

HEADS-UP HOME CARE: DOH EXTENDS DEADLINE FOR WAGE PARITY AND ANNUAL COMPLIANCE CERTIFICATIONS

Hodgson Russ Home Care Alert
May 5, 2022

On April 27, 2022, the New York State Department of Health released guidance regarding Wage Parity Compliance and Certification requirements.

The Wage Parity requirements implement the 2021 changes to the Public Health Law § 3614-c, which include updated certification requirements, additional compliance requirements and penalties for non-compliance with wage parity rules to ensure accurate tracking, recording, and timely payment of all wages to home care aides reimbursed under Medicaid.

The requirements apply to providers and payors of homecare services. Initially, the due date for licensed home care services agencies and fiscal intermediaries to submit their wage parity compliance forms to each payor and certifications to DOH was June 1, 2022. Similarly, the due date for managed care organizations, certified home health agencies, and long term home health care programs to review contracted entity submissions and submit their annual certifications to the DOH was also June 1, 2022.

As revised, the wage parity compliance dates are as follows:

- For LHCSAs and FIs, the compliance date for the submission of DOL forms LS-300 and LS-301, accompanied by independently audited financial statements verifying wage parity expenses, is revised from June 1, 2022 to October 1, 2022; and
- For MCOs, CHHAs and LTHHCPS, the compliance date for the receipt and review of contracted entity submissions of DOL forms LS-300 and LS-301 is revised from June 1, 2022 to October 1, 2022.

In addition, the compliance dates for submission of the DOH annual certifications by the LHCSA, FI, or MCO, CHHA, and LTHHCP will also be October 1, 2022.

The new dates apply only to the certifications and forms that were due in June 2022. For 2023, and each year thereafter, all forms and certifications must be completed and submitted by the original compliance date of June 1.

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According to the guidance available [here](#), the DOH and DOL are reviewing the forms LS-300 and LS-301 to determine if changes are needed and may provide further guidance on the forms and audit process required to complete the forms. We are monitoring these changes.

If you have questions about Wage Parity or other general questions about Labor and Employment matters, please contact [Peter C. Godfrey](#) (716.848.1246). For questions regarding Healthcare or Home Care regulatory compliance, please contact [Roopa Chakkappan](#) (716.848.1258).