

ARTHUR COCCODRILLI, CHAIRMAN  
ALVIN C. BUSH, VICE CHAIRMAN  
DAVID M. BARASCH, ESQ.  
DAVID J. DEVRIES, ESQ.  
JOHN F. MIZNER, ESQ.  
KIM KAUFMAN, EXECUTIVE DIRECTOR  
MARY S. WYATTE, CHIEF COUNSEL  
LESLIE A. LEWIS JOHNSON, DEPUTY CHIEF COUNSEL



PHONE: (717) 783-5417  
FAX: (717) 783-2664  
irrc@irrc.state.pa.us  
<http://www.irrc.state.pa.us>

**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

March 15, 2007

Honorable Estelle B. Richman, Secretary  
Department of Public Welfare  
333 Health and Welfare Building  
Harrisburg, PA 17120

Re: Regulation #14-491 (IRRC #2452)  
Department of Public Welfare  
Home Health Agency Services

Dear Secretary Richman:

The Independent Regulatory Review Commission approved the subject regulation today. Our order is enclosed and will be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

Arthur Coccodrilli

Chairman

wbg

Enclosure

cc: Honorable Ted B. Erickson, Chairman, Senate Public Health and Welfare Committee  
Honorable Vincent J. Hughes, Minority Chairman, Senate Public Health and Welfare Committee  
Honorable Frank L. Oliver, Majority Chairman, House Health and Human Services Committee  
Honorable George T. Kenney, Jr., Minority Chairman, House Health and Human Services Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION  
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held March 15, 2007

Arthur Coccodrilli, Chairman  
Alvin C. Bush, Vice Chairman, by Phone  
David M. Barasch, Esq.  
David J. DeVries, Esq.  
John F. Mizner, Esq., by Phone

Regulation No. 14-491 (#2452)  
Department of Public Welfare  
Home Health Agency Services

On November 30, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Public Welfare. This rulemaking amends 55 Pa. Code Chapter 1249. The proposed regulation was published in the December 11, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 16, 2007.

This regulation deletes requirements from Chapter 1249 that require a recipient of Medical Assistance (MA) to be "homebound" to qualify for Home Health Agency (HHA) services. This regulation also moves HHA service visit limitations from regulation to the MA program fee schedule.

We have determined this regulation is consistent with the statutory authority of the Department of Public Welfare (62 P.S. § 403) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

**BY ORDER OF THE COMMISSION:**

This regulation is approved.



  
Arthur Coccodrilli, Chairman