hospice interdisciplinary team and should be noted as part of the plan of care provided by the hospice. However, in conformance with Federal policy, state that provide a Title 19 homemaker/home health aide benefit that is more extensive than what is offered under the Medicare hospice benefit, must pay for these services when such a need for services is indicated in the hospice patient's plan of care. To prevent duplication of services and ensure appropriate care and payment, this notification is being sent to inform all providers of hospice care and local departments of social services that it remains the responsibility of the hospice to provide those services under the Medicare hospice benefit (including personal care services) when it is related to the care of the terminal illness. Services determined to be necessary and part of the plan

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of care that are unrelated to the terminal illness or which preceded the terminal illness may be paid for on a fee for service basis by the Medicaid program if the hospice patient meets the program's eligibility criteria.

Any questions related to this policy should be directed to Ms. Bobbi Jennison at (518)478-1090.

Sincerely,

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Kathryn Kuhmerker  
Deputy Commissioner  
Office of Medicaid Management