

# Moratorium on Licensed Home Care Services Agency Applications

## FEATURED ATTORNEY



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*By Patrick Formato*

The New York State Department of Health has provided guidance with respect to a new law that impacts the licensure of Licensed Home Care Services Agencies (“LHCSAs”).

**Effective as of April 1, 2018 until March 31, 2020, the law places a two-year moratorium on the processing and approval of applications seeking the licensure of LHCSAs. No application will be accepted for processing during such moratorium period, unless it meets one of the following statutory exceptions:**

- 1. Assisted Living Program (“ALP”) Exception:** an application seeking licensure of a LHCSA that is submitted with an application for an ALP authorized pursuant to Section 461-a of the Social Services Law;
- 2. Change of Ownership Related Exception:** an application seeking approval to transfer/change ownership for an existing LHCSA that has been licensed and operating for a minimum of five years for the purposes of consolidating the licenses of two or more LHCSAs; and
- 3. Serious Concern Exception:** an application seeking licensure of a LHCSA where the applicant demonstrates, to the satisfaction of the Commissioner of Health, that it would be appropriate on the grounds that the application addresses a serious concern such as a lack of access to home care services in a geographic area or lack of appropriate care, language and cultural competence or special needs services.

For more information about this law and its possible effect on a pre-existing or future LHCSA application, please contact [Patrick Formato, Esq.](#) or any Abrams Fensterman, LLP [health care attorney](#) at 516-328-2300.