



COMMONWEALTH of VIRGINIA

Department of Health

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Office of Licensure and Certification

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MEMORANDUM

TO: Medicare Certified Home Health Agencies providing Personal Care Services.

SUBJ: Licensure status of Medicaid personal care services

Several licensure-exempt Medicare certified Home Health Agencies (HHA) have recently inquired as to whether their Medicaid-approved personal care services are required to be separately licensed. The Office of Licensure and Certification (OLC) will **not** require these personal care services that are co-located or share a common ownership with a HHA to obtain a separate license. The OLC views these personal care services as a part of the certified HHA and, therefore, are covered by the Medicare certified agency's licensure exemption. These personal care services are, however, subject to ongoing compliance with 12 VAC 5-381 *Regulations for the Licensure of Home Care Organizations* for the purposes of complaint investigations. The OLC recommends that these providers maintain separate patient, personnel and financial records for their personal care businesses, and consider obtaining separate tax identification numbers.

This determination does not apply, however, if the certified HHA's exemption status changes. HHAs who relinquish or otherwise change their licensure exemption status are subject to home care organization (HCO) licensure requirements, as discussed at 12 VAC 5-381-20. *License* and at 12 VAC 5-381-30. *Exemption from Licensure*. A HHA will have to wait until the end of the current HCO licensure moratorium on 7/1/2012 to pursue licensure should its exemption status change.

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