



Department of Health

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Commissioner

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Executive Deputy Commissioner

February 17, 2021

DAL: DHCBS 21-03
**Subject: Frequently Asked Questions
Regarding Annual TB Testing**

Dear Administrator:

This guidance is intended for Certified Home Health Agencies (CHHAs), Long Term Home Health Care Programs (LTHHCPs), AIDS home care programs, Hospices and Licensed Home Care Services Agencies (LHCSAs). This guidance provides direction for interpreting and implementing the new regulations described in DHCBS DAL 20-14, “Annual TB Testing,” and reminds providers that policies and procedures must be updated, TB annual assessments must be in place for current personnel when their annual health assessments become due, and staff education regarding TB is required.

On December 16, 2020, the Department adopted regulatory changes to 10 NYCRR 763.13, 766.11, and 794.3 (among other regulatory sections) and issued DAL DHCBS 20-14, “Annual TB Testing,” announcing the changes in requirements for pre-employment tuberculosis (TB) testing and annual TB assessments of healthcare personnel in a variety of healthcare settings. The DAL outlined the updates to the requirements for pre-employment TB testing and annual TB assessment and advised that current, active employees are no longer required to have an annual TST or interferon-gamma release assay (IGRA) blood test, unless medically indicated, but must be screened by a Registered Nurse (RN) annually through an individual risk assessment.

The Division of Home and Community Based Services (DHCBS) has received numerous questions from home care and hospice providers regarding the new guidance. The attached “Frequently Asked Questions” (FAQs) addresses the questions DHCBS has received to date.

Providers are advised to carefully read through the FAQs and review the DHCBS 20-14 DAL prior to updating agency policies and procedures to ensure compliance with the baseline and annual TB assessments required. The regulatory amendments and related guidance became effective on December 16, 2020, and healthcare providers are expected to implement these regulatory changes as soon as it is practicable, and to have TB annual assessments in place for current personnel as annual health assessments become due based on the personnel’s date of hire.

Please note, however, that agencies must not unduly delay the creation of new policies and procedures to comply with the December 16, 2020 regulatory changes. Any unreasonable delays with coming into compliance will be reviewed by DHCBS and cited, if appropriate.

Questions related to TB testing should be directed to tbcontrol@health.ny.gov; other questions should be addressed to homecare@health.ny.gov.

Sincerely,

A handwritten signature in black ink that reads "Carol A. Rodat". The signature is written in a cursive style with a horizontal line at the end.

Carol A. Rodat
Director
Division of Home and Community Based Services