NEW YORK STATE | Office for People With Developmental Disabilities

Informational Letter

Transmittal:	25-INF-02
To:	Executive Directors of Specialty Hospitals Developmental Disabilities Regional Offices (DDRO) Directors Division of Quality Improvement Staff
Issuing OPWDD Office:	Division of Statewide Services
Date:	July 15, 2025
Subject:	Specialty Hospital Home Health Aide Provision of One-to-One Supervision
Suggested Distribution:	Specialty Hospital Administrators and Management Staff and Supervisors
Contact:	OPWDD Director of Nursing and Health Services nursingandhealthservices@opwdd.ny.gov
Attachments:	None

Related ADMs/INFs	Releases Cancelled	Regulatory Authority	MHL & Other Statutory Authority	Records Retention
ADM #2012-02: Standardization of Fire Safety Practices ADM #2013-01: Elder Justice Act-Reporting Reasonable Suspicion of a Crime in an Intermediate Care Facility (ICF)/Long-term Care Facility (LTC) ADM #2023-04: OPWDD Choking Prevention Initiative		14 NYCRR 633.6 14 NYCRR 633.8 14 NYCRR 633.10(5) 14 NYCRR 633.14 14 NYCRR 633.15 14 NYCRR 633.16 14 NYCRR 633.22 14 NYCRR 633.24 14 NYCRR 680.4 14 NYCRR 680.7	Mental Hygiene Law 16.34 (MHL 16.34)	

Purpose:

To outline the criteria for utilizing Home Health Aides (HHA) in an OPWDD-certified Specialty Hospital to provide one-to-one (1:1) supervision of identified people to ensure safety, provide redirection and engage in activities.

1. Regulatory Authority:

The Specialty Hospital must follow the staffing requirements set forth in 14 NYCRR 680.8(b)(4)(vii) (*All other program staff shall have qualifications appropriate to their assigned responsibilities as set forth in written policies of the governing body and shall be subject to appropriate professional staff supervision).*

2. OPWDD Background Checks:

Four background checks are required for persons who will have the potential for regular and substantial contact with people receiving services in the OPWDD service system prior to contact with them. These required background checks include:

- Staff Exclusion List (SEL)
- Criminal Background Check (CBC)
- Mental Hygiene Law 16.34 (MHL 16.34)
- Statewide Central Registry Database Check (SCR)

Detailed information regarding OPWDD background checks may be found at:
https://opwdd.ny.gov/providers/hiring-new-employee
See also: 14 NYCRR 633.22 - criminal history record checks and 14 NYCRR 633.24 - background checks

3. Mandatory OPWDD Training:

HHAs must be up to date with the OPWDD-specific mandatory trainings prior to assuming a 1:1 supervision assignment.

4. Scope of Service:

Scope of Service refers to the tasks HHAs may perform while providing 1:1 supervision in a Specialty Hospital and is not to be confused with HHA procedures outlined by the New York State Education Department. HHAs performing 1:1 supervision in a Specialty Hospital cannot provide delegated nursing services. Appropriate tasks for HHA 1:1 supervision include:

- Providing company to a person.
- Verbally engaging with a person, such as reading and talking to them.
- Engaging in passive entertainment with a person, examples of which may include:
  - Watching movies or television programs
  - Playing video games
  - Using the internet, etc.
- Providing advice on what to wear and personal appearance.
- Retrieving or delivering items to a person (e.g., shopping, errands, mail).
- Escorting a person to recreational activities.
- With appropriate training, providing contact support for Activities of Daily Living (ADL) for individuals who:
  - Are independent, requiring set-up help only, where an article is provided or placed within reach.
  - Require cueing with tasks such as eating, dressing, etc.

- Require limited assistance such as maneuvering limbs or providing physical guidance without the HHA bearing any of the individual's weight.

- Assisting with behavioral support:
  - That does not include delegated nursing services.
  - As outlined in the individual's behavior support plan.

5. Supervision of HHAs:

The Specialty Hospital must develop and implement policies and procedures that provide for the appropriate supervision of the HHAs in accordance with 14 NYCRR 633.6.

Questions regarding this information should be addressed to nursingandhealthservices@opwdd.ny.gov.