

**Virginia Department of Health**  
**Office of Licensure and Certification**

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Revised December 2010

## **Exemptions from Home Care Licensing**

### **Introduction**

The General Assembly of Virginia has determined that providers of home care services, personal care services, and pharmaceutical services must obtain a license<sup>1</sup> from the Virginia Department of Health (VDH) in order to provide those services to individuals in their place of residence.

The *Code of Virginia*<sup>2</sup> also lists several ways in which a home care organization may be exempted from state licensure requirements. The licensure requirements are **not** applicable to:

- A licensed professional providing services as a practitioner to an individual patient in their own home under their own professional license. Examples: a personal physician, or a private duty registered nurse.
- An organization that is providing only housekeeping, chore, or beautician services. See the definitions below.
- A home care organization certified by VDH under provisions of Title XVIII or Title IX of the Social Security Act.
- A home care organization accredited by a national accrediting body that it is recognized by the Centers for Medicaid and Medicare Services (CMS).
- Licensed for hospice services.

Any organization pursuing a licensure exemption must *first* be licensed by VDH as a Home Care Organization. Exempt organizations are subject to complaint investigations as per state law.<sup>3</sup>

### **Definitions**

“Chore services” means assistance with non-routine, heavy home maintenance for persons unable to perform such tasks. Chore services include minor repair work on furniture and appliances; carrying coal, wood and water; chopping wood; removing snow; yard maintenance; and painting.

“Homemaker services” means assistance to persons with the inability to perform one or more instrumental activities of daily living. Homemaker services may also include assistance with bathing areas the client cannot reach, fastening client’s clothing, combing hair, brushing dentures, shaving with an electric razor, and providing stabilization to a client while walking. Homemaker services *do not* include feeding, bed baths, transferring, lifting, putting on braces or

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<sup>1</sup> Sections 32.1-162.7 and 32.1-162.9 of Title 32.1 of the Code of Virginia

<sup>2</sup> Specifically §32.1-162.8 of Title 32.1 of the Code of Virginia

<sup>3</sup> Section 32.1-162.10 of Title 32.1 of the Code of Virginia

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other supports, and cutting nails or shaving with a blade.

**General Information**

A. *All* providers of home care services, personal care services, and pharmaceutical services must first obtain a license *before* accepting any clients for care and providing any contracted services.

B. After an organization has become appropriately licensed, the provider can then apply for an exemption under one of the five criteria listed on page 1.

Note: Organizations will be notified in writing if their requested exemption has been granted. Until such notice has been received by the organization, they are not exempt.

Note: Once it is exempted, the organization must continue to meet the designated exemption criteria.

C. Once it is granted an exemption, the organization is exempt from renewal fees and biennial licensure compliance surveys. If an organization no longer meets the exempting criteria, it is to contact the Office of Licensure and Certification to request licensure.

D. Exempt organizations *must* maintain compliance with *all* applicable state and federal regulations and are subject to complaint investigations as per state law<sup>4</sup>.

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<sup>4</sup> Section 32.1-162.10 of Title 32.1 of the Code of Virginia